

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 15 February 2022 commencing  
at 10:00 am**

**Present:**

Vice Chair in the chair

Councillor R D East

**and Councillors:**

R A Bird, G F Blackwell, 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, P D Surman, R J E Vines, M J Williams  
and P N Workman

**also present:**

Councillors G J Bocking, C M Cody and M G Sztymiak

**PL.56 ANNOUNCEMENTS**

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

**PL.57 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 57.1 Apologies for absence were received from Councillors J H Evetts (Chair) and M A Gore. There were no substitutions for the meeting.

**PL.58 DECLARATIONS OF INTEREST**

- 58.1 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.  
58.2 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 5I – 21/01509/FUL – 25 Paynes Pitch, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

M L Jordan	Agenda Item 5l – 21/01509/FUL – 25 Paynes Pitch, Churchdown.	Had met with residents and spoken to Planning Officers about the application but had not expressed an opinion.	Would speak and vote.
P W Ockelton	Agenda Item 5h – 19/00985/FUL – Tesco Supermarket, Church Road, Bishop's Cleeve.	Would be receiving a pension from the applicant as a former employee.	Would not speak or vote and would leave the room for the consideration of this item.
A S Reece	Agenda Item 5k – 21/01252/TPO – Trees Behind Hunters Road and Public Open Space at The Withers, Bishop's Cleeve.	Is a Member of Bishop's Cleeve Parish Council but does not participate in planning matters.	Would speak and vote.
R J G Smith	Agenda Item 5l – 21/01509/FUL – 25 Paynes Pitch, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Agenda Item 5m – 21/00088/FUL – Brookside Stables, Cold Pool Lane, Badgeworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

58.3 There were no further declarations made on this occasion.

## **PL.59 MINUTES**

59.1 The Minutes of the meeting held on 18 January 2022, copies of which had been circulated, were approved as a correct record and signed by the Vice-Chair in the chair.

## **PL.60 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

60.1 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.

**21/00976/OUT - Land off Brook Lane, Twigworth/Down Hatherley**

- 60.2 This application was for residential development of up to 160 dwellings and associated works including demolition, infrastructure, open space and landscaping with vehicular access from the A38; all matters reserved. The Planning Committee had visited the application site on Friday 14 January 2022.
- 60.3 The Planning Officer advised that, at its meeting on 18 January 2022, the Planning Committee had resolved to defer this application to allow discussions to continue and a conclusion to be reached in respect of the financial contributions towards education provision and the proposed tenure mix of the affordable housing. The application site was located off Brook Lane in Down Hatherley and extended to approximately 7.82 hectares. The site on which the residential development was proposed comprised 4.89 hectares and lay within the Parish of Down Hatherley. The remaining area, as defined by the red line on the submitted site location plan, comprised land consented and currently part-built known as 'Land at Twigworth' approved under the outline consent in 2016 and was required for access, service and surface water drainage – this additional land was located within Down Hatherley Parish, Twigworth Parish and a small section in Innsworth Parish. To the immediate north of the site was Norton Garden Centre and several properties lay along Brook Lane located immediately to the west. To the east were properties along Ash Lane with an intervening parcel of agricultural land separating some from the site. The 'Land at Twigworth' development was situated to the south of the site, beyond a parcel of agricultural land. Members were advised that the site formed part of the Innsworth and Twigworth strategic allocation in the Joint Core Strategy and was shown to be 'housing and related infrastructure' in the Joint Core Strategy indicative site layout proposals map. This application was made in outline for residential development of up to 160 dwellings and associated works with all matters reserved for subsequent approval. Whilst access was reserved for future consideration, an application for outline planning permission must indicate the area, or areas, where access points to the development would be situated. Based on the plans submitted, it was proposed that the access to the site from the public highway would be provided from the new roundabout off the A38 which had been approved as part of the 'Land at Twigworth' development. Although all matters were reserved, the application documents included an illustrative masterplan and parameters plan which indicated how the quantum of development could be delivered.
- 60.4 The Planning Officer explained that, since the publication of the January Committee report, several matters which had been reported as outstanding had since been resolved and therefore the Committee report in the Agenda for the current meeting had been updated accordingly to reflect that. She confirmed that the two outstanding matters which were the reasons for the deferral at the last Planning Committee meeting had now also been resolved following continued discussions and negotiations. In terms of the contribution towards education provision, the applicant had confirmed they were willing to pay the contributions requested by the Local Education Authority on a without prejudice basis; should planning permission be granted, that obligation would need to be secured via a legal agreement. Therefore, subject to the completion of the legal agreement, Officers considered that matter had been successfully resolved. In relation to the affordable housing tenure, the applicant had agreed, on a without prejudice basis, to provide the affordable housing tenure and mix as requested by the Council's Housing Strategy and Enabling Officer i.e. 35% on-site provision of affordable housing in total, of which 70% of the affordable units would be social rented and 30% of the units would be affordable housing for sale (shared ownership). Officers considered the proposed scheme for affordable housing would now be policy compliant and the Council's Strategic Housing and Enabling Officer had confirmed the proposal was acceptable. Should planning permission be granted, this obligation, along with

details of the clustering, would need to be secured via a legal agreement. Turning to the requirements of the emerging Policy NAT1 of the Main Modifications Tewkesbury Borough Plan which expected all development to deliver a minimum biodiversity net gain of 10%, at the last Planning Committee meeting, Officers had advised that, should permission be granted, it would be reasonable to secure this requirement via condition; however, following continued discussions, Officers considered that, as the Main Modifications Tewkesbury Borough Plan remained an emerging plan, and as there was an unresolved objection to this emerging policy, in this instance and at this particular time, the requirement should be to contribute positively to, and provide net gains for, biodiversity in accordance with the requirements of Policy SD9 of the Joint Core Strategy and guidance in the National Planning Policy Framework. As such, a condition was recommended to secure that requirement. In conclusion, Officers considered that all outstanding matters previously reported had now been resolved in an acceptable manner. When taking account of this and all other material considerations and the weight to be attributed to each one, Officers considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance, as such, the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. As all outstanding matters had been resolved, the Officer recommendation had been amended to delegate authority to the Development Manager to permit the application, subject to the completion of a legal agreement to secure the obligations listed in the Additional Representations Sheet, attached at Appendix 1, and the imposition of the conditions recommended.

- 60.5 The Vice-Chair in the chair invited the representative from Down Hatherley Parish Council to address the Committee. The Parish Council representative wished to make Members aware of the serious flooding events and catastrophic failure of the sewage infrastructure in Ash Lane in December 2020. The application site itself had been under standing water for most of the last winter period which was a usual occurrence. He drew attention to the document 'Flood Risk in Twigworth - A record of failure', included in the Additional Representations Sheet, and hoped Members had been able to study the evidence. The Parish Council found it unbelievable that the Lead Local Flood Authority had said that the location for the proposal was entirely in Flood Zone 1 and surface water mapping indicated that the site was not at risk of surface water flooding – this was utter nonsense, as evidenced by the information local people had repeatedly provided. The Environment Agency flood maps were grossly out of date and the flood risk advice Officers were accepting was totally flawed. A proportion of sewage and waste-water drainage from this site would also be routed via the Ash Lane pumping station; in addition to Down Hatherley, this was the drainage route from Norton, Prior's Norton, most of Twigworth and much of Sandhurst. Ash Lane was the pinch-point on this route to the Innsworth sewage works. A serious, but previously unprecedented, flood event had occurred in Ash Lane last year and the Parish Council would argue that was caused by the irresponsible artificial drainage of the floodwater on the Twigworth Green and Yew Tree Farm developments. Run-off from local fields rapidly subsumed the system in Ash Lane, the pumping station had failed, the sewage system backed-up, toilets overflowed, sewage spewed out of manholes and many houses were flooded with a toxic mixture of floodwater and raw sewage. The Parish Council had long argued that no further development could be safely approved unless the waste infrastructure was overhauled and modernised – in a nutshell it was broken, so adding more would be totally irresponsible. The Parish Council also had serious concerns over the proposed site access as the access road would cross Brook Lane, which was unadopted, hence owned and maintained by local residents. This raised the question of what rights of access the developers would have across the lane without gaining the permission of those responsible for its maintenance. Brook Lane was also a bridleway so there was also a question mark over whether it could be legally built across. The Parish Council and local residents

had been unable to gain definitive answers so the Parish Council representative queried whether Tewkesbury Borough Council had succeeded. Brook Lane was a narrow dirt track, totally unsuitable for anything other than light domestic traffic, so it would be unacceptable for access to and from the site; nevertheless, it was feared many would attempt to use this totally unsuitable shortcut to try to avoid any holdups at the Twigworth roundabout, effectively creating a rat-run along Brook Lane and Ash Lane.

60.6 The Vice-Chair in the chair invited the representative from Twigworth Parish Council to address the Committee. The Parish Council representative drew attention to the document 'Flood Risk in Twigworth – A record of failure', attached to the Additional Representations Sheet, and noted that the Lead Local Flood Authority was quoted as saying there was zero risk of surface water flooding at the site; however, next to that was a photograph showing the site under water. A photograph was also provided of Twigworth Green building site which had been taken a year ago – the site, which was located next to Brook Lane, resembled a lake. Unbelievably, the official surface water flood map indicated that 99% of the site had no surface water flood risk; equally extraordinarily, the Lead Local Flood Authority had decided that this flooding and failure of flood defences did not need to be reviewed. The Parish Council representative pointed out there was another development adjacent to Brook Lane which had been permitted on 17 November 2019 on the basis there was a very low risk of surface water flooding but six weeks later that site had flooded to the point that no work could happen for over two months – data had showed that rainfall was unusual but not exceptional. To say these critical flood risk assessments were not fit for purpose was an understatement and the same could be said about flood maps – one area on the northern side of Brook Lane had a flood risk of one in a thousand years but it had flooded last year and at least twice before in the last 20 years. There was widespread anxiety and anger amongst the residents of Twigworth and Down Hatherley because this evidence continued to be ignored by Tewkesbury Borough Council, the Lead Local Flood Authority and the Environment Agency and the Parish Council representative urged Members to get a hold on this before it was too late.

60.7 The Vice-Chair in the chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that she was representing the residents of Brook Lane who strongly objected to the proposed development. One of the main concerns was in relation to the increased risk of flooding to the homes situated in Brook Lane and Ash Lane due to overdevelopment of the land and breaching of the ditches and gullies which was already visible next to Brook House where the proposed access would come across Brook Lane. There was already standing water on the land proposed for development and no adequate additional flood prevention or drainage was shown on the plans. In terms of access, Brook Lane was privately owned and maintained by residents and the bridleway would be blocked or crossed by the access road to the proposed development. There had been no communication or consultation with residents about the development or the use of the lane. The local resident noted that improvements to road surfaces, bollards and street lighting would be required but, again, there had been no communication or consultation on this matter and she proposed that a meeting be arranged between the developers, Planning Officers and residents in order for these issues to be discussed thoroughly. The junction off Brook Lane onto the A38 was not suitable for a large amount of traffic and access was required along Brook Lane for properties, horses and refuse collectors. The local resident went on to point out that the A38 was already a very busy road where the 40 mile per hour speed limit was ignored by many and the new housing underway was adding a substantial amount of traffic to a short stretch of this road. As such, this additional proposed development would seriously increase vehicle movement and endanger pedestrians on the narrow footpaths alongside. In terms of infrastructure, there was already high demand on local schools and the increase from 160 additional

properties could not currently be met locally. Furthermore, there were no local doctor's surgeries – the local resident indicated that she had to travel to Gloucester to visit her surgery which was already at, or near, capacity. The planned layout showed a children's play area directly behind the bungalows in Brook Lane which were owned by elderly and retired people; this showed a lack of respect and compassion for the quality of their lives and privacy – there were plenty of other locations within the proposed development for this to be situated. The local resident felt that consultation and communication were two key elements which were sadly lacking in relation to this planning application.

60.8 The Vice-Chair in the chair invited the applicant's representative to address the Committee. The applicant's representative reiterated that the application had been deferred at the last meeting of the Committee to allow discussions to continue in respect of the financial contributions toward education provision and the proposed tenure and mix of affordable housing and he was pleased to report that agreement had been reached on both matters. In addition to mitigation measures, the development would bring wider benefits including much needed affordable housing with the Council's preferred tenure mix, a net gain in biodiversity, pedestrian improvements in the vicinity of Norton Garden Centre and bus stop improvements which would be secured by planning conditions and a Section 106 Agreement. Importantly, the application for outline planning permission accorded with the development plan, and there were no material considerations indicating that the application should be determined in any other way other than in accordance with the development plan, thus planning permission should be granted without delay.

60.9 The Vice-Chair in the chair invited a local Ward Member for the area to address the Committee. The local Ward Member had been interested to note that Page No. 56, Paragraph 9.4 of the Committee report, set out only two benefits from the proposal one of which related to the development helping to meet the objectively assessed need for housing in the borough; however, the local Ward Member pointed out that it actually met Gloucester City's needs. The Lead Local Flood Authority had stated that the site was not at risk of surface water flooding but Members had all seen the Parish Councils' report and photographs contradicting that and would be aware of the ongoing battle to get flooding evidence for the area updated, something it was now essential to do. The local Ward Member noted that the planning system had three overarching objectives and, in terms of the social objective, Paragraph 8 b) of the National Planning Policy Framework required development to help support strong, vibrant and healthy communities with accessible services that reflected current and future needs and supported communities – the proposed development did not adhere to this. Paragraph 11 required plans to align growth and infrastructure and, under Joint Core Strategy Policy A1 – Innsworth and Twigworth, it stated the strategic allocation identified at Innsworth and Twigworth, as shown on policy map A1, would be expected to deliver new primary and secondary schools and facilities as well as mentioning a potential link road between the A38 and A40. In terms of education provision, it had already been identified that this development did not comply with Department for Education home to school travel and transport statutory guidance, or the Gloucestershire Local Transport Plan, as, at a primary level within the two mile statutory distance, there was no capacity to accommodate children from this development. At secondary level in this area, Gloucestershire County Council had confirmed the importance of a new secondary school site in the specific areas of housing and identified that, with planned and strategic housing, there would be an eight form entry shortage of places in the area by 2023. The short term fix of transporting the children was not good enough and, if implemented, needed to be in place until a long term solution had been finalised and signed off. The local Ward Member was of the view that the application should be refused, or at least deferred, until these matters had been resolved.

60.10 The Vice-Chair in the chair indicated that the Officer recommendation was for authority to be delegated to the Development Manager to permit the application, subject to the completion of a legal agreement to secure the obligations listed in the Additional Representations Sheet, and the imposition of the conditions recommended. A Member asked what was meant as to the applicant having agreed on a 'without prejudice basis'. The Legal Adviser explained her understanding was the applicant was stating that they reserved the right to argue differently on other applications and/or if this application went to appeal. It was proposed and seconded that the application be deferred for additional information to be gathered in relation to the tenure mix for the social housing requirements, to allow an up-to-date traffic assessment to be carried out and for an independent assessment of the site to be undertaken to establish an appropriate sustainable drainage system (SuDS) for the proposal. The proposer of the motion noted that the Housing Strategy and Enabling Officer objected to the proposed tenure mix, the Urban Design Officer did not support the illustrative material and the Landscape Officer felt it was not an acceptable proposal from a landscape and open space point of view. Page No. 38, Paragraph 7.20 of the Committee report, set out that County Highways had conducted a robust assessment of the planning application; however, the traffic base data used was seven years out of date and it was suggested that a projection had been estimated to cover the built out strategic A1 site – unfortunately, the Longford roundabout improvements had been designed with the DS7 modelling and congestion on the A38 had returned to 2017 levels. Although he was unable to challenge the base data as it had not been provided, he had the benefit of real-life experience as he lived in the area and most rush hours traffic travelling south on the A38 could queue as far back as Twigworth. The Member went on to point out that, as agreed at the December 2017 Council meeting, the connection between the A38 roundabout and the proposed new A40 gateway project was “imperative to the smooth running of the strategic highway network and the monies would be found”; he proposed that the link be reinstated to allow this application, within the strategic A1 site, to come forward – to suggest the connection was needed, then to say there was no developer funding available was no laughing matter for residents living in Innsworth, Longford and Twigworth. With regard to Page No. 46, Paragraphs 7.57 and 7.58 of the Committee report, the Member asked whether Officers had seen the Shelter report and its findings as, in his view, the social rented housing numbers must be significantly increased to meet the need for the strategic A1 site area as a whole. Page No. 47, Paragraph 7.63 of the Committee report stated that the Lead Local Flood Authority raised no objection to the application but the proposer of the motion had grave concerns about the total lack of understanding of the flood issues within the strategic A1 site. Officers would have received videos and photographic evidence of water being pumped off the Twigworth site after the Lead Local Flood Authority had given assurances water would be retained on site. He felt an independent assessment was vital to establish appropriate SuDS for this application. He went on to draw attention to Page No. 52, Paragraphs 7.87-7.88 of the Committee report which stated that the “quantum of development could be reduced should it be necessary to ensure a policy compliant level of accessible public open space is secured” and he asked why policies were in place if they were not upheld – in his opinion housing numbers should be reduced to meet the open space policy and off-site sports provision should go to Twigworth, rather than to GL1 and a bowling club in Brockworth as it had done for the Twigworth site. He agreed with Officers that the housing calculations and oversupply was a matter of planning judgement, as referenced at Page No. 36 of the Committee report; however, it should be borne in mind that the housing requirements and trajectory were a minimum requirement as the new housing calculation would come into effect in December 2022 and the implications for the local plan housing land supply figure made for very uncomfortable reading.

- 60.11 With regard to the comments of the Landscape Officer, the Planning Officer explained that was a professional view and it was accepted that the indicative landscape plan did not meet a high standard of design currently but Officers felt this was capable of being addressed by condition. This application was for outline consent so there was scope to change the layout at the reserved matters stage to ensure it met the requirements for open space etc. She also clarified that a contribution for off-site sports provision was not required as part of the application and Officers considered that a sufficient level was being provided as part of the strategic allocation.
- 60.12 The representative from County Highways advised that traffic data from 2016 had been used as it had not been practical or robust to collect further data in the last few years and it was common to look at future forecast years to uplift the data using a Department for Transport tool which was the industry standard for estimating a likely scenario – this was common across the transport sector as a whole, as well as within the development management process, and was considered a reasonable approach given the current circumstances and as the site had been allocated as part of the Joint Core Strategy. In terms of the link road, the Secretary of State had deemed that improvement to the Longford roundabout was a suitable way forward and the link road was no longer achievable in its current format; this was not a decision based on the application being considered today. Provision for the link road would be made if it was deemed necessary as part of the Joint Core Strategy review and any other future development growth but the existing infrastructure was currently considered to be suitable and the link road was not required.
- 60.13 The representative from the Lead Local Flood Authority explained that, with regard to the SuDS that would be used within site, the Lead Local Flood Authority would be looking for greenfield run-off from the site with water finding its way into the watercourse in Brook Lane at the same rates it discharged currently. Based on the layout of the site provided, this would be an alleviation basin to the south of the site and a condition should be included on any planning permission granted requiring the submission of a plan for surface water management to ensure that the Brook Lane watercourse would continue to receive the water – this was why the statement ‘SuDS for the site will be managed within the site’ existed as every site was managed on its own basis. The Lead Local Flood Authority was aware of the flooding issues experienced in Twigworth and had been involved in all of them so was quite clear what caused flooding and better surface water management was likely to be achieved through this application than if it was left unmanaged in the fields so he was of the view that the risk of flooding had been adequately assessed.
- 60.14 The proposer of the motion to defer the application continued to raise concern about the lack of practical and robust traffic data available for the Committee to make an informed decision and one of his reasons for the deferral was to allow an up-to-date traffic assessment to be carried out rather than a desk based exercise. He was of the view that Elmbridge Court roundabout was not fit for purpose currently and the development coming forward had not been taken into account so, whilst he understood there were cost implications, it needed to be done. The seconder of the motion pointed out that the local resident had requested a meeting between the developer, Planning Officers and residents in order to thoroughly discuss the issues around the application and she felt the authority had a duty to listen to the local community, therefore, she asked that this be arranged as part of the deferral. The proposer of the motion to defer the application confirmed he was happy for that to be included. Another Member supported the points raised by the proposer of the motion and indicated that the improvements to the A417 Crickley Hill would cause additional problems when the log-jam was released and that traffic joined the rest. He asked who would be responsible for any issues with sewerage and foul drainage and the Planning Officer advised that Severn Trent Water managed the foul water - her assumption was that, if there was an issue with the pumping station, Severn Trent Water would be responsible for that. Severn Trent Water had raised no

objection to the proposal subject to conditions. The Member went on to query whether a solution had been found for the bridleway and was informed that access was reserved for future consideration as part of the reserved matters application. Neither County Highways nor the Public Rights of Way Officer had objected to the proposal.

60.15 Another Member was apprehensive about the application in terms of the potential sewage problem and he asked how many houses had been impacted previously in the area and whether the new development would be connected to the same system. The Planning Officer advised that she did not know how many houses had previously been affected but, in terms of the foul water disposal for this application, foul water from the northern part of the site would drain to the existing foul sewer that crossed the northern link to Brook Lane and the southern part would drain to the new foul sewers in the Vistry/Bovis development to the south. Severn Trent Water had been consulted and raised no objection to the proposals. In terms of the previous issue, that was entirely a matter for Severn Trent Water and had been caused by a blockage at the pumping station on Ash Lane affecting a number of properties downstream of the pumping station.

60.16 Upon being put to the vote, it was

**RESOLVED** That the application be **DEFERRED** for additional information to be gathered in relation to the tenure mix for the social housing requirements; to allow an up-to-date traffic assessment to be carried out; for an independent assessment of the site to be undertaken to establish an appropriate sustainable drainage system (SuDS) for the proposal; and for a meeting to be arranged between the applicant, Planning Officers and residents in order for these issues to be discussed.

### **21/00880/OUT - Land at Horsbere Drive, Longford**

60.17 This was an outline application for residential development of 24 apartments and associated operations (access reserved for future consideration).

60.18 The Planning Officer advised that this application related to a parcel of land to the north of Longford Lane and to the east of Horsbere Drive which was located within the new residential development at Longford but within Innsworth Parish. The site itself was rectangular in shape and consisted of an area of rough grassland covering approximately 0.31 hectares, excluding the access road. The land had open boundaries onto footpaths to the north and west with the south-eastern boundary enclosed by close boarded fencing which formed the boundary to the gardens of dwellings on Whitefield Crescent Road. Residential properties bordered the site to the south-east; to the north-east was the new primary school – Longford Park Primary Academy; and to the north-west across Horsbere Drive were recently constructed retail units. The application as originally submitted had been made in outline with all matters reserved for subsequent approval; however, in accordance with Part 3, Article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Officers considered that, due to the circumstances of the case, the application should not be considered separately from all of the reserved matters and therefore requested details of the scale, layout, appearance and landscaping. In this case, the circumstances related to whether the development as proposed would be acceptable given that planning permission was refused at the site in July 2020 for the construction of two apartment blocks comprising 33 dwellings and associated parking and landscaping. That planning permission was refused because the Council considered that, based on the context of the site and its surroundings, the development by virtue of the overall scale and the resulting bulk and massing would not be of an appropriate scale, type and density and therefore would fail to respond positively to, or respect the character,

appearance and visual amenity of the site and the surrounding area. It had also been refused due to the absence of an appropriate planning obligation. As such, one of the key matters for consideration as part of this application was whether the proposal overcame the refusal reasons for the previously refused scheme. This application differed from the previously refused scheme in that the number of apartments proposed had been reduced to 24, the number of parking spaces had increased, changes had been incorporated into the proposed landscaping and two storey elements had been introduced into the build reducing the overall maximum building height. An assessment of the material considerations was included at Pages No. 78-91 of the Committee report. As set out in the Committee report and the Additional Representations Sheet, Officers considered that, whilst the benefits of the proposed development were not underestimated, when taking account of the material considerations the identified harms would significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore considered that the proposed development would not constitute sustainable development in the context of the National Planning Policy Framework as a whole and it was recommended that the application be refused.

- 60.19 The Vice-Chair in the chair invited a local Ward Member for the area to address the Committee. The local Ward Member indicated that objections had been made by various Officers and the vast majority of refusal reasons for the previous application on the site were still relevant as the development would fail to integrate and relate to its surroundings, it would not respect the character of the site or contribute positively to the wider Longford development. One of the most important points was something raised by the Urban Design Officer who had indicated that its loss as a retail, employment or community use would be disappointing and would have a negative effect on the overall quality of the new place that had been created at Longford; the area would see significant residential growth in the long-term and, without the facilities to serve them, there was a risk of creating very unsustainable developments where people must drive to access facilities. This point had also been made by the multiple Parish Councils which had objected, as well as some of the many local objections, and seriously risked making the whole Longford development very unsustainable as it would fall well short of what was required to allow easy access to basic amenities. Furthermore, parking around the school presented issues, as highlighted by residents, and, as always, the outdated flood risk evidence in the area was a problem, along with the lack of available school places. In terms of planning reasons, he indicated that the development would be contrary to Paragraph 130 and guidance in section 12 of the National Planning Policy Framework, Policies INF4, INF6, INF7 and SD4 of the Joint Core Strategy, Policy RES5 of the pre-submission Tewkesbury Borough Plan and Policies CHIN2 and CHIN3 of the Churchdown and Innsworth Neighbourhood Development Plan. Paragraph 134 of the National Planning Policy Framework made clear that planning permission should be refused for development of poor design that failed to reflect local design policies and government guidance on design contained in the national design guide and national model design code. He urged the Committee to be very careful not to set a dangerous precedent that could potentially undermine the strength behind local plan policies - whether it be the Neighbourhood Development Plan, Tewkesbury Borough Plan or Joint Core Strategy – as this development contravened several. Therefore, he encouraged Members to support the Officer recommendation for refusal.
- 60.20 The Vice-Chair in 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 refused in accordance with the Officer recommendation. A Member wished to point out that the application site had been designated as a local centre in the masterplan for the development site and the last phase housing numbers had been increased over and above the originally agreed numbers with the justification being that the increase was to meet the identified

need of affordable housing in this area. He had seen no new information that the local affordable housing figures had increased for this site and, if there were no organisations that wished to develop the site for shops or other community use, he would suggest it be turned into an orchard for the planting of native trees to meet the Council's green agenda. The Planning Officer advised that the onus was on the Parish Council and residents to make contact with the developer to ask the question; however, the value of the land for housing was significantly more than it would be as open space and it had been designated for building in the masterplan as a local centre. Another Member agreed with the point raised in relation to land being set aside for community buildings within large estates subsequently being used for additional housing – Parish Councils did not know what communities might need in the future but this often meant that land allocated for that purpose was not available to help meet those needs at the appropriate time. This had happened in Bishop's Cleeve where there was no space for services, facilities or infrastructure among the housing and he found it frustrating that developers were allowed to continue to submit applications for more housing just because nobody had come forward with the community facilities at that point in time.

60.21 Upon being put to the vote, it was

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

#### **21/00617/PIP - Land at Ash Lane, Down Hatherley**

60.22 This was a permission in principle application for the erection of up to four dwellings.

60.23 The Planning Officer advised that the application related to a parcel of land to the east of Ash Lane. The site was generally level, covering 0.33 hectares and laid to grass; it was not subject to any formal landscape designation but was in an area of safeguarded land. This application was for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. 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 four dwellings. The site layout, design, access, landscaping, drainage and any other technical matters would be considered at the technical details stage. An indicative layout plan accompanied the application which demonstrated how the quantum of development could be delivered on the site. Based on the plan, two dwellings could be provided fronting Ash Lane and two could be located to the rear of the site; a new access road could be provided running along the northern boundary to serve the two properties to the rear. It should be noted that planning permission had been granted in April 2021 for the erection of two detached dwellings on the front part of the site and a further planning permission had been granted the previous week for two single storey dwellings on land immediately to the north of the eastern half of the site. An assessment of the material considerations could be found at Pages No. 113-119 of the Committee report. As set out in the Committee report, Officers considered that, when taking account of all the material considerations, the harm which would arise from the conflict with Policy SD5 of the Joint Core Strategy would not significantly and demonstrably outweigh the benefits in the overall planning balance when considering whether the location was suitable for housing, therefore, it was recommended that permission in principle should be granted.

60.24 The Vice-Chair in the chair invited the applicant's agent to address the Committee. The applicant's agent indicated that permission in principle was being sought for four dwellings; however, as set out in the Committee report and by the Planning Officer in their introduction, full planning permission already existed for two of those dwellings at the front of the site fronting Ash Lane. As such, this application

was really only for two additional dwellings to the rear of the site. It was also material to note that, in October 2021, the Planning Committee had granted full permission for two dwellings directly next to where the proposed dwellings were to be sited. This application had been put forward on the same basis as that neighbouring approval and under an identical policy context. Members would recall that several other applications had been permitted for additional housing along Ash Lane in recent years and the site was in very close proximity to the Twigworth urban extension allocated through the Joint Core Strategy. As set out in the Committee report, this development represented infilling in the context of Joint Core Strategy Policy SD10 and Local Plan Policy RES4. The land in question had been removed from the Green Belt through the Joint Core Strategy and, whilst it was still classified as safeguarded land, that did not prevent development on it in principle. Officers had correctly identified that the planning balance fell firmly in favour of the grant of permission, particularly in light of the substantial shortfall in housing supply that existed, and that this was a highly sustainable location due to its proximity to the Joint Core Strategy urban extensions at North Gloucester. The principle of housing was therefore clearly acceptable, subject to respecting the character and layout of the wider area. The applicant's agent noted that the Parish Council had raised some concerns and, whilst he sympathised with those comments, they were not substantive matters that could lead to a refusal in this instance, particularly in the context of other very similar developments in the vicinity including immediately next door. The Parish Council had suggested that the site was contrary to the adopted Neighbourhood Development Plan but the applicant's agent indicated that was not the case; there were no Neighbourhood Development Plan policies precluding development of the land. It was also suggested there was no need for housing in the area; however, there was a well-established borough-wide need to boost housing in light of the five year supply position and the wider housing shortage in the Joint Core Strategy, therefore, the proposal was wholly policy compliant. On that basis, the key consideration was the scale and layout of the development and whether it would fit into the area. The illustrative layout showed a form of development that integrated nicely into the wider settlement pattern, including the development next door, and the illustrative design fully met the design expectations of the Joint Core Strategy. The relationship with neighbouring plots would not result in any amenity issues and County Highways had raised no objection to the site access arrangements at this point and had also deemed it to be a sustainable location for housing. The application accorded with the development plan and the applicant's agent hoped Members would be able to fully support it today.

- 60.25 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 and seconded that the application be permitted in accordance with the Officer recommendation. The seconder of the motion indicated there was no planning reason for refusing the application on any basis therefore Members had no choice but to permit it. A Member disagreed with that view and indicated that he would have proposed the application be refused on the basis that it was a piecemeal approach to what could be a larger development. In response to a Member query regarding ownership of Ash Lane and who was responsible for maintenance, the Planning Officer confirmed it was a private lane and maintenance was a civil matter for the owners of the land which was not something that could be controlled as part of this application.
- 60.26 A Member pointed out that, when the Planning Committee had granted planning permission for two dwellings on the site, Members had recognised the fact that it was a linear settlement and that had been an important consideration in determining the application. As planning permission had already been granted for two dwellings, he questioned why the permission in principle application was for four dwellings as opposed to two. In response, the Planning Officer indicated that,

whilst she did not know the reason, she imagined it was because there had been a change in site context since the two dwellings had originally been permitted. She explained that, in October, Members had permitted two dwellings to the north of the site which had changed the site context from the linear form which had previously been more appropriate. A Member pointed out that, as the site had originally been in the Green Belt, development was required to be a linear form to fit with the rest of the area in order to be deemed as infill, as required by Green Belt restrictions; however, the site had since been removed from the Green Belt and was therefore no longer subject to the same restrictions.

60.27 Upon being put to the vote, it was

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

### **21/00938/FUL - Poplar Farm, New Road, Woodmancote**

60.28 This application was for the erection of eight dwellings to include new access, landscaping and associated works.

60.29 The Development Manager advised that the proposal included a range of detached and semi-detached house types including two three-bed, three four-bed and three five-bed properties. A new site access was proposed directly off New Road and a landscaping scheme had been put forward which proposed the retention of a number of trees and the inclusion of replanting. The site was located within Flood Zone 1, and therefore was at low risk of flooding, and was not within a critical drainage area or an area of special designated control. As such, the Officer recommendation was to permit the application.

60.30 The Vice-Chair in the chair invited the representative from Woodmancote Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council had supported the development in principle from the outset but objected to the two and a half storey plot design which was out of keeping with the character of the village and contrary to the draft Neighbourhood Development Plan that was at regulation 16 stage. Policy SD10 of the Joint Core Strategy required the Planning Committee to decide if the proposal would be compatible with the character of the local environment and Planning Officers had recommended the application for permission on the basis that it was not detrimental to the character of the local environment – the Parish Council did not believe that was the same thing and he asked that the Vice-Chair in the chair seek a formal opinion from the expert team on this technical point. Woodmancote Parish Council would like the Committee to refuse the application on the basis that it would be incompatible with the character of Woodmancote; however, if the applicant was to resubmit the application with the two and a half storey element removed then the Parish Council would support it. The Parish Council representative had noted that the applicant had been permitted to lawfully destroy the biodiversity habitat that existed in the disused orchard of Poplar Farm and then carry out a survey of the baseline biodiversity, post-clearance. Therefore, it was hardly surprising that the requirements to enhance biodiversity on the site, via proposed conditions 4, 7 and 9, were minimal and the Parish Council asked for this matter to be revisited. With regard to condition 6, which required drainage plans for the disposal of foul and surface water to be submitted to and approved by the Local Planning Authority, the Parish Council representative pointed out that the proposed drainage strategy was apparently based on an agreement between the applicant and Severn Trent Water which had been approved by the flood engineering team at Gloucestershire County Council; however, neither Severn Trent Water or the County Council had been in possession of the correct facts at the time, in particular, the County Council did not realise that the combined sewer was only 300mm diameter and Severn Trent Water had used fluvial flood risk data and was unaware of the long history of surface water

flooding in Woodmancote. This had now been explained to Severn Trent Water and the Parish Council felt that condition 6 needed to be amended to state that the current drainage proposal was not acceptable.

- 60.31 The Vice-Chair in the chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that he wished to object to the application because, as currently proposed, it would increase surface water run-off and the risk of flooding to his property and those of his neighbours. The design proposed a hydro-brake system which, if well-designed and installed, could be helpful under normal circumstances; however, the Sustainable Drainage Systems (SuDS) Manual required overwhelming of the system to be regarded as an eventuality and the system should be designed so exceedance was properly managed in order to minimise risk to people and properties. Surface water run-off would be increased because half of the site would be concrete and tarmac compared to now and, without additional measures, run-off to his property, and those of his neighbours, would be unacceptable, therefore, he wished to see condition 6 amended to ensure risk was minimised. Even a system of adequate size and design would not work without regular inspection – inspection and maintenance needed to be done on a regular basis in perpetuity but the applicant had provided no information about who would be responsible and how that would be done. The local resident believed that establishing such arrangements should be a condition of the planning permission.
- 60.32 The Vice-Chair in the chair invited the applicant's representative to address the Committee. The applicant's representative advised that the proposals included the comprehensive refurbishment and enhancement of the existing building at Poplar Farm as well as a sensitive development of eight new houses. He explained that Poplar Farm was now in a precarious state and it was imperative that steps be taken to address this rapidly deteriorating listed building and bring it back into viable use which was what the proposals sought to do. The proposals had been carefully designed in conjunction with a highly qualified and experienced conservation consultant who had been closely involved with this project since its inception two years ago. It was intended to remove the unsympathetic late twentieth century extensions and replace them with new single storey extensions to better reveal the historic building. Following discussions with the Council's Conservation Officer, and subsequent changes being made, the proposals now had his full support and would breathe life into this important listed building. It was proposed to build eight bespoke, high-quality new homes in the wider grounds and the proposed design for the development had followed an iterative process which sought to respond to the constraints and opportunities of the site and wider area. The local character of the architecture across the village had been studied extensively and the range of styles in Woodmancote had been noted. The proposed houses had taken reference from existing nearby buildings in relation to design and they were comparable with surrounding development in terms of size, scale and density and would use materials that reflected the surrounding area. The applicant's representative noted that some comments had suggested the houses would be three storey and he clarified that was not the case – they would be two storey with the loft converted, like many others in Woodmancote. The site was located within the existing built-up area of Woodmancote and the principle of residential development there was entirely acceptable. The new homes would be visible and experienced jointly with the listed building from within the site, and to some extent outside of the site; however, the new homes would not be harmful to the setting of the listed building as confirmed by the Council's Conservation Officer who raised no objection to the proposals.
- 60.33 The Vice-Chair in the chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted that the applicant had seemed to address this application, and the following two applications on the Agenda which related to the same site, within their speech. He wished to

express the view that restoring the listed building to a fair standard should not be used as a plea bargain for building new houses. The Development Manager apologised that he had not previously clarified that Agenda Items 5d, 5e and 5f would be presented in the round and, with regard to the comments about the listed building, he advised there had been a lot of unsympathetic additions to the listed building which was unfortunate. The Member understood that the owner of the listed building had a duty of care to maintain it and the Development Manager acknowledged that was the case but pointed out that the applicant was not necessarily the owner. Another Member questioned why the unsympathetic additions had not been brought to the Planning Committee, or whether they had been carried out without permission in which case he questioned why they had not been identified by Building Control. The Development Manager indicated that it was not clear when and how the extensions had happened but he assumed from the photographs that were displayed at Committee that it had been incremental over the years.

60.34 It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member sought clarification on the status of the Woodmancote Neighbourhood Development Plan and also noted there were no comments from the Lead Local Flood Authority on the proposal. The Development Manager confirmed that the Neighbourhood Development Plan was yet to be adopted but still carried moderate weight. Flood risk had been considered and the expert advice was that it was low risk which was what the Planning Officer decision had been based upon.

60.35 Upon being put to the vote, it was

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

#### **21/00932/FUL - Poplar Farm, New Road, Woodmancote**

60.36 This application was for proposed extensions and alterations to Poplar Farm (Grade II Listed) including demolition of existing twentieth century additions.

60.37 The Vice-Chair in the chair indicated that there were no public speakers for this item as public speaking had been covered in Agenda Item 5d. 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.

#### **21/00933/LBC - Poplar Farm, New Road, Woodmancote**

60.38 This was a listed building consent application for proposed extensions and alterations to Poplar Farm (Grade II Listed) including demolition of existing twentieth century additions.

60.39 The Vice-Chair in the chair indicated that there were no public speakers for this item as public speaking had been covered in Agenda Item 5d. The Officer recommendation was to grant consent for the application and he sought a motion from the floor. It was proposed and seconded that consent be granted in accordance with the Officer recommendation and, upon being put to the vote, it was

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

**20/00936/OUT - Land to the Rear of Minsterworth Village Hall, Main Road, Minsterworth**

- 60.40 This was an outline application for the erection of up to 16 dwellings with all matters reserved except for access.
- 60.41 The Planning Officer advised that the application site comprised an agricultural field located to the east of Minsterworth Village Hall and to the north and east of a recent housing development at Ellis Bank Lane to the northern side of the A48. This application sought outline planning permission for a development of up to 16 residential dwellings, including six affordable houses and associated infrastructure, with all matters reserved for future consideration save for access which would be from the A48 via Ellis Bank Lane. The indicative layout plan showed how a development could be laid out as a continuation of Ellis Bank Lane. In terms of the principle of development, the proposal lay within a Service Village but outside of a defined settlement boundary. It should be noted that the site would fall within the Main Modifications Version Tewkesbury Borough Plan but the application currently conflicted with Policy SD10 of the Joint Core Strategy. In accordance with Paragraph 11 of the National Planning Policy Framework, and given the Council's current land supply position, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole. It was considered that, whilst the proposal would result in some harm to the landscape by reason of encroachment into the agricultural land, this harm would be clearly and demonstrably outweighed by the social and economic benefits associated with the delivery of up to 16 dwellings within a Service Village location. On balance, the proposal was considered to be acceptable. In addition to the comments in the Additional Representations Sheet, attached at Appendix 1, a further condition was recommended to secure biodiversity net gain. The Officer recommendation was that authority be delegated to the Development Manager to permit the application, subject to any additional/amended planning conditions and completion of a Section 106 Agreement.
- 60.42 The Vice-Chair in 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 any additional/amended planning conditions and completion of a Section 106 Agreement, 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. A Member raised concern regarding the drainage and asked that a condition be included so that adequate provision was made for the new properties. There had been issues with the drainage in Ellis Bank Lane during the previous week and there was a need to ensure that the new properties did not drain onto farmland as was the case in other areas of Minsterworth. The Planning Officer advised that condition 18 required details of the proposed drainage works to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of ground works. Another Member shared the concerns that had been raised regarding drainage and indicated that he still experienced issues in his Ward despite the Environment Agency saying it was not a problem. In response, the Planning Officer confirmed that the details would be provided as part of the reserved matters application. A Member found it very concerning that sewage was being pumped into streams resulting in the contamination of rivers and waterways and yet it seemed to be acceptable to permit planning applications which would exacerbate that. The Planning Officer advised that it was only possible to deal with the current application and the proposal in this case was for waste water to be treated in a waste treatment plant on site before being discharged rather than

sewage discharging directly into the waterways without any controls. Condition 18 only covered surface water drainage and the Planning Officer advised that a further condition could be added in respect of foul drainage.

60.43 A Member noted from the Additional Representations Sheet that there was an error in the Committee report which stated that the Council could demonstrate a 4.35 year supply of housing; however, that had included three schemes within the Twigworth strategic allocation which contributed to Gloucester City Council's needs meaning that the actual supply for Tewkesbury Borough was 3.83 years. The Member believed that these figures were still incorrect and he asked the Planning Officer to look into this following the meeting. Should the application be permitted, the Member assumed that the electric vehicle charging points would be Mode 4, where charging was through DC electric vehicle supply equipment which meant it was much faster; he felt this was appropriate given increasing fuel costs and the Council's green agenda. The Planning Officer drew attention to condition 21 which required details of the electric vehicle charging facilities to be submitted in the first application for reserved matters. He explained this was somewhat of a grey area currently as the standards were still to be introduced but he hoped that guidance would be available as to the requirements for electric vehicle charging points by the time the first reserved matters application was submitted.

60.44 A Member noted that the development would be close to the Village Hall and he asked if it was possible to include a condition for a landscaping buffer in order to prevent potential noise complaints from new residents in relation to events taking place at the Village Hall. The Development Manager indicated that could be requested as part of the landscaping scheme under reserved matters. Another Member recognised the Village Hall was quite an old building and he was surprised a contribution was not being sought towards that as part of the Section 106 Agreement. In response the Planning Officer clarified that would fall under the Community Infrastructure Levy as opposed to Section 106 so no direct contribution would be sought.

60.45 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to conditions to secure biodiversity net gain and foul drainage and any additional/amended planning conditions and completion of a Section 106 Agreement.

#### **19/00985/FUL - Tesco Supermarket, Church Road, Bishop's Cleeve**

60.46 This application was to allow for extended hours of delivery 0500-2300 hours Monday-Saturday and 0800-2200 hours on Sundays; variation of condition 5 of planning permission ref: 01/0041/0125/FUL (as modified by permission ref: 08/01358/FUL and 14/00552/FUL); and variation of condition 2 of planning permission ref: 14/00552/FUL to amend report of noise mitigation measures.

60.47 The Planning Officer advised that the application had been deferred by the Planning Committee at its meeting on 16 June 2020 in order to obtain the Environmental Health Officer's views in relation to the impact of the proposal on the residents of the flats above Mill Parade and the additional noise and disturbance that could potentially arise from vehicles coming and going. A further noise assessment had been undertaken in November 2021 and the report had been submitted the previous week. A summary of its findings, and the comments of the Environmental Health Officer in response to the report, were included in the Additional Representations Sheet, attached at Appendix 1. The Environmental Health Officer considered that the noise from delivery lorries arriving and departing, and from the unloading of lorries in the delivery yard, was above the World Health Organisation's Community

Noise Guidelines and, if commenced at 0500 hours, this would have a potentially significant adverse impact. As such, it was recommended that the application be refused in order to safeguard the amenity of nearby residents from noise and disturbance.

- 60.48 The Vice-Chair in the chair indicated that there were no public speakers for this item. 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 refused in accordance with the Officer recommendation. A Member asked whether the applicant had given a reason for wanting to change the hours and was informed this was to allow more deliveries to take place; the Planning Officer explained there had been a lifting of delivery time restrictions during the pandemic. A Member expressed the view that the proposal would impact those people living close to the site and also the wider village as articulated lorries had to travel through the village to deliver to the Tesco store due to its location. There were already problems with noise from deliveries to another supermarket on route to Tesco and he felt that the application must be refused.
- 60.49 Upon being put to the vote, it was  
**RESOLVED** That the application be **REFUSED** in accordance with the Officer recommendation.

#### **TPO 410 - Part Parcel 0025, Hillend, Twyning**

- 60.50 This was in respect of the confirmation of a Tree Preservation Order (TPO). The Planning Committee had visited the site on Friday 11 February 2022.
- 60.51 The Tree Officer advised that the order related to TPO 410 which was made in October 2021 with the purpose of protecting a young woodland. The TPO had been made in response to a planning application being received for residential development and confirming the TPO would help to ensure that the trees remained protected as a material consideration throughout the planning process. The woodland trees had public amenity, landscape and wildlife value which would only increase as they matured. It was therefore recommended that the TPO be confirmed without modification.
- 60.52 The Vice-Chair in the chair invited the landowner's representative, speaking in objection, to address the Committee. The landowner's representative indicated that the purpose of the TPO regime was to ensure that trees of substantial age and of the greatest quality of specimen were protected. The effective and proper use of TPOs had served the borough well in the past and many of its finest trees – ones that genuinely contributed to the environment – had been duly safeguarded; however, TPOs were not intended to be used superficially. As set out within the Committee report, the specimens in question were young, juvenile species that had been planted within the last five years or so. They had been planted by a private landowner but had not since been managed and there was no mechanism for their long-term management. Members would be aware that Twyning was under development pressure and the site was subject to a development proposal. The Committee report essentially confirmed that the TPO had been made for that reason and that most of the trees lacked any individual merit; however, the decision to confirm a TPO was completely separate from any planning application and, ultimately, if the impact of the development on local amenity value was so great, it was within the Council's gift to refuse permission, or impose measures for protection, at that point regardless of whether a TPO was in place or not. The question that should be asked was whether each of the trees were really worthy of a TPO. The landowner's appointed arborist, who was a chartered arboriculturist and a professional member of the Arboricultural Association, had provided a detailed assessment and concluded that the majority of trees were simply not good

enough for TPO status; many of the trees were Ash which were unlikely to have a long-term existence in any event due to Ash dieback. The landowner's representative asked Members to consider whether a TPO was really necessary – a felling licence would be required from the Forestry Commission for any significant amount of removal or clearance in any event; whether it would be reasonable for the Council to refuse a future TPO application to fell some of these low quality specimens and if that could be justified to the Planning Inspectorate; and whether consideration had been given to what would happen if the development did not occur in terms of management ramifications that would require repeated TPO works applications which the Council did not have resources for. To confirm a TPO on these trees would, in his opinion, undermine the TPO assessment process and devalue trees in the borough that were genuinely worthy of protection. Therefore, he respectfully suggested that the TPO not be confirmed and the Council seek alternative means to ensure the future of the trees.

- 60.53 The Vice-Chair in the chair invited a local Ward Member to address the Committee. The local Ward Member indicated that he wished to support the Officer recommendation to confirm the TPO without modification. He felt the Committee report had adequately dealt with the issues that had been raised by the landowner's agent and that there was little merit in the arguments put forward. He had the opportunity to visit the site twice last year, once in summer and again in autumn, and he had been quite staggered at such a beautiful asset existing on the doorstep of the village and being so accessible to the local community. He had walked around the site and been able to see a number of well-worn paths crossing the woodland so it was evident it was well-used by walkers – during his visits he had bumped into a number of local residents who had told him how much they valued the woodland for recreational purposes. In his opinion, it was rare to come across a woodland at this stage of development and he believed it could act as a showcase to others. The wood was developing well and was a credit to the person who had the vision to create it 10 years earlier. Trees took time to develop their full potential and impact on biodiversity; this TPO would give the woodland that opportunity and in another 10 years it would be even more amazing so he hoped the Committee would support the application.
- 60.54 The Vice-Chair in the chair indicated that the Officer recommendation was to confirm the TPO without modification and he sought a motion from the floor. It was proposed and seconded that the TPO be confirmed without modification in accordance with the Officer recommendation. The proposer of the motion felt there was very little to add to what the local Ward Member had said other than to emphasise the importance of the site for the residents of Twyning. In his view it would be sacrilege not to protect the trees for now and generations to come and he was sure Members that had been on the Planning Committee site visit would echo these sentiments. A Member noted it was not often the Planning Committee was asked to determine something other than housing and Members had the opportunity to protect this woodland for future generations. He reiterated that trees took years to mature and those who had visited the site had witnessed the birth of a woodland which would give so much enjoyment to people from all walks of life. He was very happy to support the proposal on that basis. Another Member echoed these views and felt it was a brilliant idea and something he would have liked to have seen in relation to Agenda Item 5b, as discussed earlier in the meeting.
- 60.55 Upon being put to the vote, it was
- RESOLVED** That the TPO be **CONFIRMED WITHOUT MODIFICATION** in accordance with the Officer recommendation.

**TPO 411 - Land Adjacent Alstone Lawns, Alstone**

- 60.56 This was in respect of the confirmation of a Tree Preservation Order (TPO).
- 60.57 The Tree Officer advised that the order related to TPO 411 which had been made to protect a copse of trees situated in a prominent location in the village of Alstone. The trees were within an area designated as important open space in the existing and proposed Tewkesbury Borough Plan. The TPO had been served due to the land being advertised for sale as an investment opportunity for potential development. The trees were clearly visible to the public and had high amenity value that contributed to the village setting. It was therefore recommended that the TPO be confirmed without modification.
- 60.58 The Vice-Chair in the chair indicated that there were no public speakers for this item. The Officer recommendation was to confirm the TPO without modification and he sought a motion from the floor. It was proposed and seconded that the TPO be confirmed without modification in accordance with the Officer recommendation. A Member indicated that she was pleased to see two TPOs included on the Agenda for today's meeting; trees were important community assets and these orders represented good use of the TPO system in her opinion.
- 60.59 Upon being put to the vote, it was
- RESOLVED** That the TPO be **CONFIRMED WITHOUT MODIFICATION** in accordance with the Officer recommendation.

**21/01252/TPO - Trees Behind Hunters Road and Public Open Space at The Withers, Bishop's Cleeve**

- 60.60 This was a Tree Preservation Order application in relation to TPO 298 which sought consent for the following works: Silver Birch T1 – prune off street light; Hornbeam T35, T36, T37 and T38 – trim back crown spread but retain low growth of upper crown (G1) as per submitted report.
- 60.61 The Tree Officer advised that the proposal related to an application to carry out works to protected trees within Tewkesbury Borough Council's ownership, therefore, the application was before the Planning Committee for those works to be undertaken. The trees had been professionally assessed and the recommended works were based on the findings of the report. The proposed works were to reduce the overhang of the Hornbeams to the gardens of No. 10 and No. 11 Hunters Road and to prune the Silver Birch away from the streetlight.
- 60.62 The Vice-Chair in the chair indicated that there were no public speakers for this item. The Officer recommendation was to grant consent and he sought a motion from the floor. It was proposed and seconded that consent be granted in accordance with the Officer recommendation and, upon being put to the vote, it was
- RESOLVED** That the application be **GRANTED CONSENT** in accordance with the Officer recommendation.

**21/01509/FUL - 25 Paynes Pitch, Churchdown**

- 60.63 This application was for variation of conditions 2 (approved plans), 3 (materials), 4 (levels), 5 (boundary treatments), 11 (Ecological Enhancement and Mitigation Strategy), 12 (external lighting scheme), 14 (blocking up of existing access), 18 (written Scheme of Investigation and Building Record) and 19 (surface water drainage) of planning permission ref: 20/00956/FUL. The Planning Committee had visited the application site on Friday 11 February 2022.

- 60.64 The Planning Officer advised that planning permission had already been granted on the application site for demolition of the existing dwelling and the erection of five dwellings in October 2021 following the resolution of the Planning Committee in September. The Committee had resolved to permit the extant scheme, subject to changes to the colour palette of each dwelling to buff and red brick - in accordance with design options put forward by the applicant - and to remove a condition for the provision of cycle storage. The current application was made under Section 73 of the Town and Country Planning Act for a minor material amendment to the extant planning permission which sought to amend the approved plans to vary the proposed external materials of the dwellings. The amendments would see a change in the materials with both red brick and buff brick dwellings. The current application also provided additional information on levels, boundary treatment, ecological enhancement and mitigation, external lighting, access arrangements, historic building recording and surface water drainage to negate the requirement for these conditions to be reimposed. In terms of boundary treatments, numerous objections had been received from residents due to safety and ecological concerns regarding the estate railings fence along the footpath between Dunstan Glen and Paynes Pitch when taking account of the change in levels. The applicant had submitted revised plans in response to the comments from residents removing the estate railings from the front of the proposal and the north of the footpath in favour of retaining the existing close board fence adjacent to the footpath. Officers had raised some concerns that the boundary treatment layout would create an unmanaged area of land adjacent to the footpath, whereas in the permitted scheme this was to be an open landscaped area where fruit trees would be planted. It was therefore recommended that a condition be included on the planning permission to enable to Council to control the maintenance of the enclosed area in future. In terms of other matters, due to the known presence of hedgehogs and birds within the area, and as the proposal would impact on habitats on the site, condition 11 of the extant planning permission required the submission of an Ecological Mitigation and Enhancement Scheme to secure suitable mitigation and compensation measures prior to commencement of the development. The current application included an Ecological Mitigation and Enhancement Scheme setting out measures to protect species; this had been considered by the Council's Ecological Adviser, who had also been made aware of the concerns raised by residents, particularly regarding the potential impact on hedgehogs. The Ecological Adviser had received the submitted details and the biodiversity mitigation lighting strategy and felt the documents provided appropriate mitigation and enhancement for protected species and habitats. It was noted that the mitigation and compensation for hedgehogs exceeded that provided in other schemes which was welcomed. Members were advised that the additional information submitted with regard to drainage, historic building recording and levels was considered to be acceptable. Overall, it was felt that the proposal would comply with national and local planning policy and it was therefore recommended that permission be granted.
- 60.65 The Vice-Chair in the chair invited a local resident, speaking in objection to the application, to address the Committee. The local resident indicated that he wished to address three topics, the first being the safety issue regarding the fencing serving the footpath from Paynes Pitch to Dunstan Glen which did not comply with Policy SD4 of the Joint Core Strategy which set out that designs should contribute to a safe environment. He drew attention to the boundary enclosure plan, set out at Page No. 298 of the Committee report, which showed 75% of the footpath was fenced off, leaving 25% exposed to a steep gradient running the length of the footpath. The current proposal faced the unprotected gradient and the existing fence, which needed to be replaced, that ran the length of the footpath on its opposite side; the alternative was a new fence 1.5 metres in front of the existing fence which would mitigate against the gradient – so residents would either look out onto an old fence, which came with child safety issues, or look out onto a new fence which would mitigate those safety issues. He felt the application should be

conditioned to implement the fence along the full length of the footpath and to install new fencing where the existing 1.8 metre fencing was being retained, as endorsed by the Planning Officer. His second point related to the extension of the Tree Preservation Order (TPO) serving the Dunstan Glen Hedgerow and he indicated that the current proposal conflicted with Policies SD6 and SD9 of the Joint Core Strategy and Policy CHIN3 of the Churchdown and Innsworth Neighbourhood Development Plan. He pointed out that agreement had been reached between the applicant, Tewkesbury Borough Council Officers and local residents to extend the TPO to mitigate the loss of hedgerow by the incorporation of the new heavy duty trees and failure to extend the TPO would put the new trees at unacceptable risk – this statement was supported by the Tree Officer, as such, the application should be conditioned to implement the extension of the TPO. His final point was in relation to saving the community orchard and he indicated that agreement had been reached between the applicant, Tewkesbury Borough Council Officers and local residents to create an orchard to partly mitigate the loss of the hedgerow. The applicant had, on four known occasions, tried to release ownership of this land with the resultant loss of the community orchard. Residents and the Tree Wardens in Churchdown were willing to work with the maintenance company, which had the ultimate responsibility for the land, to further mitigate the loss of the hedgerow and the community would self-fund the planting of Damson, Victoria Plum and Cherry trees as well as creating a butterfly-friendly environment. As such, he felt the application should be conditioned to ensure the orchard was retained in perpetuity for the community.

60.66

The Vice-Chair in the chair invited the applicant's agent to address the Committee. The applicant's agent thanked Officers for a thorough report and the recommendation that planning permission be granted. He indicated that this was a straightforward application seeking approval of adjusted materials and details further to imposed pre-commencement planning conditions. Planning permission had already been granted for this development and Members would recall they agreed with Officers that the development was acceptable in planning terms. All details submitted had been assessed by Officers and consultees who deemed them to be acceptable. He noted that some concerns had been raised by local residents, principally in relation to the proposed boundaries and external materials. Several concerns had also been raised in terms of the proposed landscaping scheme. The applicant's agent clarified that this application did not propose to amend the scheme and land to the west was always intended to be enclosed. In view of the comments received from neighbouring residents, which included concerns about the proposed use of railings and the open nature of the land, a boundary treatment plan had been submitted which amended the proposed treatment in this area to close boarded fencing to match the existing treatment, and included land regrading, and the applicant's agent indicated that he was happy with the conditions outlined by the Planning Officer. In terms of external materials, the applicant still proposed to use buff and red brick to match surrounding properties – these were as originally approved and accepted; however, it was intended to simplify use on the facing elevations to ensure better consistency with the surrounding area. The applicant's agent noted that comments regarding ecological impact had been fully considered within the Committee report and no objections had been raised by the Council's Ecological Adviser in respect of the mitigation and enhancement scheme submitted which included provision for connectivity across the site for hedgehogs and other small mammals as well as protection during construction. In light of current major supply chain constraints, the applicant's agent stressed it was critical that these conditions were approved in a timely manner to ensure development could be commenced promptly – the applicant was a local builder, employing local trades, all of which relied on the delivery of sites such as this. The original application had experienced significant delays and it was hoped Members would today agree with the recommendation before them.

- 60.67 The Vice-Chair in the chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member expressed the view that she would be happy to support the Officer recommendation, subject to the addition of conditions. She firstly thanked the Planning Officer and the developer who had been very co-operative and she appreciated them going out of their way to meet the community needs; however, there were a few outstanding points which she felt needed to be addressed. With regard to the fencing, she would like to see it all replaced – so all to be blue on the boundary treatments plans - and for a condition to be added to extend it along the length of the alleyway on the grounds of public safety – as Members had seen on the Planning Committee Site Visit, the gradient on the other side of the Public Right of Way dropped from 1.8 metres to 1.3 metres so she felt this would be a sensible approach. In terms of the community orchard, the Committee report stated this was being put in place as mitigation for the loss of trees, which she welcomed, and although it appeared to be closed off from the community, she had been assured by the Planning Officer this was commonplace and there would be a single gate access so she wished to see a condition included to ensure the community orchard was retained in perpetuity. The future of the adjoining piece of land had not yet been agreed; however, she noted that the Officer report stated that the Council would be assuming responsibility for this plot rather than the developer which raised doubt about the entire strip so she felt a condition was warranted. She pointed out that a tree on the west boundary had been identified as the best location for the bat boxes based on an expert report but she questioned whether that was the case given it was right next to a streetlight and within metres of a security light on the property at No. 23. The Planning Officer confirmed that the replacement and extension of the fencing could be dealt with through a condition regarding the boundary treatment but it was not possible to include a condition to control the land for use by the community. Officers could speak to the Council's Ecological Adviser to check whether the location of the bat boxes was correct. The Member asked whether any action could be taken to ensure the community orchard was retained as a community asset and the Legal Adviser explained there was no particular planning justification in this case – its size meant it was not considered as public open space, therefore it would be inappropriate to impose a condition on that basis.
- 60.68 It was proposed and seconded that the application be permitted subject to the inclusion of conditions to secure the replacement of all of the fencing and extension of the fencing along the entire length of the footpath and the potential re-location of the bat boxes to move them away from the streetlight, subject to the Ecological Adviser reviewing the information and finding that to be necessary. The proposer of the motion indicated that Members on the Planning Committee Site Visit had seen for themselves the safety implications of the change in gradient and the need to replace and extend the fencing along the cycle path – it was a route to school and therefore would be used by a lot of children. He also shared the concerns raised about the proposed location of the bat boxes. Another Member questioned why the developer wanted to amend the colour scheme for the houses given there had been a detailed discussion about the facades the last time the application had been considered by the Planning Committee. In response, the Planning Officer advised that it was within the applicant's gift to request approval of an alternative scheme and he clarified that it would be the same type of brick so the material would not be different. A Member recalled that the Committee had been shown three different options and had chosen the scheme at the bottom of the plan; he was led to believe that was half red brick and half render but he understood that render was not allowed on the site for ecological reasons meaning that it was necessary to use buff brick, resulting in a house built of two different colour bricks – this had not been fully explained to the Committee. The Legal Adviser clarified that her recollection was that the original scheme proposed to use a grey colour palette which had not been

considered favourably, therefore, a plan had been submitted with three different proposals giving different options using red and buff brick – she did not believe any of the options had included render. Members had opted for the bottom proposal on the plan and she suspected that the developer had subsequently decided he preferred the top option on the plan which was why Members were now being asked to make a decision on the proposal before them.

60.69 A Member queried whether a commuted sum was being put forward for the management of the community orchard area and the Planning Officer explained that was not expected for a scheme of this size and it was likely that a management company would maintain the land. The Member went on to question if that would be paid for by residents of the estate and the Legal Adviser confirmed that would probably be the case.

60.70 The proposer of the motion expressed the view that he would like the colour scheme which had been agreed by the Planning Committee previously to be retained and included as part of his proposal; however, the Legal Adviser clarified that was not an option which had been presented to Members as part of the current proposal, therefore, should the Member wish to retain the previously agreed colour palette, he would need to make a proposal to refuse the current application. The seconder of the motion pointed out that she had spoken with residents who were more than happy with the proposed colour change. In terms of management of the orchard, she suggested there may be a further conversation to be had with residents who had been enthusiastic about taking on the piece of land.

60.71 The Legal Adviser clarified that the motion Members would be voting on was for the application to be permitted – with the colour palette proposed by the applicant which was the top picture on the plan – subject to the inclusion of a condition to replace and extend the fencing from the west to east including along the length of the footpath area which was going to be open and subject to confirming that the Ecological Adviser was happy with the location of the bat boxes, given their proximity to the street light, with condition 11 being amended as appropriate based on that advice. Upon being put to the vote it was

**RESOLVED** That the application be **PERMITTED** subject to inclusion of a condition to secure the replacement and extension of the fencing from the west to east including along the length of the footpath area which was going to be open and confirmation that the Ecological Adviser was happy with the location of the bat boxes, given their proximity to the street light, with condition 11 being amended as appropriate based on that advice.

### **21/00088/FUL - Brookside Stables, Cold Pool Lane, Badgeworth**

60.72 This application was for variation of conditions 1 and 2 of planning permission ref: 16/01285/FUL to allow for the permanent use of the site as a residential gypsy site for seven mobile homes and five touring caravans.

60.73 The Planning Officer advised that the application site currently benefitted from temporary permission as a residential gypsy site for seven pitches for named members of a single extended family. That scheme had been allowed on appeal in November 2018 but was restricted by the Inspector to a temporary period of four years only. The current Section 73 proposal sought to make use of the site permanent but to restrict occupation to the same extended family and their dependents. The site had been identified within the Preferred Options Borough Plan as a site allocation for the provision of Gypsy and Traveller accommodation within emerging Policy GTTS1; however, that allocation had not been carried forward within the Pre-Submission version of the plan. During the Borough Plan's Examination in Public in February/March 2021, the Inspector had noted there was

a requirement for eight pitches over the plan period to 2031 which represented a 'challenging figure'. The Inspector found the Council's reasons for excluding the Brookside Stables site to be unconvincing and subsequently recommended the re-inclusion of the site for seven pitches as one of the main modifications in order to make the plan sound. As the site lay within the Green Belt, there remained a requirement to demonstrate very special circumstances and, in this case, the site's allocation within the emerging Borough Plan, together with the specific needs of the family and best interests of the children living within the site, were considered to demonstrate that very special circumstances did exist which would outweigh the Green Belt harm by reason of inappropriateness in accordance with Paragraph 148 of the National Planning Policy Framework. In light of this, it was recommended that the application be permitted.

- 60.74 The Chair invited the applicant's agent to address the Committee. The applicant's agent suggested that today was a potentially historic moment for two reasons. The site had gone through the local plan process and the Council now had site allocations for Gypsies and Travellers that were almost adopted – this was a historic moment for the Council as national planning policy had required local authorities to allocate land for this process since 1994 and, even after 28 years, many had not been able to achieve this. There was much for Tewkesbury Borough Council to celebrate as today it had entered a class of local authorities which had actually made allocations for Gypsies and Travellers. Secondly, today could be a historic moment for the applicant following two decades of uncertainty and the applicant's agent made reference to the applicant's personal circumstances. He pointed out that the application did not seek to remove the condition restricting occupation to the applicant and their extended family. Another historic day had occurred two years earlier when the Planning Committee had granted permission for Travelling Showpeople on a large parcel of Green Belt at Staverton; that site was part of the emerging plan and, on that occasion, the Committee had come through for part of the community whose accommodation needs had historically been difficult to meet – today he invited the Committee to do the same for the Gypsy and Traveller community and permit the application.
- 60.75 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 on a temporary basis for four years with the justification for that being that Gypsy and Traveller sites would be allocated in the Tewkesbury Borough Plan. The proposer of the motion stated this was a two tier process along with Joint Core Strategy 2 and he felt that Gypsy and Traveller sites needed to be assessed in the round as part of that process. He was a big advocate of Travelling Showpeople and Traveller sites but he was concerned that approving this application could have a potentially detrimental impact over the longer term. This proposal did not receive a seconder. It was subsequently proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member queried whether there would be a strict limit on the numbers and confirmation was provided that the site would be restricted to seven mobile homes and five touring caravans. A Member asked what safeguards were in place should the site be identified for expansion and the Planning Officer confirmed there would be restrictions in place via planning condition which would limit the number of pitches to seven as the number allocated in the emerging Borough Plan. If anything else came forward, it would need to be considered on its own merits at that time.
- 60.76 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

**PL.61 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

61.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 316-322. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

61.2 Accordingly, it was

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

The meeting closed at 12:54 pm

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 15 February 2022

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>21/00976/OUT</b></p> <p><b>Land Off Brook Lane , Twigworth/Down Hatherley,</b></p> <p><b>Updated Consultation Responses</b></p> <p><b>Local Highway Authority</b></p> <p>Following the Planning Committee in January, the Local Highway Authority asked the applicant if they could explore the possibility of footway improvements between the site and the bus stops on the A38 by the junction of the A38/Down Hatherley Lane junction. The applicant submitted further information on this matter and, following review and further consideration, the Local Highway Authority has submitted revised comments.</p> <p>The applicant has identified a need to provide tactile paving at the junction of Norton Garden Centre and has agreed to a S106 contribution to fund these works. The Local Highway Authority explored whether it would be possible to widen the footway in this location, as it is recognised that certain sections are narrow and do not fully meet the required standard. It is evident from a site visit that some of the current narrowing is due to a build-up of vegetation, and the clearance of this is a highway maintenance issue which can be addressed by the Local Highway Authority. Further substantial works to the footway are not considered achievable as this would require the narrowing of the A38.</p> <p>As the applicant has offered to provide a contribution to fund the tactile paving this should be secured via the S106, not secured via condition as previously recommended. As such, an amendment to Condition 23 to reflect this change is recommended.</p> <p><b>Twigworth Parish Council</b></p> <p>A copy of the document titled 'Flood Risk in Twigworth - A record of failure', which was submitted by Twigworth Parish Council prior to the Planning Committee in January, is <b>attached</b> in full.</p> <p><b>Officer Update</b></p> <p>At the time of writing the updated Committee report there was two outstanding matters still to be resolved; the affordable housing tenure and whether there should be a requirement for the developer to provide a minimum 10% biodiversity net gain. An update on both is provided below:</p> <p><u>Affordable Housing Provision</u></p> <p>Following continued negotiations, the applicant has agreed, on a without prejudice basis, to provide the affordable housing tenure and mix as requested by the Council's Housing Strategy and Enabling Officer. For clarity, this is:</p>

35% on-site provision, of which -

70% of the units would be social rented

30% of the units would be affordable housing for sale (shared ownership).

In addition, 50% of the affordable units as a minimum should be M4(2) standard-former lifetime homes standard and 5% of the affordable homes should be M4(3)B Wheelchair accessible and fitted ready for occupation on completion.

Officers consider the proposed scheme to be policy compliant and the Council's Housing Strategy and Enabling Officer has confirmed the proposal would be acceptable.

Should permission be granted, this obligation, along with details of the clustering, would need to be secured via a legal agreement.

### **Biodiversity Net Gain**

As detailed in Paragraph 7.72 and 8.2 of the Committee report, discussions continued between Officers in terms of the requirements of the emerging Policy NAT1 of the Main Modifications Tewkesbury Borough Plan (MMTBP) which expects all development to deliver a minimum biodiversity net gain of 10%. Given the MMTBP remains an emerging plan, and as there is an unresolved objection to this emerging policy, Officers consider in this instance the requirement should be to contribute positively to and provide net gains for biodiversity in accordance with requirements of Policy SD9 of the JCS and guidance in the NPPF. As such, should planning permission be granted, Officers recommend a condition requiring a biodiversity net gain assessment using the Defra Biodiversity Metric is prepared and submitted to the Local Planning Authority and then implemented in accordance with the approved details.

Given the above, a planning obligation at this stage to secure any off-site habitat enhancements to ensure the development provides a net gain for biodiversity is not required.

### **Updated Planning Obligations**

In light of the additional obligation recommended by the Local Highway Authority to secure the provision of tactile paving at the junction of Norton Garden Centre on the A38, an updated list of the required planning obligations is provided:

- £545,300 towards primary school education provision (Transport to school) - to be bonded and drawn down from time to time by the LEA as required.
- £525,286.40 towards secondary education provision.
- £31,360.00 towards library provision at either Churchdown Library or Longlevens Library.
- £11,680 towards recycling and waste bin facilities.
- 35% on-site Affordable Housing and policy compliant tenure mix.
- £54,240 towards a Travel Plan.
- £15,000 towards improvements to the bus stop on the eastern side of the A38 (Bus Stop – stop ID glodgdw).
- £2,500 towards tactile paving at the junction of Norton Garden Centre on the A38.
- Provision of a LEAP on-site.

	<p><b>Revised Recommendation</b></p> <p>Officers consider that all the outstanding matters previously reported have now been resolved in an acceptable manner. When taking account of this and all other material considerations and the weight to be attributed to each one, Officers still consider that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance. As such, it is considered that the proposed development would constitute sustainable development in the context of the NPPF as a whole.</p> <p>Accordingly, it is recommended that authority be <b>DELEGATED to the Development Manager to PERMIT the application, subject to the completion of an agreement to secure the obligations listed above and the imposition of the conditions recommended.</b></p> <p><b>Amendment to Condition</b></p> <p>Due to the requirement to secure the tactile paving works via a legal agreement, condition 23 should be amended to remove reference to this work:</p> <p>The development hereby approved shall not be occupied until drawings of the highway improvements/offsite works comprising:</p> <ul style="list-style-type: none"> <li>- improvements to Brook Lane, to include details of surfacing and street lighting; and</li> <li>- measures to restrict vehicle access from the development site to Brook Lane</li> </ul> <p>have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until those works have been constructed in accordance with the approved details.</p> <p>Reason: To ensure the safe and free flow of traffic onto the highway.</p> <p><b>Additional Condition</b></p> <p>To ensure the development would contribute positively to, and provide net gains for, biodiversity the following condition is recommended:</p> <p>No development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric (or any updated or replacement metric used as the industry standard) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate the development would secure measurable net gains for biodiversity.</p> <p>The development shall be implemented in accordance with the approved Biodiversity Net Gain Assessment.</p> <p>Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales.</p>
5b	<p><b>21/00880/OUT</b></p> <p><b>Land At, Horsbere Drive, Longford,</b></p> <p><b>Additional Representations</b></p> <p>Since writing the Committee report, six further representations from local residents objecting to the proposal have been received. No new material considerations have been introduced.</p>

**Additional Consultation Response**Ecological Advisor

The Council's Ecological Advisor (EA) has now reviewed the submitted Ecological Appraisal and considers the information presented to be sufficient and the assessment satisfactory. No further study, surveys or assessment are required. The EA considers that the proposed mitigation and enhancement measures are appropriate and agrees that the total mitigation and enhancements would likely result in a net gain in biodiversity. The EA has recommended a number of conditions to secure the proposed mitigation and enhancement measures, should permission be granted.

Further to the above, as set out in Paragraph 7.48 of the Committee report, the application site is identified as being within a zone of influence around the Cotswolds Beechwood Special Area of Conservation (SAC) and the Alney Island Local Nature Reserve (LNR), land functionally linked to the Severn Estuary Special Protection Area (SPA), both of which are European sites. During the course of the application, the applicant submitted a Habitats Regulation Assessment Briefing Note (HRA Briefing Note) which concludes that the development would not result in significant effects on the conservation objectives of the Cotswolds Beechwoods SAC, either alone or in combination with other plans or projects. The Briefing Note also confirmed that there would be no potential recreational pressures on the LNR, meaning that there would be no significant effects on the conservation objectives of the Severn Estuary SPA. Should permission be granted, Home Information Packs (HIP) would be provided to residents of the new development with information on how to avoid impacting nearby sensitive sites, including specific information on the Cotswolds Beechwood SAC and the Alney Island LNR and Severn Estuary SPA. The Council's Ecological Advisor (EA) has reviewed the Briefing Note and considers that the Note provides a thorough assessment of the potential impacts on the SAC and the LNR and SPA and agrees with the conclusions. In light of this, should planning permission be granted, a condition requiring all occupiers of the development to be provided with a HIP would be required.

Natural England is still reviewing the HRA Briefing Note therefore, should Members resolve to grant planning permission, Officers will pursue receipt of their comments prior to the decision being issued.

As detailed in Paragraph 7.49 of the Committee report, discussions continued between Officers in terms of the requirements of the emerging Policy NAT1 of the Main Modifications Tewkesbury Borough Plan (MMTBP) which expects all development to deliver a minimum biodiversity net gain of 10%. Given the MMTBP remains an emerging plan, and as there is an unresolved objection to this policy, Officers consider, in this instance, the requirement should be to contribute positively to and provide net gains for biodiversity in accordance with requirements of Policy SD9 of the JCS and guidance in the NPPF. As such, should planning permission be granted, Officers recommend a condition requiring a biodiversity net gain assessment using the Defra Biodiversity Metric is prepared and submitted to the Local Planning Authority and then implemented in accordance with the approved details.

Given the above, a planning obligation at this stage to secure any off-site habitat enhancements to ensure the development provides a net gain for biodiversity is not required.

	<p><b>Clarification on the Affordable Housing Provision</b></p> <p>As set out in Paragraph 7.54 of the Committee report, the Council's Housing Strategy and Enabling Officer objected to the original affordable housing proposal advanced by the applicant and recommended an affordable housing scheme which would be acceptable. For clarification, the agreed scheme is that the whole of the affordable housing contribution be provided on site as first homes to be sold at 70% of open market value to qualifying purchasers as set out within Government First Homes guidance. Should permission be granted, this obligation, along with details of the clustering, would need to be secured via a legal agreement.</p> <p><b>Officer Update</b></p> <p>It is noted that, subject to securing satisfactory measures by the imposition of appropriate planning conditions, the development would not give rise to any unacceptable impacts upon ecology. When taking account of this and all other material considerations, Officers still consider that the identified harms would significantly and demonstrably outweigh the benefits in the overall planning balance. As such, the recommendation to refuse the application remains the same as set out in Paragraph 8.9 of the Committee report.</p>
5d	<p><b>21/00938/FUL</b></p> <p><b>Poplar Farm, New Road, Woodmancote</b></p> <p><b>Officer Update</b></p> <p>5 Year Land Housing</p> <p>There is an error in the Officer report within the paragraph relating to 5 Year Housing Land Supply which states that the Council can demonstrate a 4.35 year supply of housing. This figure (originally in the November 2021 (April 2021 base) five year housing land supply statement) included three housing schemes within the Twigworth Strategic Allocation which, in fact, contribute to Gloucester City's needs. The actual (April 2021 base) five year housing land supply for Tewkesbury Borough is 3.83 years.</p> <p>Whilst this supply is lower than the 4.39 year quoted under Five Year Housing Land Supply, as set out in the report, the Council does not have a five year housing supply at this time, therefore, the tilted balance is already engaged.</p> <p><b>Further Representation</b></p> <p>Since the writing of the Committee report, one further objection has been received summarised as follows:</p> <ul style="list-style-type: none"> <li>- Seek zero carbon proposal.</li> <li>- Comparison of a carbon neutral scheme in Leckhampton</li> <li>- Does not consider that the proposed plan delivers the government's commitment to reach net zero</li> </ul> <p><b>Planning Conditions</b></p> <p>Condition 6</p> <p>At the request of the developer, proposed condition 6 (relating to drainage), as requested by Severn Trent Water, is queried with the following comments:</p> <p>The Committee Report states within the relevant section that the Drainage Engineer has no objections to the proposal. However, Severn Trent Water seek a condition for surface water and foul drainage condition. The matter has been discussed with the County Sustainable Urban Drainage Engineer and a verbal</p>

update will be made in response at Planning Committee.

#### Condition 8

The Case Officer has discussed the proposed condition with the Environmental Health Manager and the historic uses of the land and he updates as follows:

*"We have not identified any potential contaminated land connected to this site. Therefore I agree that the existing contaminated land conditions can be removed. However, we would advise that a watching brief is maintained during construction and that if any unexpected contamination is found then it must be reported to us immediately."*

This condition will therefore be revised from:

"No development shall start until a site investigation of the nature and extent of contamination has been carried out. The site investigation shall be in accordance with a site investigation methodology that has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the investigation.

No construction works shall start until the results of the site investigation have been submitted to, and approved in writing, by the Local Planning Authority. If the site investigation identifies any contamination, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted, as well as an implementation timetable for the remediation. The site shall be remediated in accordance with the approved measures and timetable.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation, as well as an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the additional approved measures and timetable.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is required as a pre-commencement condition because there is potential for contamination to exist on the site."

to:

"If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation, as well as an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the additional approved measures and timetable.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors."

#### **Comments Received from Woodmancote Parish Council Flood Warden**

Received 5.02.2022 **See attached**

<p><b>5g</b></p>	<p><b>20/00936/OUT</b></p> <p><b>Land To The Rear Of Minsterworth Village Hall , Main Road, Minsterworth</b></p> <p>There is an error in the Committee report at Paragraph 7.13 which states that the Council can demonstrate a 4.35 year supply of housing. This figure (originally in the November 2021 (April 2021 base) five year housing land supply statement) included three housing schemes within the Twigworth Strategic Allocation which, in fact, contribute to Gloucester City's needs. The actual (April 2021 base) five year housing land supply for Tewkesbury Borough is 3.83 years</p> <p>There is an error in the Committee report at Paragraphs 7.45 and 8.10 which advises that a contribution of £106,400 is required towards primary school education provision. The contribution of £106,400 is in fact required towards education transport costs to allow pupils arising from the development to access schools located outside of the two mile statutory walking distance.</p> <p>The recommendation remains as set out in the Committee report.</p>
<p><b>5h</b></p>	<p><b>19/00985/FUL</b></p> <p><b>Tesco Supermarket, Church Road, Bishops Cleeve</b></p> <p>1. There is a typo in the Committee report as the application was deferred from the 16 June 2020, not 6 June 2020 as printed.</p> <p>2. Further Information was received on 10 February 2022 from the agent - an Environmental Noise Assessment report by Sharps Redmore - for consideration in response to additional surveys required. The additional attended baseline noise survey was undertaken on 4 November 2021.</p> <p>In summary, the report considers that delivery event noise levels are generally below the WHO CNG night time values; and hence would be indicative of low impact. However, there is a slight exceedance of peak noise levels at the Kings Arms pub as the delivery vehicle uses the access road passed this property.</p> <p>The report has had regard to the existing noise climate, the report states that whilst peak noise from delivery activity exceeds the WHO night time peak noise guideline value, it can be seen that peak noise from other vehicle pass bys are also above the WHO peak noise guideline value. Hence in this context noise from the use of the access road is considered to be of low impact.</p> <p>The report considers that predicted delivery activity noise levels can also be compared to the existing ambient noise climate to consider the change in ambient noise level which is states as low.</p> <p>The report recommends the following noise minimisation measures to be implemented at all times to reduce noise levels from service yard activity to be secured by an appropriately worded planning condition.</p> <ul style="list-style-type: none"> <li>- there will be adequate signage and instruction to ensure that all drivers and staff follow the noise management measures;</li> <li>- all engines to be switched off as soon as vehicles are parked at the unloading dock;</li> <li>- subject to a full health and safety risk assessment, tonal reversing alarm systems shall not be used before 0700 hours and after 2200 hours;</li> <li>- whilst vehicles remain stationary in the service yard, no engines are to be left idling for more than 30 seconds;</li> <li>- refrigeration units are not to be operated whilst stationary in the service yard or access road;</li> </ul>

- all delivery vehicles to be driven in as quiet a manner as possible, avoiding unnecessary engine revving;
  - no radios or stereos to be left on in vehicles during deliveries or at other times;
  - staff to be instructed to work quietly when outside the store or in the service yard
  - only performing essential tasks where noise could be generated;
  - delivery scheduling to be undertaken on the basis that no delivery vehicles are present in the service yard other than those that can be accommodated within the loading area at any one time;
  - all components of the delivery system to be maintained in good working order;
- and
- the service yard area used for delivery vehicle manoeuvring shall be kept clear of all trolleys and equipment to enable efficient vehicle manoeuvring to the unloading pod.

With specific regard to deliveries occurring between 0500 and 0600 hours, the following specific noise minimisation measure shall be implemented:

- Deliveries which occur between 0500 hours and 0600 hours, Monday to Saturday mornings, shall only unload goods, with no empty cages being reloaded onto the delivery vehicle;

3. Our Environmental Health Officer has considered the report and submitted their comments on 14 February 2022 which are as follows:

I have been asked to assess the Sharps Redmore noise report dated 24.11.21 reference 1919020/RO2. This has been submitted to support the above-mentioned planning application by re assessing the noise impact from the proposal subsequent to COVID restrictions. The report aims to show that delivery activity noise from 05:00 hours avoids giving rise to significant adverse impact and so can be mitigated by appropriate control measures.

The 2021 report details measurements which were undertaken over a half an hour period from 04:30am on 4 November 2021 and which were compared to measurements undertaken over one and a quarter hours from 04:30am on 23rd July 2019. They show background noise levels to be typically 3-4dB lower than in 2019, and ambient noise levels 5-6dB quieter, whereas delivery noise levels were typically 1-3dB higher than 2019 levels, as were noise levels from passing cars. This is attributed to differences in weather conditions and the time of the year the measurements were undertaken.

Two potential sources of noise are assessed as in the 2019 report. These are noise from the unloading of lorries in the delivery yard, and noise from the lorries arriving and departing.

With respect to the noise from the unloading of lorries in the delivery yard:

This has been assessed by Sharps Redmore using the BS4142 methodology, where the Laeq is calculated and used to look at the difference between when the activity is occurring and a statistically derived background level. The methodology allows for certain acoustic features which can increase the significance of the impact of the noise to be taken into account by the addition of a rating penalty. Impulsivity is such a feature and in the BS 4142 assessment methodology the rating for impulsivity is as follows: +3 for impulsivity that is just perceptible at the noise receptor, +6 for impulsivity that is clearly perceptible, and +9 where it is highly perceptible. The rating value added by Sharps Redmore in 2019 and 2021 is for clearly perceptible impulsivity.

In 2019 the resulting rating was not found to be significant at the Cheltenham Road site but was +8 at the Kings Head pub, which indicated an 'adverse to significant adverse impact' for lorry unloading.

In 2021 the rating for the Kings Head site was calculated as +10 which indicates a 'significant adverse impact' for lorry unloading and confirms the 2019 results.

In both reports it is argued that as these results are external results, whereas the deliveries are at night time when residents would be in their bedrooms, then this BS4142 assessment is less significant than the WHO Community Noise Guidelines, which assess noise impact on internal living spaces.

It is accepted that the BS4142 assessment is of external noise and is not intended to be used to derive indoor sound levels from those arising outside. However, the method is intended to use external measurements to assess the likely effects of sound on people who might be inside or outside their dwelling. The assessment indicates significant adverse impact on residents with clearly heard bangs and crashes outside, which, if the residents had windows open would not be attenuated. Putting this into context, this would occur at night time over a period of approximately 90 minutes while lorries were unloaded.

With respect to the WHO Community Noise Guidelines, sleep disturbance is anticipated at an external peak noise level outside a bedroom of 60dB and above. In the 2019 assessment, the LAmax for the unloading activity was predicted as 59dB at the Kings Head pub. In the 2021 assessment, there were a range of peak noise levels measured at the Kings Head pub of between 55 - 65 dB. This indicates that there is likelihood of sleep disturbance during unloading activity.

In the technical notes to the report it is argued that the sleep disturbance is not significant as evidenced by a lack of complaint to this department.

However, under the WHO Community Noise Guidelines sleep disturbance includes not just waking up but alterations of sleep stages or depth; increased blood pressure, heart rate and finger pulse amplitude; vasoconstriction; changes in respiration; cardiac arrhythmia; and increased body movements. The secondary effects of this are: reduced perceived sleep quality; increased fatigue; depressed mood or well-being; and decreased performance. There is also the potential for residents to be woken, especially if their sensitivity changes due to long term exposure to the noise or new residents move to the area. Under the noise exposure hierarchy this would be a significant observed adverse effect.

With respect to the noise from delivery lorries arriving and departing:

In 2019 this was measured by Sharps Redmore at the Kings Head pub and peak noise levels on arrival were noted as between 51-69dB, and on departure of 65-69dB.

In 2021 peak noise levels on arrival were noted as between 61-70dB, and on departure of 64-66dB.

Again, these are well above the WHO community noise guidelines and, if the application is allowed, the number of lorry deliveries will increase from one to four in the 5am -7am period which is still considered to be night time. This again has the potential to cause sleep disturbance.

In summary, the 2021 report has confirmed that the noise from delivery and unloading lorries if commenced at 5am has the potential to cause significant adverse effect and so should be avoided. It is recommended that this application be refused to safeguard the amenity of nearby residents.

	<p>In conclusion</p> <p>The additional information submitted by Sharps Redmore has been assessed and it is considered there would be an unacceptable impact on neighbouring residents in terms of noise and disturbance contrary to policy SD4 and SD14 of the Joint Core Strategy 2017 therefore the recommendation is for refusal.</p>
5i	<p><b>TPO 410 - Part Parcel 0025, Hillend, Twyning</b></p> <p>Since the preparation of the Committee report, a further 17 letters in support of confirming the TPO have been received. These are summarised below:</p> <ul style="list-style-type: none"> <li>- CPRE (Countryside Charity Gloucestershire)– the proposed development of this site would result in the destruction of an established community woodland and wildlife haven, which provides an invaluable environmental and community asset which benefits the health and wellbeing of the residents of Twyning. Whether or not the present planning application is permitted, in the absence of a permanent TPO there remains a serious risk that the woodland may be damaged in other ways.</li> <li>- Twyning Scout and Beavers Group – started a campaign title ‘We love our trees’ to actively raise the profile. As a colony we regularly play games, have nature hunts, and learn about trees, plants, and animals in these woods</li> <li>- There is nowhere else like this in the village that is a safe place for children to explore and learn about the value of the environment</li> <li>- The woodland is an amenity area which now has 10yrs of growth and requires to be left as per the preservation of woodland and to be preserved for future generations.</li> <li>- Feel very strongly that these 2,000 trees should be protected due to the many benefits they bring to the local community, wildlife &amp; ecology.</li> <li>- Many other brownfield sites locally which should be utilised for new building before this rich woodland is destroyed.</li> <li>- Our local community would be devastated to lose this beautiful &amp; densely wooded field which is much enjoyed by local residents.</li> <li>- To permit destruction of a woodland planted to commemorate HM The Queen in this year of her Platinum Jubilee would be politically outrageous</li> <li>- 2012 The Queen’s Diamond Jubilee - trees planted - 2022 Queen’s Platinum Jubilee wood uprooted?!</li> <li>- Protect the important habitat for birds, bats and insects and ensure that woodland is available for education and recreation as was intended by its planting in perpetuity.</li> <li>- The pandemic has really brought home how vital fresh air, green space, parks and woodland areas are for our physical health and mental wellbeing.</li> <li>- The government is encouraging the creation of such areas.</li> <li>- Gloucestershire County Council is promoting the planting of trees, so destroying 2,000 trees that have already become firmly established is contrary to everything we are hearing both from the council and the government.</li> <li>- With proposed development at junction 1 of the M50 this wooded area will also help reduce carbon emissions from the proposed site and help with undoubted increased noise pollution.</li> </ul>

	<ul style="list-style-type: none"> <li>- Trees are an important element in the preservation of the climate.</li> <li>- It is the only wooded area in the village and is used by all ages within Twyning. We are constantly being told we should participate more in physical activities such as walking; such exercise is good for our mental health. Visitors from Worcester who were exploring the area last summer remarked how fortunate the village was to have a wood.</li> <li>- Last year BBC radio Gloucestershire encouraged its listeners to plant trees throughout the country. What a retrograde step it would be if this wood was destroyed because of a housing development.</li> </ul> <p>The following another 5 letters of support as summarised below</p> <ul style="list-style-type: none"> <li>- We need all the woodland we can get if we are ever going to reverse global warming, for goodness sake! Grubbing up maturing trees is a crime! Especially in this day and age.</li> <li>- There are barely any areas of woodland in the vicinity and this is quickly becoming a diverse natural resource with many species using it as cover.</li> <li>- It is notable that the site is rather unique within the locality as there are no similar sites of woodland within the Twyning Parish which are accessible by the general public. The woodland is around 3 ha and provides a good example of woodland for the locality.</li> <li>- Clearly visible woodland to the local inhabitants and visitors but within the woodland from on-site PRoWs or from other rights of way looking towards the parcel;</li> <li>- Local social and cultural benefits which would be impacted if any loss of trees comprising the woodland.</li> <li>- Collective impact to a network of woodland across the country in line with government ambitions for increased woodland creation.</li> <li>- Contribution to the rural nature of the vicinity.</li> <li>- Contribution to nature conservation and climate change mitigation.</li> </ul> <p>The woodland is not managed for arboriculture or silvicultural management, but rather remain as a woodland parcel with nature conservation value and green infrastructure value.</p>
51	<p><b>21/01509/FUL</b></p> <p><b>25 Paynes Pitch, Churchdown</b></p> <p>Since the preparation of the Committee report a further 10 objections have been received. These are summarised below:</p> <ul style="list-style-type: none"> <li>- The removal of the concrete fence posts will be harmful to ecology and in particular hedgehogs and these should remain in situ and fence panels replaced.</li> <li>- The height of the replacement fence should be at least the height of the existing fence due to the change in gradient and pedestrian safety.</li> <li>- The metal estate railings have been removed from the front of the proposed dwellings and the gradients are unsafe.</li> <li>- The fence should be extended along the whole length of the footpath to the front of plot 4 for health and safety reasons due to the gradient.</li> <li>- The retained fencing next to the footpath should be replaced with new fencing.</li> <li>- The retained fencing next to 4 Dunstan Glen should be replaced with new fencing.</li> </ul>

- The extended TPO which will include the new heavy duty trees planting should be subject to a planning condition (officer note: it is the council's intention to extend the TPO but this is not a matter to be controlled by planning conditions).
  - The residents wish to manage the community orchard and a change of ownership should be resisted.
  - The site enclosure plan should be modified to allow access to the enclosed parcel of land so that residents can manage the land.
  - There are insufficient bird and bat boxes and each dwelling should have a complete set.
  - Existing dwellings in Dunsten Glen have legal conditions restricting the parking of boats, caravans etc. Similar legal conditions should be imposed on the proposed dwellings.
  - The proposed dwelling should be subject to covenants to maintain landscaping and attenuation tanks and associated works.
  - The existing footpath should be blocked with planting to reduce pedestrian vehicle conflict.
- The recommendation remains as set out in the Committee report.

Item No. 5a – 21/00976/OUT - Land off Brook Lane, Twigworth/Down Hatherley

# FLOOD RISK in TWIGWORTH

## A record of failure

George Sharpley

1

Following increasing local concerns about worsening surface-water threats to properties and the failure of sewerage pumping stations, members of the communities of Down Hatherley and Twigworth met via Zoom on 29th March and again on 5th May 2021 with:

**David Hudson**, Environment Agency  
(Environment Manager, Gloucestershire)

**James Blockley**, Gloucestershire County Council  
(Principal Flood Risk Management Officer)

**Sandra Ford**, Tewkesbury Borough Council  
(Head of Development Services)

**Matt Jeynes**, Severn Trent Water  
(Waste Team Manager Worcestershire & Gloucestershire)

2

At these meetings we presented evidence of surface-water (pluvial) flooding during the winter of 2020/1, especially on the new building sites at

**Twigworth Green (Bovis Homes)**

and

**Yew Tree Farm (Wainhomes)**

There follows a summary of the evidence we presented.

3

This map shows both building sites marked in red. The dotted lines show sites with planning applications in process. The blue locates the photograph on the following page.



4

TWIGWORTH GREEN (24 December 2020)



5

Some weeks later, when the floodwater had to some extent cleared, the following photographs were taken from a drone.

The first two pictures show Twigworth Green.

The third page shows the neighbouring Wainhomes site at Yew Tree Farm.

6

TWIGWORTH GREEN (5 February 2021)



TWIGWORTH GREEN (5 February 2021)



YEW TREE FARM (5 February 2021)



9

Contractors and builders were unable to continue their work at Yew Tree Farm for some weeks.

Twigworth Green were also significantly hampered, although by the time this picture was taken the site had been partially drained by several industrial pumps clearing water to the Hatherley Brook.

10

The following map shows the authorities' pluvial flood map, with the building sites marked in red.

This map is used by developers when they submit their Flood Risk Assessments.

11

Pluvial floodrisk map



12

At our meetings with agencies, members of the community pointed out the inaccuracy of this flood map.

It is not the first time the vulnerability of this area to surface-water flooding has been raised with councils and agencies.

It is not the only location where surface-water flood risk is very poorly mapped.

13

On 16th July 2021, in further exchanges following our two meetings, David Hudson of the Environment Agency replied to some of our concerns:

George Sharpley, resident of Twigworth:

“Am I correct to infer that you agree that the official pluvial flood map is not accurate (and therefore not a safe guide for planners)? The evidence is overwhelmingly so, but it needs to be acknowledged by the relevant authorities.”

David Hudson (Environment Agency) in reply:

**“They (the flood maps) are, I believe fit for purpose.”**

14

On 28th June, after similar email exchanges, James Blockley of Gloucestershire County Council wrote the below about Twigworth Green, despite our sharing video and photographic evidence of the site overwhelmed with flood water, of pumps channelling water off the site, and of properties neighbouring the site experiencing unprecedented water ingress.

**“Twigworth Green’s SuDS performance over the winter was not reviewed by the SuDS Engineer; we believe there was no need as there were no flood problems over the winter 2020/2021 that could be attributed to the developments at Twigworth.”** James Blockley, Glos Cty Council, 28th June 2021

15

The concerns and the flood evidence of residents of Twigworth and Down Hatherley have been systematically disregarded now for some years.

It is continuing.

16

Tewkesbury Borough Council will soon be making a decision on a planning application for 164 houses, in a field between Brook Lane and Ash Lane, which borders both the Yew Tree Farm and Twigworth Green sites.

This below is from the letter of the statutory consultee on flooding, Gloucestershire County Council's Local Lead Flood Authority (13th Sep 2021):

**“Surface water flood mapping indicates the site is not at risk of surface water flooding.”** David Lesser, Sustainable Drainage Engineer

A picture of the site follows.

17



December 2020

18

Here is another inaccurate flood map from a recent application for 32 houses at the corner of Down Hatherley Lane and the A38. The flooding shown in the three photographs happens a lot more frequently than 1-in-75 years as shown in the diagram. The flooding of the road (bottom left) apparently last happened just after the reign of William the Conqueror.



19

This house close to Ash Lane is one of a cluster under construction. The blue pipe is transferring water to the drain. Is it any wonder residents were flooded and the pumping station failed when water that would previously sit in the fields is added to the sewers?



January 2021

20

And so it goes on.

The same can be said for sewerage. The Ash Lane pumping station in Down Hatherley failed last year, overwhelmed with flood water, which contributed to an unprecedented level of flooding of houses and properties in the Ash Lane area. It is evidently vulnerable to failure during major rainstorms. The pumping station has received some remedial attention from Severn Trent, but whether it will cope with the huge increase in usage from new developments remains to be seen. Residents believe that the next flood will once again cause it to fail, if it doesn't before. If the JCS allocation is followed through, it will be expected to cope with the sewage of hundreds of additional houses.

Two pumping stations in Twigworth also failed during the flooding last winter. These, to my knowledge, have not had any remedial work, despite being a part of the sewerage route, along with Ash Lane, for new developments.

We brought this to the attention of Severn Trent's Matt Jeynes, including the daily stench emanating from the Twigworth pumping station close to the entrance to Wallsworth. This remains ignored, except of course by residents close by.

21

The poet Ivor Gurney called these fields now under development Gloucestershire's 'water meadows'.

These meadows have for centuries acted as a sponge, holding water, with a very slow discharge.

The failure of people charged with monitoring our flood risk to record accurately the flood potential of these meadows of course puts many of us at risk. The truth is, soon, the sites under construction will indeed be relatively free of flood risk. For the ground will have been raised and covered with tarmac and concrete - with inevitable consequences for others nearby. The counter argument is that the attenuation ponds (SUDS) will compensate so that water run-off represents no greater threat off site than it did before. Of course, it becomes increasingly difficult to check such an assertion, as who has recorded or measured the previous run-off? And the assertion is ever more wobbly when we see the hopelessly inadequate assessments of flood potential before building started.

As those of us living close to these sites see an increasing volume of pluvial flood-water enter our properties, I suspect our official experts will try to pass it off as climate change.

George Sharpley  
Twigworth  
24th November 2021

22

If you have evidence or comments to add, please contact your parish council:

Twigworth: George Sharpley: [REDACTED]

Down Hatherley: David Evans: [REDACTED]

Also available:

**Rainfall Patterns in Twigworth** (George Hedley & Neville Cowin, 2021)

**Observations on the Hydrology of Twigworth** (Professor Ian David Cluckie, FREng, Acad.CAE, FRSA, 2017)

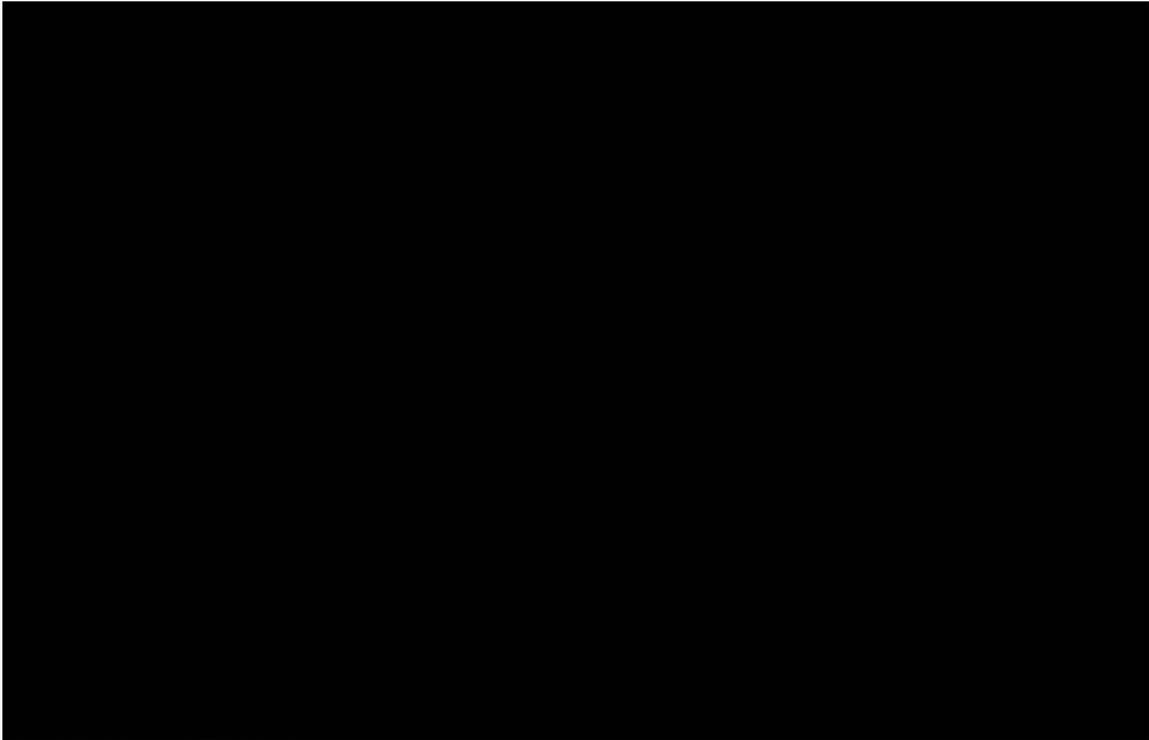
**Video: floodwater flowing off Twigworth Green** (Chris Weaver, 2021)

**Twigworth Flood Threats - The Village Evidence** (George Sharpley, 2017)

*And how we got into this mess in the first place:*

**Poor planning leaves flood threat worse for Twigworth** (George Sharpley, 2021)

Item No. 5d – 21/00938/FUL – Poplar Farm, New Road, Woodmancote



Sent: 05 February 2022 18:52

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Poplar Farm Planning Application

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**CAUTION:** This message originated outside of Tewkesbury Borough Council's network.  
**THINK TWICE** before clicking links or attachments.

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Hello Gemma

Please can you withdraw our previous email (sent 3/2/2022 at 11.30) and use this updated version instead. It has been amended at the paragraph starting "Severn Trent (and by agreeing with them) .."

Thanks

[REDACTED]  
Clerk

**Poplar Farm Planning Application**

In my capacity as Flood Warden of Woodmancote, I have this week had emails from David Lesser in response to questions and two telephone conversations with Dr Roger Swan of Severn Trent.

I am not an engineer, my only credentials being my geography degree and a career teaching it in secondary school and much reading around water and it's management. I hadn't come across a hydro brake until this application came in.

My gut feeling is that the water management plan needs more investigation.

Conversation with Dr Roger Swan:

1. Severn Trent do not want excess water in their combined sewer. They, I am told ( by Roger Swan) also actively promote development.
2. They agreed to it (Poplar Farm) as it is in their mind the least disagreeable option. They would prefer water to go directly into a river or into the ground. They did consider routing excess water into the Honeybourne Brook (this is the watercourse that runs alongside Stockwell Lane, Chapel Lane and then into the balancing pond behind Whitehouse Way, therefore adding to the flood burden of Chapel Lane). The option of filtration into the ground will be taken away by building 8 houses. They only accepted the hydro brake solution by "agreement".
3. The combined sewer currently already serves the houses that are close to it, taking both foul and storm water.
4. The combined sewer is 300mm diameter.
5. The combined sewer is deep and flows towards Two Hedges Road where I already see problems during heavy rain.
6. Severn Trent were not aware of the surface water flooding issues in Woodmancote and therefore couldn't understand why their sewers see heavy usage. Dr Swan wanted to speak to me about this. We had a long conversation, he now knows about surface water flooding in Woodmancote, and has been sent a flood map and photographs. We also discussed works on the hill currently being conducted as part of the Woodmancote Flood Risk Betterment scheme.
7. Severn Trent are wanting to protect their sewers by keeping excess water out.
8. In my opinion the proposed hydro brake is not mechanical. It involves baffles to slow the flow of storm water into their sewer. If it later proved desirable to retro fit a mechanism to speed the flow up it would mean fitting a new larger Hydro brake with all of the upheaval that would entail.
9. If velocity of water exiting the hydro brake had to be increased it would create more risk downstream.
10. The plan is to hold water on site I believe in underground crates. ( Dr Swan did not address the issue that might occur if the crates were not discharged and we had storms in quick succession as in 2007 - They were just three weeks apart).

██████████ answered my questions via email.

" I am writing to you in my capacity as flood warden for Woodmancote. I am aware that you have spoken to Councillor James Nicholson-Smith concerning flood matters regarding this development. I do have a couple of questions for you.

I understand that excess surface water will vacate the site via a hydro brake into the combined sewer; which drains I believe in the direction of two hedges Road. I already have concerns over to hedges Road as the normal road rains cannot cope during some storms and I am aware of a vulnerable family living close to the bridge. I would like to know what the capacity of the combined sewer might be how much of Woodmancote is able to access the combine sewer and whether or not it would stand up to a 2007 sized event? Also how much water would remain as surface water on the Poplar farm development and could possibly impinge on residents of chapel Lane?"

I look forward to receiving your reply.

██████████ replied:

"You are correct, the surface water is being discharged to the combined sewer in New Road which does drain in the direction of Two Hedges Road, this is the way the managed surface water from Poplar Drive goes.

The combined sewer is owned and managed by Severn Trent and you would need to contact them to answer questions about the sewer capacity. The other alternatives would be to connect to the surface water sewer in East Gable or to the watercourse in Chapel Lane. I would probably prefer one of these options but they would require access across third party land and through

other residents gardens where there is little space between houses and so these are not viable options.

Given the viability of the combined sewer - then Severn Trent are legally obliged to accept discharge to it - or if they are concerned about the capacity - they may be able to force a connection to one of their other assets, such as the sewer in East Gable using legal powers to gain access to the third party land. As you can imagine, this would not be a favoured option as Severn Trent would not be popular with the third parties involved should they do so.

Also, given the viability of the option, there are no grounds for objection to the development on a surface water drainage basis.

The surface water drainage that is discharged to the combined sewer will be any that lands on hardstanding or impermeable areas such as building roofs and it will be attenuated with a controlled discharge rate (2 litres/ second). Any other surface water will go the way it currently goes, obviously there will be less than there is currently as it will flow as it currently does minus the water from any hardstanding and impermeable areas.

I hope this addresses your questions"

In my capacity as Flood Warden - I have concerns in that:

1. Severn Trent did not realise that Woodmancote suffers from surface water flooding when they provided their initial feedback to [REDACTED]

2. Dr Swan has not visited Woodmancote and needed clarification regarding location, geography and underlying geology. Severn Trent are allowing access to the combined sewer by agreement, [REDACTED] r thinks it is their legal responsibility

3. [REDACTED] r did not know the capacity of the combined sewer that was referred to Severn Trent. The comment was made that if Severn Trent had doubts about the scheme and the capacity of their sewer then they should make arrangements to divert the excess water elsewhere within their local network. Thankfully no mention was made of using the Brook .

Is the water management plan really viable? I am not sure given that Severn Trent were unaware of surface water flooding issues in Woodmancote and that is the basis of the whole water management plan.

Severn Trent (and by agreeing with them [REDACTED] r think the water management plan would cope with a 100 year flood ( that terminology no longer in use). For Woodmancote, both 2007 and 2020 were such events. I am not deeply concerned that this conversation took place with neither party having the right facts ie David Lesser did not know the diameter of the Combined Sewer and Dr Swan was unaware of the surface water flood history of Woodmancote.

I have further concerns regarding the ongoing monitoring and management of the drainage plan ( including the hydro brake) after construction and ownership has been transferred to new residents.

Kind regards

[REDACTED]  
Woodmancote Parish Council Flood Warden

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