

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 21 June 2022 commencing  
at 10:00 am**

**Present:**

Vice Chair, in the chair

Councillor R D East

**and Councillors:**

K Berliner (Substitute for J K Smith), R A Bird, G F Blackwell, R D East, M A Gore,  
D J Harwood, M L Jordan, E J MacTiernan, J R Mason, J P Mills, P W Ockelton, A S Reece,  
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 and P D McLain

**PL.3 ANNOUNCEMENTS**

- 3.1 The Vice-Chair took the chair for the meeting and the evacuation procedure, as noted on the Agenda, was advised to those present.
- 3.2 A brief outline of the procedure for Planning Committee meetings, including public speaking, was provided.

**PL.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 4.1 Apologies for absence were received from Councillor J K Smith. Councillor K Berliner would be a substitute for the meeting.

**PL.5 DECLARATIONS OF INTEREST**

- 5.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 5.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
R A Bird	Agenda Item 5g – 22/00511/FUL – 5 Haycroft Close, Bishop's Cleeve.	Is the applicant.	Would not speak or vote and would leave the room for consideration of this item.

G F Blackwell	Agenda Item 5i – 22/00375/FUL – 5 Winston Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
M A Gore	Agenda Item 5h – 20/00559/OUT – Land to the South of The Pheasant Inn B4632, Newtown, Toddington.	Had spoken to residents in relation to the application but had not expressed an opinion.	Would speak and vote.
M L Jordan	Agenda Item 5i – 22/00375/FUL – 5 Winston Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
J R Mason	Agenda Item 5e – 21/00496/FUL – Land West of Delavale Road, Winchcombe.	Is a Member of Winchcombe Town Council but does not participate in planning matters.	Would speak and vote.
P W Ockelton	Agenda Item 5d – 21/00821/APP – Land North of Innsworth Lane, Innsworth.	Is a Member of Innsworth Parish Council but does not participate in planning matters.	Would speak and vote.
A S Reece	Agenda Item 5g – 22/00511/FUL – 5 Haycroft Close, 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 5i – 22/00375/FUL – 5 Winston Road, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.

5.3 There were no further declarations made on this occasion.

## **PL.6 MINUTES**

6.1 The Minutes of the meetings held on 19 April and 17 May 2022, copies of which had been circulated, were approved as a correct record and signed by the Vice-Chair in the chair.

**PL.7 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

- 7.1 The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.
- 7.2 A Member sought clarification on the position with the Tewkesbury Borough Plan as she noted that, despite it having been adopted on 8 June 2022, the Council still could not currently demonstrate a five year housing land supply. She understood that a count would be taking place and she asked when that could be expected and why it could not be done now. The Corporate Director indicated that this question had been raised at the Council meeting when the Tewkesbury Borough Plan had been adopted and she explained that sites had to be deliverable, therefore, it was necessary to update figures relating to planning permissions, lapses and starts and build rates to establish what was likely to come forward. This would involve discussion with developers and information from other parties rather than simply totting up the number of planning permissions granted. The Planning and Enforcement Team Leader (South) advised that the Interim Planning Policy Manager had provided a briefing for Members to explain the position, but it was his understanding that the counting team was out now with a view to having a figure by August/September.

**22/00523/OUT - Land off Brook Lane, Twigworth/Down Hatherley**

- 7.3 This was an outline application for residential development of up to 160 dwellings, associated works, including demolition, infrastructure, open space and landscaping with vehicular access from the A38. All matters were reserved. The Planning Committee had been to visit the application site in relation to duplicate application 21/00976/OUT on Friday 14 January 2022.
- 7.4 The Planning Officer explained that 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 fell 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' and was required for access, service and surface water drainage. This additional land was located within Down Hatherley Parish, Twigworth Parish and Innsworth Parish. To the immediate north of the site was Norton Garden Centre and several properties along Brook Lane were located immediately to the west. To the east were the properties on Ash Lane; an intervening parcel of agricultural land separated the site from some of those properties. To the south of the site, beyond a parcel of agricultural land comprised the 'Land at Twigworth' development. The application site formed part of the strategic allocation Innsworth and Twigworth 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 including demolition, infrastructure, open space and landscaping. All matters were reserved for subsequent approval; however, whilst access was reserved for future consideration, an application for outline planning permission must also indicate the area(s) where access points to the development would be situated. Based on the plans submitted, it was proposed that access to the site from the public highway would be provided from the new roundabout off the A38. 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. This

application sought permission for the same development proposal and would occupy the same site area as another application which Members would be aware of (Reference: 21/00976/OUT); in essence, the application before the Committee today was a duplicate application. The applicant had submitted an appeal to the Secretary of State against non-determination of application 21/00976/OUT and, at the Planning Committee meeting on 19 April 2022, Members had resolved that, had the Council been the determining authority, it would have refused the application for three reasons: the proposed development would not adequately provide for education facilities; would not secure a mixed or balanced community or satisfactorily meet the needs of the local area; and, in the absence of a completed planning obligation, there were no arrangements for the direct implementation or financial contribution towards education and library provision, affordable housing, recycling, a Travel Plan, highway infrastructure improvements and the provision of Locally Equipped Area of Play on site. As part of the current application, the applicant had submitted three draft planning obligations by way of Unilateral Undertakings which sought to secure, inter alia, a policy compliant affordable housing quantum, mix, tenure and the contributions requested by the Local Education Authority towards secondary education provision. In addition, the applicant had confirmed they would enter into a separate planning obligation with regards to the primary school transport funding by way of a bilateral agreement. Subject to successful negotiations and the completion of Unilateral Undertakings, the putative refusal reasons on the original application would have been addressed. As set out in the Additional Representation Sheet, attached at Appendix 1, the Unilateral Undertaking with Tewkesbury Borough Council had been agreed and Gloucestershire County Council and the applicant had agreed the Unilateral Undertaking for the secondary education, libraries and highway obligations. The latest draft of the bilateral agreement relating to the primary school transport funding was still being reviewed by the applicant; however, it was hoped that matter would soon also be agreed.

- 7.5 Taking account of all the material considerations and the weight to be attributed to each one, and on the basis the putative refusal reasons on the original application had been addressed, it was considered that the identified harms would not significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole and it was recommended that authority be delegated to the Development Manager to permit the application, subject to the resolution of the remaining outstanding matters i.e. satisfactory conclusions in respect of the contribution towards primary school transport funding, confirmation from Natural England that the Shadow Habitats Regulation Assessment was acceptable, no adverse objections raised by representation received from the press notice which could not be successfully overcome, the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure the obligations listed in Paragraph 7.89 of the report (not Paragraph 7.87 as detailed in the Committee report and on the Additional Representations Sheet). The Planning Officer indicated that this was a revised recommendation because several of the outstanding matters had successfully been addressed. The Planning Officer apologised for an error in the Additional Representations Sheet under the 'Additional Representations' section which stated that a further seven representations objecting to the proposed development had been received which should read "new matters of concern have been raised" as opposed to "the following new material considerations have been introduced".

- 7.6 The Chair invited the representative from Down Hatherley Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council was at a loss to understand why the duplicate application was allowed to be made when there was an appeal outstanding against the original application which the Committee was minded to refuse. The submission of the duplicate application seemed to be a tactic by an aggressive developer to circumvent previous concerns and decisions which held up its 'Blitzkrieg' approach to obtaining outline planning permission on a site targeted in its crosswires for easy profit. The Parish Council noted the draft Unilateral Undertakings on affordable housing and education which the Planning Officer clearly deemed sufficient to change the recommendation for this duplicate application but, as laypersons, the Parish Council was unsure of what these Unilateral Undertakings actually committed the developer to once the objective of outline planning permission was achieved. Important as that issue was, it was not the primary local concern which the Parish Council had consistently articulated and long evidenced which had been equally consistently ignored. The Parish Council representative did not intend to repeat the arguments surrounding the flooding issues and the outdated Environment Agency flood maps leading the Council to make flawed decisions on the flood risks, the creaking sewage and waste water infrastructure – particularly the overburdened, ancient pumping station in Ash Lane – and the questionable legality of the proposed access across the Brook Lane unadopted, private road and bridlepath. Following the Committee's discussion on those concerns when the original application was considered, Members had rightly deferred the application for further investigation. The Parish Council had expected this to result in follow-up consultation with the Environment Agency, Severn Trent Water and the Lead Local Flood Authority in order to evaluate the long-standing claims the Parish Council and many other local residents had repeatedly brought to the Council's attention but that had never happened. From a local perspective, those concerns had yet again been kicked into the long grass and, as always, it was the developer who held all the aces. The developer would undoubtedly say that all of the issues could be dealt with by condition but that was now the crux of the problem as local residents in the surrounding settlements did not trust the developer, or sadly the Planning Authority, to protect them from these very serious concerns. What the Parish Council needed was to see these issues dealt with upfront before any permission was granted.
- 7.7 The Chair invited the representative from Twigworth Parish Council to address the Committee. The Parish Council representative indicated that Twigworth and Down Hatherley had been included in the Joint Core Strategy and it had been claimed that flood risk would be manageable provided there was a coordinated and integrated approach across the area. The Parish Council reminded Members of an old culvert running down the A38 which the Committee had been persuaded would drain the new development at Yew Tree Farm allowing the water to pass down to the Hatherley Brook; this was based on assurance by the Lead Local Flood Authority that the pipe was certainly working for part of the way and apparently someone would have the rest checked. Three years on, with many of the houses built, it was still unclear whether the culvert was in working order which did not suggest a coordinated and integrated approach. Last year, the site at Twigworth Green had used several industrial pumps for weeks on end to clear surface water, flooding the Hatherley Brook and beyond. Unbelievably, the developers and the Council had claimed that the greenfield run-off would be matched, or even improved upon; however, even after all of the flooding around the site, the Lead Local Flood Authority decided not to include it in its county review. It was noted that the recent flood report on Brook Lane recommended a number of things be checked and the Parish Council questioned whether they had been. The Parish Council view was that the developer and the Planning Authority appeared to be oblivious to the reality that residents would continue to be flooded by run-off from the raised, built-upon water-meadows which could not be passed off as a result of climate change.

- 7.8 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that the issues of flooding and sewage had already been referenced so she intended to focus on access and schools. In terms of access, Brook Lane was privately owned and maintained by residents; it was also a bridleway which would be blocked, or crossed, by the access road to the development and she questioned the legality of this. There had been no communication or consultation with residents about the proposed development or the use/obstruction of the lane despite numerous requests to the developer for a meeting. The junction of 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 accessing parts of that end of Ash Lane. If the development was to go ahead, local residents wished to see a condition to ensure there was no access from Brook Lane or Ash Lane for any construction or survey vehicles. In relation to schools, there were no school places – primary or secondary - for the children already living in Down Hatherley, let alone those from another 160 properties, so any school children would be adding to the carbon footprint they were being educated to reduce. The consultation leaflet on the original application for this development pitched it as being in Twigworth, not Down Hatherley, making it appear to be part of the new development already underway which was deliberately misleading. The local resident indicated that 160 additional homes would double the size of Down Hatherley and the local property character referenced by the developer was flawed as it showed all houses when the surrounding Brook Lane and Ash Lane were a 50/50 mix of houses and bungalows and there were single level properties at Orchard Park, again misleading those without knowledge of the local area. The local resident was shocked that the application was recommended for delegated permit given that the original application, of which this application was a duplicate, was unanimously voted as minded to refuse and was currently going through an appeal. In her view, this application should not have been allowed to be submitted; developers were playing mind games and using bully boy tactics and she urged Members to refuse this duplicate application – not doing so would make a mockery of the planning process.
- 7.9 The Chair invited one of the local Ward Members for the area to address the Committee. The local Ward Member indicated that this development was to meet the housing needs of Gloucester City and Tewkesbury Borough Council had no legal obligations from Gloucester City's needs not being met. Members had already heard about flooding and other issues so he intended to go to the crux in planning terms which was infrastructure. The local Ward Member noted that the planning system had three overarching objectives and, in terms of the social objective, Paragraph 8b) 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 that the strategic allocation would be expected to deliver new primary and secondary schools and facilities. He indicated that there was no capacity for school places in the area and it had already been identified that this development did not comply with the Department for Transport 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 by 2023. Even if the required payments were made, it was contrary to the overarching objectives of the National Planning Policy Framework Paragraph 8b) and 11 as well as Policy INF4 and INF6 of the Joint Core Strategy. He felt this was too important to leave for later under condition as it would create a dogfight for education spaces

in the area. Transport costs for schooling would make the affordable homes unaffordable, or increase truancy, and that could not be allowed to happen. The impact of these shortages highlighted the adverse impacts of permitting development that significantly and demonstrably outweighed its benefits. The Council should not set a precedent of building houses without basics such as schooling provision and he urged Members to refuse the application, or at the very least defer it until the infrastructure was in place to deliver it in a manner compliant with the national requirements and the Council's vision for Tewkesbury Borough. If the Committee did resolve to permit the application, he hoped the applicant would have enough respect for the community to withdraw its appeal and stand by its commitments here.

- 7.10 The Chair indicated that the Officer recommendation was to permit the application, subject to the resolution of the remaining outstanding matters i.e. satisfactory conclusions in respect of the contribution towards primary school transport funding, confirmation from Natural England that the Shadow Habitats Regulation Assessment was acceptable, no adverse objections raised by representation received from the press notice which could not be successfully overcome, the addition/amendment of planning conditions as appropriate and the completion of an agreement to secure the obligations listed in Paragraph 7.89 of the report, and he sought a motion from the floor. A Member noted this was an identical application to the one which was being determined by the Inspector at appeal and she sought clarification as to whether the application before Members had to be determined today. She questioned why the developer had submitted an identical application and how much it cost the authority to get the application to this stage as, in her opinion, they were trying to beat the housing land supply calculation. In response, the Planning and Enforcement Team Leader (South) explained that there was no reason why Members should not be able to determine the application before them. His understanding was that the application had been submitted to overcome the putative reasons for refusal of the application that was currently at appeal. The previous application had not been refused for any technical issues, for example, highways or drainage, it was only refused on the grounds there was no agreement on Section 106 obligations; the current application proposed to address all of those matters and there was mutual agreement on those, therefore, there was no technical reason to withhold planning permission today. He was unsure of the costs in terms of time and resources but obviously it was open to applicants to submit applications if they so wished. The Member felt that all of the information that had gone to the appeal could have been negotiated with the appeal Inspector rather than submitting a new application. In response, the Legal Adviser explained that, in relation to the duplicate application points, Government guidance was quite clear that, if there was a problem with an application, it was recommended that the developer and the local authority enter into negotiations to try to resolve and that was what had been done here. The application before Members was valid, and was recommended in order to stop an appeal going ahead; if Members were minded to permit the application, it was likely the appeal on the earlier application would be withdrawn saving the costs and time of the Inquiry itself.
- 7.11 It was proposed and seconded that the application be refused due to concerns about the access, drainage - in particular because it was using the sustainable urban drainage system specifically for the Twigworth site - and the problems with water pressure in the area. The proposer of the motion felt that, in light of the comments made, the appeal in relation to the original application should be allowed to go ahead. In his view, the duplicate application was ridiculous and there were still a lot of unanswered questions. The Planning and Enforcement Team Leader (South) reminded Members that the application currently at appeal had not been refused on drainage or highway grounds; it had initially been deferred by the Committee to obtain specialist independent advice on those two matters. Both of the consultants that had been engaged for that purpose had attended the Planning

Committee meeting in April and had advised that refusal of the application could not be justified on those grounds. As he had stated earlier, the only valid reasons for refusal were the putative ones which were effectively a disagreement on the financial contributions towards various pieces of infrastructure, therefore, his advice was that Members could not introduce other reasons now given that this was essentially an identical application. The proposer of the motion to refuse the application indicated that, whilst he respected the Officer point of view and the legalities which they must inform the Committee upon, he still had concerns about issues not covered by the putative reasons – to his mind, the Committee had deferred the original application for additional information but that had not been found to be satisfactory as the Committee had still been minded to refuse the original application. The Legal Adviser reiterated that this was a valid application; the original planning application was subject to a non-determination appeal and Members had given putative reasons for refusal and these formed the basis of the Council's case for appeal. The current application endeavoured to address those refusal reasons and, therefore, to remove the need for the appeal. If Members decided to accept the Officer recommendation for a delegated permit, the likely outcome would be that the Unilateral Undertakings and Section 106 Agreements would be transferred to the original application which meant there would be no grounds to object to or refuse the application at appeal. It should be borne in mind there would likely be a costs application made against the Council at the appeal if there were no valid grounds for objection. The Planning Officer clarified that the reasons for refusing the original application were outlined at Paragraph 1.12 of the Committee report and there was no mention of drainage or highway infrastructure as the Officer had recommended in the report that those matters had been successfully addressed. In light of this advice, the proposer of the motion to refuse the application indicated that he wished to withdraw that motion and instead proposed that the application be deferred pending the outcome of the appeal.

- 7.12 A Member indicated that he still failed to understand why the developer had submitted a duplicate application rather than approaching the Officers to resolve the issues with the Unilateral Undertakings and Section 106 Agreements. The Legal Adviser indicated that normally, in the case of an appeal, an applicant would endeavour to address the grounds for refusal; however, in this instance, the applicant had decided not to agree the Unilateral Undertakings and Section 106 Agreements for the appeal but instead to address this via a duplicate application. They were perfectly entitled to do that whether or not Members considered this to be a logical approach. The Member asked whether, if the Committee delegated authority to permit the application today, there was any way the developer could renege on the Section 106 Agreements. The Legal Adviser confirmed the developer would be entering into legal agreements and, generally speaking, all obligations were complied with. If they were not it was open to the Council to take the appropriate action to enforce compliance.
- 7.13 A Member indicated that he would be willing to second the motion to defer the application but felt this should be on the basis that the school transport obligation had yet to be agreed. Based on his own experience with applications in his Ward, he shared the concerns that had been raised about the developer complying with the legal obligations. He felt it would be safer to defer the application until all of the outstanding matters had been resolved to give Members as much assurance as possible. With regard to the suggestion by the seconder of the motion to defer the application that this should be on the basis that the Section 106 Agreement on school transport contribution had not been agreed, the Legal Adviser confirmed that matter could be dealt with under delegated powers so that permission would not be granted until the contribution had been agreed by the Local Education Authority. Given that an agreement on this matter was close to being reached, to defer the application may expose the Council to a costs application at the appeal. A Member asked whether, if the original application went to appeal with no Section 106



Agreements and the current application was refused or deferred, there was a risk of ending up with a development without satisfactory Section 106 Agreements. In response the Legal Adviser explained it was possible but he would normally expect the agreed Section 106 Agreements to be transferred to the appeal; however, the developer did not have to do that and could look to renegotiate what was in the Unilateral Undertakings.

- 7.14 The proposer of the motion to defer the application raised concern about the fact that the Council could still not demonstrate a five year housing land supply meaning that the tilted balance was engaged, a factor that would be raised against the Council at every appeal. He recognised this was a strategic site so development was going to happen but it needed to happen in the right way and he believed the case being made by the Council at appeal was justification enough for a deferral – the appeal was going before the Inspector next month so a decision would be forthcoming shortly and he felt the current application should be deferred given it was a duplicate of the subject of the appeal. The Legal Adviser stressed that the fact it was a duplicate application was to an extent irrelevant from the point of view that it was an application which needed to be determined by the Planning Committee on its planning merits - deferral on the basis of appeal was not a valid planning reason. The proposer of the motion indicated that, having considered that advice, he would nevertheless seek a deferral for the detail of the Section 106 Agreement in respect of the school transport contribution to be brought back to the Committee to ensure that it had been satisfactorily addressed by the applicant. The Planning Officer explained it was the Committee's usual practice to delegate authority to the Development Manager to finalise the legal agreements, it was not normally the case for an application to be deferred in such circumstances. The Planning and Enforcement Team Leader (South) reiterated that it was unusual for the Committee to require completed Section 106 Agreements although he could understand, given the applicant's previous reluctance to provide an Agreement, where Members were coming from. It was further pointed out that, if the application was deferred pending completion of the Section 106 Agreement, the appeal Inquiry was not starting until August so it was possible that this matter would be resolved ahead of the Planning Committee meeting in July. A Member indicated that the Committee report stated that the Inquiry was in July so she was surprised to hear it was now going to be August; notwithstanding this, the Committee was entitled to make a decision that was not in accordance with the Officer recommendation.
- 7.15 Upon being put to the vote, it was
- RESOLVED** That the application be **DEFERRED** due to the absence of a completed Section 106 Agreement in relation to the contribution towards primary school transport funding.

### **21/01392/OUT - Land North and South of Newent Road, Highnam**

- 7.16 This was an outline application for the erection of 95 dwellings and up to three hectares of commercial space associated with the expansion of Highnam Business Centre as well as associated infrastructure with all matters reserved except for access. The Planning Committee had visited the application site on Friday 17 June 2022.
- 7.17 The Planning Officer advised that the application site related to two parcels of agricultural land to the west of Highnam. The northern parcel was separated from the southern parcel by the B4215 Newent Road. The parcel of land to the north was rectangular in shape and comprised part of a large arable field extending to approximately 4.4 hectares. The land fell gently in a north westerly direction and was bounded to the east by the recently constructed residential development along Lassington Lane and open countryside to the north and west. The southern boundary was defined by the B4215. The parcel of land to the south of the B4215

was irregular in shape and occupied the north-west corner of a much larger arable field that extended away to the south-east. The site extended to approximately 3.06 hectares and, topographically, the land fell in a south westerly direction. That part of the site was bounded by open countryside to the southern and eastern boundary with Two Mile Lane to the west and the existing Highnam Business Centre to the north-west. The B4215 Newent Road ran along the northern boundary. Neither parcel of land was subject to any land designations; however, the parcel of land to the south was crossed by two Public Rights of Way and a further Public Right of Way ran along the northern parcel of land. There were also several designated heritage assets within a one kilometre radius from the site. This application was made in outline with all matters reserved for subsequent approval except access; however, the application documented a series of parameter plans which indicated how the quantum of development could be delivered and a Design and Access Statement which set out the rationale for the development. An Illustrative Masterplan showing the indicative layout for the proposed residential development was also included in the Design and Access Statement. The proposed development sought to provide up to 95 dwellings on the northern parcel of land and up to three hectares of commercial space (Class E, B2 and B8) as well as associated infrastructure works on the southern parcel of land. A new vehicular access was proposed to be created from the B4215 to serve the residential development and the existing vehicular access to the Highnam Business Centre would be utilised to serve the proposed commercial development. The proposed commercial development would be located within an area allocated as an extension to the Highnam Business Centre under Policy EMP2 of the adopted Tewkesbury Borough Plan and within the Highnam Neighbourhood Development Plan; however, the area outlined for development on that parcel of land exceeded the area of land allocated for expansion, although the amount of built form proposed would be in accordance with the quantum of the allocation. An assessment of the material considerations for the application was set out at Pages No. 115-133 of the Committee report and, when taking those into account, along with the weight to be attributed to the benefits and the known harms identified, it was considered that harms would not significantly and demonstrably outweigh the benefits in the overall planning balance. It was therefore considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole. As set out in the Additional Representations Sheet, attached at Appendix 1, several of the outstanding matters detailed in the Committee report had been resolved, therefore, the Officer recommendation had been revised to delegate authority to the Development Manager to permit the application, subject to the submission of the Naturespace Development Assessment and Certificate; the results of the trial trenching work being acceptable; the addition to/amendment of planning conditions as appropriate, if necessary; and the completion of an agreement to secure the heads of terms listed in Paragraph 7.88 of the Committee report.

- 7.18 The Chair invited the representative from Highnam Parish Council to address the Committee. The Parish Council representative indicated that the Parish Council did not object to the principle of increasing the size of Highnam Business Centre as that accorded with Policy B1 of the Highnam Neighbourhood Development Plan 2017 which stated that proposals to extend Highnam Business Park up to around twice its current size would be supported; however, this proposal would treble the size of the existing site to three hectares against an allocation of only 1.9 hectares in the Joint Strategic Plan. Whilst the intention to increase the width of Two Mile Lane was welcomed, the Parish Council remained extremely concerned that there were no plans to improve the actual junction of the lane with the B road. Vehicles approaching the junction were denied adequate visibility eastwards which was already a major traffic safety hazard. The Parish Council questioned the fundamental need for the development at this stage given the increase in working from home and compelling evidence of a significant underutilisation of existing office

accommodation in nearby Gloucester City. The Parish Council had major concerns and objections in relation to the proposed residential development to the north of the B4215 as the Neighbourhood Development Plan made no provision for additional residential development in that location. Policy H2 of the Highnam Neighbourhood Development Plan stated that design and visual character of any new development in Highnam should make a positive contribution in forming a sense of place, yet this proposal, which had no provision for either internal vehicular access or a deliverable means of providing pedestrian or cycleway access to the existing core of the village, created an entirely separate development enclave which would add nothing to community cohesiveness. Furthermore, the application was contrary to the provisions of the Joint Strategic Plan and outside of the village settlement boundary. The Parish Council's greatest concern was the proposed additional vehicular access onto the B4215 which was on a blind bend. This would create a sixth access along a 500m stretch of road with a significant and potentially dangerous increase in traffic movements onto and off the road. The Inspector's Examination report in relation to the recently approved Tewkesbury Borough Plan calculated that the borough could now demonstrate a 7.15 year housing land supply but that was contradicted at Page No. 116, Paragraph 7.8 of the Committee report which stated that the Council could still only demonstrate a 3.83 year supply. The representative from Highnam Parish Council urged Members to refuse the application.

- 7.19 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that he was speaking on behalf of residents of Lassington Reach, the most recent development completed in 2019 and adjacent to the proposed site. He stressed that the residents encouraged improvement and investment in the village, including potential new development; however, they wanted to ensure that any changes would not be detrimental to the community or new villagers as Highnam expanded. As such, he wished to raise five issues and suggest how they could be resolved. Firstly, having moved to Lassington Reach, he had first-hand experience of trying to integrate into an established village community which had not been easy; this application would create further division due to limited pedestrian and vehicular access and would cause an island effect as the development was completely segregated from the village. The local residents felt this should be reviewed to make it more inclusive. The proposed plan to join an existing path on land owned and managed by the management company at Lassington Reach, as referenced at Page No. 119, Paragraph 7.23 of the Committee report had not been validated – as a director of the management company the local resident confirmed he had not been approached on that matter. Although the path was yet to be adopted by County Highways, it did not meet the perimeter of the land border, therefore, permission would need to be sought. Local residents were also concerned that, if this application was permitted, it could set a precedent for similar pockets of dense housing which would further impact on the local infrastructure and would not offer anything more to the community. The land for the proposed development was part of a field owned by the same landowner so they felt it was inevitable that similar housing applications would follow for the remaining land to the west. Local residents would instead welcome a larger, more strategic and considered planning application. The local resident went on to indicate that residents had not been consulted on the proposal and this had been acknowledged by the developer in its response to the Parish Council when the pandemic had been stated as the reason for creating a website. Given that COVID restrictions had been lifted for some time, local residents were of the opinion that consultation should be carried out as originally planned in order to give them the proper opportunity to express their views bearing in mind the significant impacts of the proposal. Finally, the local resident pointed out that there were already significant problems with school admission and healthcare provision – he was aware of at least 11 cases where parents had been forced to take their children to alternative schools as far as Newent, Dymock and Apperley which were considerable distances given that the Borough Council had

declared a climate change emergency and was encouraging parents and children to walk to school. The likely demographic of residents would exacerbate that problem and they would have difficulties enrolling children at the local academy – this was a draw for many who had moved to the village. Residents, including himself, had been unable to register at the local doctor's surgery and the local nursery had turned away four parents so far this year.

7.20 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the Planning Officer had prepared a very detailed and carefully considered report which recommended delegated permission. Part of the reason for it being so comprehensive was due to the collaborative approach between the applicant and the Planning Officer to resolve consultee queries. This had continued in recent weeks where the applicant had worked positively to resolve matters in relation to archaeology, minerals and details around local highway improvements. Accordingly, the application before Members today was robust and capable of being determined positively with no outstanding technical concerns. As Members would be aware, the process of the determination of the application sought to balance benefits against adverse impacts. The proposal was for a mixed use and, if permitted, would deliver the expansion of a well-occupied business park - which currently accommodated some 180 employees – which had been allocated via the Higham Neighbourhood Development Plan and, more recently, through the adopted Tewkesbury Borough Local Plan. The delivery of the employment element would provide substantial local economic benefits by creating much needed additional floorspace for small businesses in a sustainable location. The scheme also delivered up to 95 residential dwellings with a policy compliant provision of 38 dwellings (40%). Importantly, that meant 38 families would benefit from an affordable home. The proposals delivered a tenure split fully in line with the up-to-date local housing needs assessment including 23 social rented units and 15 shared ownership units. The delivery of affordable housing to meet a demonstrable need should be given substantial weight in any balance. As the Planning Officer had set out, the Council currently had a deficient housing land supply and the applicant was actively engaging with experienced regional residential housebuilders who would seek to bring forward reserved matters applications as quickly as possible. Permitting this site would see a further boost to the housing land supply which could be delivered within the next five year window on the edge of a highly sustainable rural settlement. The applicant's agent confirmed that the applicant had agreed to make the full suite of financial contributions which totalled in excess of £800,000 and, if the Committee resolved to permit the application, they would commit to working with Officers to finalise a Section 106 Agreement at the earliest opportunity. In summary, the applicant's agent indicated that the benefits of the proposal were substantial and, as concluded by the Planning Officer, there were no significant adverse impacts, therefore, permission should be granted.

7.21 The Chair invited a local Ward Member to address the Committee. The local Ward Member indicated that this was a speculative application which would create a new settlement as opposed to being an addition to Highnam village – it was disconnected and would remain so, as set out by the public speakers. There was a lack of infrastructure in terms of schools and healthcare facilities and there were also concerns around traffic in relation to visibility, volume and safety. He felt there were many grounds to refuse the proposal including the fact that additional residential development was not included in the Highnam Neighbourhood Development Plan and was recognised to be in conflict with Joint Core Strategy Policy SP10 and INF1, the agreed Tewkesbury Borough Plan and the Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Centres and Service Villages because it was encroaching into the rural area. The main points were set out at Paragraphs 7.4-7.7 and 7.33 of the Committee report. He also drew attention to the cumulative impact of the flooding and surface water i.e. the sustainable urban drainage systems issue which had been raised in the previous

Agenda item. He believed it was in conflict with the Tewkesbury Borough Plan and the National Planning Policy Framework Paragraph 1.30. In terms of flooding, as set out at Paragraph 4.19 and 7.64 of the Committee report and as highlighted by Minsterworth Parish Council, it was intended to discharge surface water into new watercourses and Committee Members who knew the area would be very mindful of problems currently experienced. Turning to employment, the representative from Highnam Parish Council had set out the concerns – Highnam Business Park would treble in size and would extend well outside of the allocation in the Neighbourhood Development Plan. In terms of the Borough’s housing land supply, he was extremely disappointed that the Tewkesbury Borough Plan had been adopted by the Council less than two weeks ago and Members were now being told that a five year supply could still not be demonstrated. He hoped the Committee felt there were adequate grounds for refusal.

- 7.22 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the submission of the Naturespace Development Assessment and Certificate; the results of the trial trenching work being acceptable; the addition to/amendment of planning conditions as appropriate, if necessary; and the completion of an agreement to secure the heads of terms listed in Paragraph 7.88 of the Committee report, and he sought a motion from the floor. A Member questioned whether it was possible to consider the residential and commercial elements of the scheme separately and, in response, the Planning and Enforcement Team Leader (South) confirmed that Government guidance allowed split decisions to be issued in exceptional circumstances and the application had two discrete elements – residential and commercial - so that was a mechanism which could be used, should Members be minded to refuse one part and permit the other. It was proposed and seconded that a split decision be issued to permit up to three hectares of commercial space and to refuse permission for the erection of up to 95 dwellings. In terms of potential reasons for refusing the residential development, the Planning Officer indicated that she had identified some harms within the Committee report i.e. conflict with the strategy for the distribution of new housing development in Tewkesbury Borough; landscape harm on the basis that the development would encroach beyond the village edge and therefore would appear as an unacceptable urbanising intrusion into the rural landscape and open countryside; and, in the absence of a completed planning obligation, there would be no arrangements for the direct implementation or financial contribution towards infrastructure considered necessary to make the development acceptable.
- 7.23 A Member indicated that she had also intended to propose a split decision and, in relation to the refusal of the housing, she pointed out there would also be harm from the loss of 3.8 hectares of best and most versatile agricultural land. Given that it had been referenced by the public speakers, she asked Officers to explain again why the Council was not currently able to evidence the housing land supply figure. The Planning and Enforcement Team Leader (South) reiterated that, in order to understand fully what development was coming forward and being built on site, it was necessary to go out and monitor the existing housing sites. As he understood it, that was happening now but it would take time; the intention was for it to be completed in order for the Council to have a position on its five year supply by the autumn. The Planning Officer confirmed that the loss of best and most versatile agricultural land could be included in the refusal reasons. She also clarified that, if Members were minded to issue a split decision which permitted the employment land element of the proposal, this needed to be delegated to the Development Manager as there was a need to secure a legal agreement for an employment bond and monitoring fee for the Travel Plan.
- 7.24 A Member indicated that he would be happy for the employment land element of the proposal to go forward. Based on the Planning Committee Site Visit, he had serious reservations about the proposal due to the road and how busy it was. He also considered the site could potentially be looked at as a larger site in the new Joint

Strategic Plan. He felt that the lack of community cohesion should also be included in the reasons for refusing the residential element of the proposal at this time as there was no link between the proposed site and Higham village. The Planning Officer clarified that there was a pedestrian/cycleway link. The Planning and Enforcement Team Leader (South) advised that connectivity and social cohesion were two distinct planning issues and, from the points raised during the discussion, he understood that it was the lack of connectivity to the existing housing and facilities in the village which Members wished to see included in the refusal reasons. The proposer and seconder of the motion confirmed they would be happy to add the loss of the best and most versatile agricultural land and the lack of connectivity to the existing housing and facilities in the village to the refusal reasons for the residential element of the proposal.

7.25 Upon being put to the vote, it was

**RESOLVED** That a **SPLIT DECISION** be issued as follows:

1. That erection of up to 95 dwellings be **REFUSED** due to conflict with the strategy for the distribution of new housing development in Tewkesbury Borough; landscape harm on the basis that the development would encroach beyond the village edge and therefore would appear as an unacceptable urbanising intrusion into the rural landscape and open countryside; loss of the best and most versatile agricultural land; lack of connectivity to the existing housing and facilities in the village; and, in the absence of a completed planning obligation, there would be no arrangements for the direct implementation or financial contribution towards infrastructure considered necessary to make the development acceptable.
2. That authority be **DELEGATED** to the Development Manager to **PERMIT** up to three hectares of commercial space subject to a legal agreement for an employment bond and monitoring fee for the Travel Plan.

#### **21/01286/OUT - Land South of Badgeworth Lane and West of Shurdington Road, Shurdington**

7.26 This was an outline application for residential development comprising up to 50 dwellings (50% affordable housing, 10% self/custom build) and associated engineering works. All matters were reserved except for vehicular access. The Planning Committee had visited the application site on Friday 17 June 2022.

7.27 It was noted that this application had been **WITHDRAWN**.

#### **21/00821/APP - Land North of Innsworth Lane, Innsworth**

7.28 This was a reserved matters application for the erection of 144 dwellings, associated landscaping and infrastructure on Parcel 6. The Planning Committee had visited the application site on Friday 17 June 2022

7.29 The Planning Officer advised that Members had resolved to approve the reserved matters application for phase 5 of this development at the Committee meeting in April. The principle of residential development at this site had been established through the grant of outline planning permission and its subsequent allocation for housing in the Joint Core Strategy as part of the wider Innsworth and Twigworth strategic allocation. The key principles guiding reserved matters applications had also been approved by the Planning Authority and included a Site Wide Masterplan Document and a Site Wide Attenuation and Drainage Strategy. This application sought approval of reserved matters pursuant to the outline planning permission

and the issues to be considered were access, appearance, landscaping, layout, scale and compliance with the approved documents. As set out in the Committee report, Officers considered that the scale, layout, landscaping and appearance were acceptable, accorded with the Site Wide Masterplan Document aspirations and were of an appropriate design. It was also considered that the access, internal road layout and car parking provision were acceptable and accorded with the Site Wide Masterplan Document, Policy INF1 of the Joint Core Strategy and the National Planning Policy Framework. In addition, by virtue of the design approach, it was considered that the proposed development would result in acceptable levels of amenity for future residents. The scheme also accorded with the Section 106 Agreement and subsequent Deed of Variation in terms of the deliverability of 35% affordable housing on site. In terms of flood risk and drainage, the site-wide flood risk attenuation works engineers operations to create attenuation ponds had been considered and subsequently approved as part of a previous reserved matters application Reference: 18/01284/APP. The Site Wide Attenuation and Drainage Strategy for this part of the scheme had been prepared in alignment with the detailed surface water drainage strategy approved under condition 26 of the outline permission. The Lead Local Flood Authority had been consulted in respect of the current scheme and was satisfied with the details. As such, the proposed drainage arrangements were considered acceptable and in accordance with the National Planning Policy Framework and the Site Wide Attenuation and Drainage Strategy. Taking all of this into consideration, Officers felt that the proposed development was acceptable in terms of access, layout, scale, appearance and landscaping; the scheme advanced would be in accordance with the outline consent and the Site Wide Masterplan Document approved under that consent and was therefore recommended for approval. The Planning Officer clarified that comments had been received from Severn Trent Water that morning confirming it raised no objection to the proposal.

- 7.30 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that the application for consideration today was for 144 new homes within Tewkesbury Borough and represented the next phase of development at Innsworth. The team had worked hard to evolve a high quality development that fostered key design principles to deliver a place that looked great, worked for people and protected and enhanced the local environment. He was very proud of the final scheme and thanked the consultant design team and the various Officers from the Council for all of the hard work and effort they had put into it. The developer was award-winning and took great pride in its work – for the last 13 years it had achieved a five star builder status based on customer recommendations. Like Tewkesbury Borough Council, it was committed to championing sustainable development and delivering affordable, high-quality homes. The design of the scheme had been led by the approved Masterplans which included connections, character, materiality and landscaping. Throughout the course of the application, the applicant had worked hard with Officers to deliver these plans, incorporating feedback and responding where possible. For example, an additional north-south pedestrian connection had been included along the eastern boundary to connect the spine road to the play area to the north; the landscaping proposals had been revised to include more native hedge and tree species; additional trees had been included along the spine road to the south; and the roofing materials had been amended to ensure they were in keeping with other phases of the Masterplan. The applicant's representative was pleased the application was recommended for approval and hoped to move into delivery of the much-needed homes which would contribute significantly towards the Council's housing supply and the developer's fundamental objective of creating a great place for people to live.

7.31

The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member sought clarification as to the trajectory for delivery and the Planning Officer advised he had no indication that the developer would not want to move forward as soon as possible. The Member pointed out that the houses would contribute to Gloucester City's housing need as opposed to Tewkesbury Borough's. Another Member questioned why no plans showing elevations or house types had been included in the Committee report and the Planning Officer advised that it would not have been possible to include all of the plans submitted with the application but he confirmed they were all available online. The Member expressed the view that it was necessary for the Committee to receive hard copies of the relevant plans in advance of the meeting, regardless of the size, and she was disappointed only the street scenes had been included as this did not correctly show materials or house types. A Member proposed that the application be approved in accordance with the Officer recommendation. He indicated that the Committee could not refuse the application as outline permission had already been granted at appeal. With regard to density, when this scheme had started with phase 1, Members had been told that the second phase (phase 5) would be 43 dwellings per hectare and going into the centre of the development the density would start to reduce; however, this phase was in the centre and yet the density was still 43 dwellings per hectare. The Planning Officer advised that the density at the centre accorded with the Site Wide Masterplan in the character areas which had been identified for the spine road. Another Member questioned what the difference was between affordable rent and affordable intermediate and she sought clarification as to the breakdown of the affordable housing being provided. She noted that Page No. 192, Paragraph 7.21 of the Committee report, stated that the majority of units had on-site car parking provisions and she questioned what percentage that equated to. The Legal Adviser understood that the affordable housing on the site was split between affordable rent and shared ownership; he believed affordable intermediate was a form of shared ownership. The Member raised concern that providing social housing in blocks seemed to be becoming more popular and she personally did not like it. Another Member indicated that the phrase 'affordable intermediate' was not a term the Committee was familiar with and if it meant shared ownership that was what it should say in the Committee report. The Planning and Enforcement Team Leader (North) advised that the affordable housing split had been agreed for the entire site in the Section 106 Agreement for the outline application and the provision within the reserved matters applications needed to be in accordance with the affordable housing plan for the site. The Council's Strategic Housing and Enabling Officer had confirmed that what was being brought forward in the reserved matters applications did accord with that. She appreciated that the terminology used was different and clarified that affordable intermediate could cover different types of shared ownership. Whatever the affordable housing provider was providing had to satisfy the planning definition and the Section 106 Agreement. Since the outline application had been agreed, there had been a change in the type of affordable housing being negotiated by the Council when considering outline applications as social rent was considered to better meet current needs than affordable rent; notwithstanding this, affordable rent was what had been agreed in this instance and it was only possible to deliver what was set out in the original planning permission. The Member thanked the Planning and Enforcement Team Leader (North) for this explanation and indicated that it would have been helpful for that to have been included within the Committee report. She was disappointed that more social housing had not been negotiated at the time the outline permission had been agreed which she assumed must have been more than three years ago. It seemed to her that the time between an outline application being permitted and footings actually being constructed was getting longer and she asked if a planning policy could be put in place to reduce that. The Planning and Enforcement Team Leader (North) explained that, when negotiating outline planning permissions currently, if the developer was saying that it would help the Council to



meet the five year housing land supply, a shorter timescale was negotiated for the submission of reserved matters; sometimes that was agreed, for instance, the latest Fiddington decision. Large sites such as these took a long time to build out so the final phase would come a significant time after the first phase. The Member asked whether the developer could subsequently come back and ask for more time and the Planning and Enforcement Team Leader (North) advised that although the developer could not be forced to complete within a period of time, the development could be required to commence within a certain period – a variation to the planning permission for an extension of time could not be negotiated as that was not allowed in planning law.

- 7.32 It was proposed and seconded that the application be approved in accordance with the Officer recommendation. The proposer of the motion felt it would be beneficial to consider including a policy within the Joint Strategic Plan which committed developers to delivering an application within a certain period of time. Upon being put to the vote, it was

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

### **21/00496/FUL - Land West of Delevale Road, Winchcombe**

- 7.33 This application was for proposed residential development comprising 100 dwellings (including 50 affordable dwellings), new vehicular access off Delavale Road (following the demolition of 26 Delavale Road), public open space and associated landscaping and engineering works.
- 7.34 The Planning Officer advised that the proposal had been amended during the course of the application with the proposed number of dwellings being reduced from 110 to 100. The application site comprised two parcels of land which extended to 6.9 hectares located to the west of Winchcombe within the Area of Outstanding Natural Beauty. The majority of the site was included as an allocation in the recently adopted Tewkesbury Borough Plan and was covered by Policies WIN1 and RES1 which identified approximate capacity for 80 dwellings; however, the application site itself extended slightly beyond the allocation boundaries to the west in the northern field parcel and to the north-west in southern field parcel. A 0.29 hectare area of built form was located outside of the allocation boundary and a total of circa 1.4 hectare of built form/informal open space was outside the allocation boundary. The Committee report identified that the proposed development broadly accorded with the site specific criteria in Policy WIN1; however, in this instance, when taking account of the advice of the Council's Ecological Adviser and the wider ecological benefits which included hedgerows and streams, overall, the ecological impact of the proposal was considered acceptable. It was therefore considered that the application was in general accordance with Policy WIN1. With regard to the part of the application outside of the WIN1 boundary, it was located outside of the defined settlement boundary and comprised unallocated land in the Area of Outstanding Natural Beauty which conflicted with Policy SD10 of the Joint Core Strategy and spatial strategy for the development. Notwithstanding this, in considering the conflict, it was important to have regard to the overall layout and design of the entire application proposals and whether the inclusion of this parcel of land contributed to the development responding positively to, and respecting the character of the site and its surroundings, and whether the inclusion of this land would fail to conserve, and give rise to additional harm to the landscape and scenic beauty of the Area of Outstanding Natural Beauty. Officers had carefully considered this and, further to the revisions received by the applicant it was not considered that the inclusion of that land caused any additional harm, it would help create a logical form of development and would utilise an allocated site efficiently. Officers had also raised concerns with the applicant about the clustering of the affordable housing

which was very close together and not dispersed across the development so as to be tenure blind; however, the characteristics of the application site and the fact the design approach was for the larger dwellings to be located further up the hill and more spaced out in order to aid the transition between the urban environment and open countryside was an important consideration. Officers also considered that the provision of 50 affordable housing units, which exceeded the 40% policy requirements, would offer a significant social benefit in the context of a housing supply shortfall. Officers had initially raised concerns that only five adaptable M4(2) units were provided but, overall, they had come to the view that balance was acceptable. In terms of the harm to the Area of Outstanding Natural Beauty and landscape, the site was visible from some points, principally Mercia Way to the south where the cycleway was located and Langley Hill, but there were limited viewpoints of the site in the immediate vicinity, for instance, from Delavale Road. One of the key viewpoints was from the Gloucestershire Way but it was also evidenced at that viewpoint that the scheme would be maintaining the bowl of Winchcombe within the hills surrounding it. It was reiterated that it was only visible from certain points along the Gloucestershire Way, it was not a long viewpoint. As such, Officers considered the landscape impact was 'minor adverse' and that was the same view as the Local Plan Inspector when the site was allocated. Taking all of this into account, Officers considered that the application accorded with Policy WIN1 and, in light of the fact the Council could not demonstrate a five year housing land supply at this time, it was recommended that authority be delegated to the Development Manager to permit the application, subject to any additional/amended planning conditions and the completion of a Section 106 Agreement.

7.35

The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that he had been involved in the proposal for many years and was grateful to see the hard work of Council Officers brought to fruition on a site recently allocated in the Tewkesbury Borough Plan. The proposal before Members today would see delivery of allocation WIN1, the main residential allocation for Winchcombe. The Committee would be aware of the site's allocation status and the reason why it was allocated in the first place – to meet housing need in Winchcombe Town, which had been unaddressed thus far. The Council's policy set no cap on the scale of the allocation, it simply gave an indicative figure and, through this scheme, the developer proposed 100 dwellings, 50% of which were affordable. The quantum of the scheme was considered to be in accordance with the thrust of the policy and would make an important contribution to address the town's affordable shortfall of 85 dwellings. This commitment from the developer would ensure a 10% overprovision of affordable housing against policies in the Joint Core Strategy; however, this was not just about housing numbers and, as one of the key housing associations in the area, the developer was committed to the principle of place-making and had worked proactively with Council Officers over the last 15 months to bring forward a scheme which sought to develop the site in the right way; that involved striking a balance between development and sensitivities of the area. The applicant's agent explained that was the reason for bringing forward a full planning application as that had allowed a scheme to be developed which was informed by landscape principles to ensure that the character of the area and sensitivities of the Cotswold Area of Outstanding Natural Beauty could be accounted for. The outcome of this process had seen redesigns of the scheme since the submission in 2021, reducing the number of proposed dwellings from 110 to 100. That change had been informed by the comments received by the Council and consultees involving a further softening of the development edge and a relocation of elements including the attenuation basin; the area of children's play; and the internal road alignment. Those changes had ensured that all development now lay below the identified 115 metre contour and responded to the comments raised in a constructive manner. Since the original submission in 2021, the policy governing the allocation site had changed and included a requirement for a secondary footpath. The developer had responded to that and secured the land to

ensure the link could be delivered. In addition, other benefits of the proposal included a mix of family housing, including 50% affordable housing; 41% green infrastructure, including an area of local play and footpaths within the site; a package of planning obligations to be directed to Winchcombe; and betterment to drainage. The applicant's agent indicated that the proposals presented a strong package of benefits that would bring much-needed housing to Winchcombe. It would not result in unacceptable harm to the Area of Outstanding Natural Beauty or local environment and would involve significant benefits which weighed in favour of the scheme. He therefore encouraged Members to support the application before them today.

7.36 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to any additional/amended planning conditions and the completion of a Section 106 Agreement, and he sought a motion from the floor. A Member asked for clarification as to the type of affordable housing that would be provided and, in terms of the housing mix, he noted they started at three bedrooms and increased in size so he asked why there were no one or two-bedroom market houses which would help to get people onto the housing ladder. The Planning Officer confirmed that all of the affordable housing was social rent which was most needed in Tewkesbury Borough. The applicant had submitted details of the market housing mix but Officers had done an analysis based on the mix set out in the Council's local housing needs and public open space background paper and, looking at the scheme as a whole in terms of the amount of the market and affordable housing, it did meet the requirements of the evidence base. Another Member asked for confirmation of the density per hectare and the Planning Officer indicated that was set out at Page No. 248, Paragraph 8.52 of the Committee report. In terms of the built-up area, excluding the open space, the overall density was 28 dwellings per hectare and it varied across the site - the lower parts of the site which were visually less prominent had a density of 34 dwellings per hectare and, on the higher slopes that fell to 18 dwellings per hectare which allowed for greater separation of properties. The Member asked whether the number of dwellings on the site could be increased given there was a significant need in that area and that would allow people in Winchcombe to remain in the village they had grown up in. He asked whether that could be looked at as part of a delegated permission. In response, the Planning Officer explained that this was a full planning application which stated the size of the plots and the Planning Authority was required to determine the application as set out. He explained that the site was allocated in RES1 of the Tewkesbury Local Plan for 80 dwellings and the proposal was for 100 dwellings so there would already be 20 more houses than envisaged. Furthermore, this site was within the Area of Outstanding Natural Beauty and delivering market housing needed to be balanced against the impact on the landscape. Officers' view was that the scheme as presented used the site efficiently and had regard to the landscape sensitivities of the site and the fact it was within the Area of Outstanding Natural Beauty. Officers had requested that the scheme be reduced by 10 dwellings largely for landscape reasons and felt that the application as presented was the most appropriate form of development for the site.

7.37 A Member asked whether this was classed as major development and what implications that had and, in terms of the affordable housing, she noted this would be in clusters yet her understanding was that planning policy was to disperse this throughout the development and she asked what the reasoning was for going against that policy. The Planning Officer explained that the National Planning Policy Framework stated that whether a scheme was major development or not was a matter for the decision-maker taking account of factors such as the size of the settlement the development was in and the characteristics of the site etc. The important consideration in this case was that, during the examination process, the Local Plan Inspector had considered whether the site was major development within

the Area of Outstanding Natural Beauty and had come to the view that it was not. As such, the question for Planning Officers was whether the application site was bigger and extended further so as to take this into the threshold for major development; the site extended approximately 0.3 hectares outside of the allocation and, in the context of Winchcombe and the wider settlement, the Planning Officer's view was that it did not constitute major development in the Area of Outstanding Natural Beauty. If it was considered major development within the Area of Outstanding Natural Beauty, that would bring in different policy considerations and would need to go through the exception tests. In terms of the question relating to affordable housing, the Planning Officer confirmed that it was in two distinct sections; however, he advised that the majority of the affordable units were smaller dwellings and were in a denser form of development next to Delavale Road which was less visually prominent. If the smaller units were dispersed throughout the site, this would result in a denser form of development at the top of the hill which would have a greater visual impact. There was a conflict with Policy SD11 of the Joint Core Strategy in that the affordable housing was not seamlessly integrated but it was a matter of balance and, in this instance, there was justification to have the denser form of development in a less visually prominent site. A Member noted that the Strategic Housing and Enabling Officer had raised concerns about accessibility standards and she asked whether that had been addressed. The Planning Officer explained that discussions with the applicant were around the inclusion of M4(2) units which were accessible and adaptable that would allow for people with mobility issues. The Local Plan evidence base requirement was for 67% of all units to be M4(2) standard. The scheme as originally submitted had none, consequently substantial negotiations had taken place with the applicant and five M4(2) units had subsequently been secured. Whilst that was below the requirements of the housing needs assessment and a factor which weighed against the application, it was necessary to look at the overall planning balance and the benefits of the scheme and he would not recommend that the Committee refuse the application on the basis that fewer M4(2) units were provided.

- 7.38 A Member noted that the Urban Design Officer had objections to the application as originally submitted as set out at Page No. 232, Paragraph 4.15 of the Committee report which stated that some of those concerns had been discussed, but there had been no consultation response on the revised proposals as there was currently no Urban Design Officer at the Council. The Planning Officer explained that the Urban Design Officer had provided a consultation response on the initial application and one of the main issues was that the proposal as submitted included development above the 115 metre contour line but that had now been relocated so that concern had been addressed. There had also been concerns about the way the original application fronted onto the open space on higher ground but the scheme had been redesigned so all dwellings were front-facing and the car parking spaces were set to the side of the dwellings which provided a screen to transition between the two. So, although a revised response had not been received from the Urban Design Officer, Officers were satisfied that the concerns raised had been addressed.
- 7.39 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 indicated that he could not support the motion given this was a site within the Local Plan that the Inspector had taken an exceptional interest to due to concerns of the size of development within the Area of Outstanding Natural Beauty. The Inspector had come to the conclusion that it was suitable for up to 80 dwellings as that would not result in any detrimental harm to the Area of Outstanding Natural Beauty – the current proposal did not conform with that. He was also concerned there was only one vehicular access to a site of this size and he believed the development would encourage more people to use vehicles to go to the shops. He indicated that, in addition to the points raised by the Urban Design Officer, the Cotswold Area of Outstanding Natural Beauty Board had submitted a very

comprehensive objection to the application. Whilst he was not against the site being developed for housing, he felt that needed to fit with the views of the Local Plan Inspector so he could not support 100 houses here.

7.40 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to any additional/amended planning conditions and the completion of a Section 106 Agreement, in accordance with the Officer recommendation.

### **22/00194/APP - Land off A38, Coombe Hill**

7.41 This was an approval of reserved matters application for up to 95 dwellings, associated infrastructure, ancillary facilities, open space, landscaping and construction of new vehicular and pedestrian accesses.

7.42 The Planning Officer advised that the application site comprised land at the corner of the A38/A4019 and was included as an allocation for housing in the recently adopted Tewkesbury Borough Plan and Policy RES1 stated that the site had an indicative capacity for 95 dwellings. Policy COO1 of the Tewkesbury Local Plan, which formed part of Policy RES1, identified that the development of the site presented a place-making opportunity and provided site specific policies to give further detailed guidance on the development of the site to achieve this objective. Outline planning permission had been allowed on the site at appeal in June 2021 for up to 95 dwellings which established the principle of development and set out a number of parameters including the extent of the built form, building heights and access points which future reserved matters applications must comply with. Pursuant to the outline permission, the current application sought approval for reserved matters for the erection of 95 dwellings on the whole of the site in respect of layout, scale, appearance, landscaping and access. Officers had liaised with the applicant and, further to amendments secured during the determination process, as set out in the Committee report, it was considered that the proposal and the design approach reflected and built upon the principle and parameters set out in the approved parameter plans and accorded with Policy COO1 and the development plan as a whole. In particular, the application was a landscape-led scheme providing 2.4 hectares of open space to the south and east which provided recreational space for use by existing and future residents; had regard to the rural location of the application site and the density, character and use of materials of the dwellings transitioned between the A38 and the open space; provided an active frontage along the A38; addressed the relationship between the petrol filling station and the application site both visually and in terms of residential amenity; and demonstrated a biodiversity net gain of at least 10%. As set out in the Additional Representations Sheet, attached at Appendix 1, County Highways had now advised it had no objection to the application. The Officer recommendation was therefore to approve, subject to slightly amended conditions which reflected amendments to the plans that had been received further to the preparation of the Committee report.

7.43 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that the land was allocated for development by Policy COO1 of the recently adopted Local Plan and was subject to an outline planning permission for 95 homes that was granted in July 2021. The reserved matters application before the Committee sought approval of the detailed design of the scheme. The applicant's agent pointed out that the location and detailed design of the access from the A38 was approved as part of the outline permission which listed a number of plans to fix the key parameters for the development including: the area where built development was permitted, the entirety of which was outside of the floodplain; the 2.4 hectares of the site that was to be provided as open space; and the maximum height of the buildings on various parts of the site. As set out in the

Committee report, the scheme accorded with the parameters established by the outline permission and Policy COO1 which was a result of close working between the developer and Council Officers that had seen the proposals evolve significantly through the pre and post submission stages. To that end, the proposals provided a mix of dwellings in broad compliance with the most up-to-date local housing needs; 40% affordable housing, the size, mix, tenure and clustering of which were in full compliance with the outline planning permission; 2.4 hectares of public open space that would serve both the development itself and the wider area; a biodiversity net gain in excess of 10%; a level of parking provision that fully accorded with the County Council's guidance including a minimum of two spaces per dwelling for two bed properties and 17 visitor spaces; and a landmark feature adjacent to the A4019, the form and design of which would be agreed by the Council prior to commissioning and installation. Members who had passed the site recently may have noticed activity taking place and may be aware of queries from local residents as to whether development had commenced ahead of reserved matters being approved and the applicant's agent assured them that was not the case. The activity taking place was the archaeological trenching required by the outline planning permission. To enable the necessary machinery to enter the site, a temporary access had been constructed from the A4019, formal approval for which had been obtained from the County Council – there was no intention for that access to be made permanent.

- 7.44 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member questioned whether the speed limit would be restricted given there would be houses on both sides of the road as well as bus stops which meant that children would be crossing. With regard to the work commencing with Junction 10 of the M5, he understood there was due to be some major reworking of the crossroads and he asked if that was correct. The representative from County Highways explained that there was nothing in the application about speed limits being revised and he did not have an answer in relation to the works to the crossroads. The Planning Officer advised that he had personally had discussions with the highways team that was looking at improvements to the junction and a planning application for that would be submitted in due course, which would include widening of the path along the south of the site, and the merits of the application would need to be considered at that time because it may be that would result in a loss of some of the open space which was a requirement of the Section 106 Agreement for the outline permission so some betterments may have to be considered at that point. The Member indicated he still had genuine concerns regarding the speed limit as there had been several accidents on the road and he felt it was necessary to raise this with the County Council. The Planning Officer explained that the main access point had been fixed in the outline permission and the reserved matters application had set out the internal road arrangements and the appearance, layout and scale. Any amendments to the A38 would have been dealt with at the outline stage which had been determined by the Planning Inspectorate.

- 7.45 It was proposed and seconded that the application be approved in accordance with the Officer recommendation and, upon being put to the vote, it was

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

**22/00511/FUL - 5 Haycroft Close, Bishop's Cleeve**

- 7.46 This application was for a proposed side extension over the existing garage.
- 7.47 The Planning Officer advised that a Committee determination was required as the applicant was a Councillor. The proposal was considered to be of a suitable size and design and would be in-keeping with the area. There would be no harm to the residential amenity of neighbouring properties. As such, the Officer recommendation was to permit.
- 7.48 The Chair indicated that the Officer recommendation was to permit and he sought a motion from the floor. It was proposed and seconded that the application be permitted and, upon being put to the vote, it was

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

**20/00559/OUT - Land to the South of The Pheasant Inn B4632, Newtown, Toddington**

- 7.49 This was an outline planning application for the erection of up to 29 dwellings and associated works with all matters, except for access reserved for future consideration.
- 7.50 The Planning Officer advised that the application site comprised an agricultural field set to the south of The Pheasant public house in Toddington and was an allocated site in the adopted Tewkesbury Borough Plan. The application was submitted in outline with all matters except access reserved for future consideration and the scheme proposed a development of up to 29 dwellings, of which, 12 would be affordable. An indicative site layout had been submitted which demonstrated how the frontage properties would be accessed directly from the B4632 with a further estate road to serve the remainder of the site. The eastern part of the site would provide public open space which would extend up to the boundary with the Heritage Railway. It was considered that the proposal would comply with the requirements of site specific Policy TOD1 and other relevant policies in the plan. Since publication of the Committee report, the Council's Ecology Adviser had confirmed the proposals would achieve a biodiversity net gain of just over 10% and they had no objections, subject to conditions to secure ecological enhancements and protections. Similarly the Lead Local Flood Authority had confirmed that the surface drainage proposals were acceptable. A further representation from a member of the public had been received which reiterated objections set out in the Committee report. The Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to completion of a Section 106 Agreement to secure 40% affordable housing, home to school travel contribution, libraries, on-site public open space and maintenance and waste, recycling and dog waste bins. It was noted that the education contribution referenced at Page No. 325, Paragraph 8.11 of the Committee report was not required.
- 7.51 The Chair invited the applicant's agent to address the Committee. The applicant's agent congratulated Members on the adoption of the Tewkesbury Borough Plan which meant that the site was now allocated for residential development, was within the settlement boundary for Toddington and the proposal fully accorded with the new plan which suggested an indicative 25 dwellings – this proposal was for 29 dwellings which would be an effective and sensitive use of the land. The report set out how the technical aspects of the application would be addressed such as highways, landscape, drainage, ecology, housing mix and affordable housing. The Committee report identified there was some landscape harm and that was

inevitable to an extent, just as it was with 90% of the allocations within the plan also being on greenfield sites. This site was not in the Area of Outstanding Natural Beauty and that, supported by a landscape-led design approach, meant that the benefits of the proposal certainly outweighed any harm. Whilst it was noted that an objection had been raised by the Parish Council and five representations had been received objecting to the proposal, the application was compliant with relevant policy at a national and local level and, following its adoption, the scheme was fully in line with the Tewkesbury Borough Plan. The applicant's agent urged Members to support the Officer recommendation and delegate authority to permit the application.

- 7.52 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to completion of a Section 106 Agreement to secure 40% affordable housing, home to school travel contribution, libraries, on-site public open space and maintenance and waste, recycling and dog waste bins, and he sought a motion from the floor. A Member raised concern about the speed of the road outside the development. She indicated that Toddington had two B roads running through it and the Stow to Tewkesbury road had a speed limit of 40mph – there was a similar development along that road with houses fronting directly onto the road. She also pointed out that the quarries at the top of the hill had recently reopened so huge lorries now travelled through the village from 0600 hours onwards. As such, she would like to include a provision within the application to ensure the speed limit was reduced outside the proposed development, ideally to 30mph but she would accept 40mph to match the other B road. In terms of the site itself, she indicated there was no street lighting in Toddington at all and she hoped that, if outline permission was granted, the developer would ensure there was none on this site to prevent light pollution – this had been very sensitively dealt with on the other built-out development in Toddington to the satisfaction of the Parish Council and villagers. She thanked the applicant for looking at providing smaller properties on the site – she would have liked to have seen some one bed properties within the market housing but she appreciated this site was quite restricted in numbers. The County Highways representative advised that as part of the application, the applicant proposed to relocate the 40mph sign changing the speed limit south of the main access; additional changes to 30mph would be subject to separate consultation. The Member indicated that the applicant's agent had stated this was a Toddington development; however, as Members would know, as part of the boundary review, it would actually be in Stanton, Stanway and Didbrook Parish, therefore, Toddington Parish would not receive any of the Community Infrastructure Levy money despite the fact the residents would use Toddington facilities. That was something that was trying to be addressed in the Boundary Commission review so she hoped that would be resolved.
- 7.53 It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The seconder of the motion noted there was a successful public house next door to the application site where lots of people sat in the garden. That obviously could generate noise and he asked if provisions could be put in place to ensure a good relationship was maintained between the public house and residents. Similarly, the Gloucestershire-Warwickshire Railway ran alongside the site which was a great asset to the borough but one which could also generate noise so he asked what attenuation measures would be put in place. The Planning Officer advised that public house car park was located between the public house and the application site and the public open space would act as a buffer. No issues had been raised by the Environmental Health Officer in respect of noise and, in any case, the background noise levels were fairly high due to the existing road.



7.54 With regard to the Section 106 Agreement and the home to school travel contribution which had been agreed, a Member made a general comment that she would like to see a commitment from the Borough Council to open discussion with the County Council in relation to school provision in the borough as she felt there was a serious lack of facilities and that would only get worse with all of the development coming forward. A Member drew attention to Page No. 319, Paragraph 7.12 of the Committee report, which stated that there were no schools in the immediate vicinity and a contribution of £63,350 was sought towards the provision of a school bus service and he asked how long that contribution would last for and what happened when the money ran out. In response, the Planning Officer advised that the contribution towards bus transport would go into a pool which would be used for villages in the borough; if and when that money ran out, it was a County Council function and would need to be addressed by that authority. With regard to the Section 106 contributions, a Member expressed his frustration that there was no indication of what the contribution towards libraries was actually for – a point he had raised on many other occasions. Based on this and the query in relation to education, he asked for a breakdown of what the various contributions would be spent on in order to make an informed decision. The Planning and Enforcement Team Leader (South) advised that, when the County Council and other consultees came back with their requests, they usually gave detailed justification for those requests. It was a question of how much information Members needed to have in the Committee report but consideration could be given to providing more detail in future and being better prepared to answer those questions if they were raised at Committee. A Member mentioned that Toddington had a village school but it had closed because development was not being allowed in smaller villages so there were not enough children to attend – hopefully now, with the Tewkesbury Borough Plan in place, it would be able to re-open. With regard to the contribution towards the school bus service, the County Highways representative advised that the £63,350 was subdivided into £42,350 for the cost of an estimated yield of 11 primary school pupils at a cost of £550 per pupil per year over a duration of seven years and £21,000 for an estimated yield of five secondary school pupils at cost of £840 per pupil per year over a duration of five years. The Planning and Enforcement Team Leader (North) noted the request to open a dialogue with the County Council about financial contributions for school transport and indicated that would be raised with the Head of Development Services following the meeting.

7.55 Upon being put to the vote, it was

**RESOLVED** That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to completion of a Section 106 Agreement to secure 40% affordable housing, home to school travel contribution, libraries, on-site public open space and maintenance and waste, recycling and dog waste bins, in accordance with the Officer recommendation.

#### **22/00375/FUL - 5 Winston Road, Churchdown**

7.56 This application was for erection of a rear dormer extension and change roof from hip to gable and regularisation of single storey rear extension approved through planning reference: 19/00005/FUL.

7.57 The Planning Officer advised that the application required a Committee determination due to a Parish Council objection. The proposal included a roof dormer on the rear roof slope facing to the rear of the application site and hip to gable roof alteration to allow for additional living space. The changes to the single storey rear extension involved alterations to the height and width of the extension

and the installation of an additional sky lantern and bi-fold doors. As set out in the Committee report, it was considered that the proposed dormer would appear dominant from the rear, increasing the overall bulk and mass of the dwelling; however, as also stated in the report, as the property retained its permitted development rights for roof alterations, a hip to gable roof and rear dormer could be implemented without the need for planning permission, providing the overall volume did not exceed 50m<sup>3</sup> – the proposed roof alterations for this application totalled 45m<sup>3</sup>. The proposed rear extension was not considered to be unduly harmful to the appearance of the existing dwelling or result in an unacceptable loss of residential amenity to neighbouring dwellings. Due to the realistic fallback of the potential for a larger roof dormer to be implemented under permitted development, which would result in a greater impact on the appearance of the existing dwelling, it was recommended that the application be permitted, subject to conditions outlined within the report.

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

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

#### **PL.8 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

8.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 342-345. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issues.

8.2 Accordingly, it was

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

The meeting closed at 1:20 pm

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 21 June 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.

<b>Agenda Item No.</b>	<b>Update</b>
5a	<p><b>22/00523/OUT</b></p> <p><b>Land Off Brook Lane , Twigworth/Down Hatherley</b></p> <p><b>Additional Consultations</b></p> <p>Since writing the Committee report, the following consultation responses have been received:</p> <p><b>Longford Parish Council</b> - Strongly object to the application for the following reasons:</p> <ul style="list-style-type: none"> <li>- Applicant has not sufficiently addressed the concerns raised by residents and Parish Councils alike.</li> <li>- Proposed development increases the threat of flooding to the wider area.</li> <li>- Additional traffic will further exacerbate traffic problems through Longford, raising environmental concerns as well as highway safety concerns.</li> </ul> <p><b>County Highway Authority</b> - No objection subject to conditions and financial obligations.</p> <p><b>County Minerals &amp; Waste Planning Policy</b> - No objection subject to the use of recommended conditions.</p> <p><b>Additional Representations</b></p> <p>Since writing the Committee report, a further seven representations objecting to the proposed development have been received. The following new material considerations have been introduced:</p> <p>The Government confirmed it is necessary to take into account the input of the local community when looking at planning applications - no one locally has shown support for this application and, to the contrary, people are angry, frustrated and fearful for the future of this area and the overdevelopment that is taking place.</p> <p>Public transport network is poor.</p> <p><b>Officer Update</b></p> <p>Since writing the Committee report, an Ecological Briefing Note has been submitted in response to the comments from the Council's Ecological Advisor. The Council's Ecological Advisor has reviewed the note and confirmed he is satisfied with the details submitted.</p> <p>In accordance with the policy requirements of Policy NAT1 of the Tewkesbury Borough Plan, the Council expects this development to deliver a minimum biodiversity net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). Ordinarily this information should be submitted, considered and secured, if acceptable, prior to the determination of the application. However, given the Tewkesbury Borough Plan was adopted at a late stage of the application, in this particular case, a condition is recommended to secure this policy requirement.</p>

In terms of the planning obligations, the Unilateral Undertaking with Tewkesbury Borough Council has been engrossed. Gloucestershire County Council and the applicant have agreed the Unilateral Undertaking for the education, libraries and highways obligations. The latest draft of the bi-lateral agreement relating to the primary school transport funding is currently being considered by the applicant. **An update will be provided at Planning Committee.**

It should be noted that, should permission be granted, the housing would be credited towards Gloucester City Council's supply; however, Tewkesbury Borough Council is the determining authority. Both Tewkesbury Borough Council and Gloucester City Council cannot currently demonstrate a five year supply of housing. In terms of the planning balance, Officers consider, subject to the satisfactory resolution of the outstanding matters, the proposed development would be in accordance with the Development Plan.

Section 2.0 of the Committee report sets out that the Planning Inquiry for the 'original' application, planning reference 21/00976/OUT, is scheduled to start at 10.00am on Wednesday 27 July 2022. This has been changed - the Planning Inquiry is now due to start on Tuesday 9 August 2022.

#### **Revised Section 106 Contributions**

Gloucestershire County Council, as the Local Highway Authority, has confirmed there was an error in the way the primary school transport contribution was calculated originally and, when this was recalculated, the contribution should be **£399,000**, not £543,300 as previously listed.

#### **Additional Condition**

No development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric version 3.1 has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate how a biodiversity net gain of 10% will be delivered either on-site and/or off-site in accordance with the requirements of Policy NAT1 of the Tewkesbury Borough Plan (June 2022).

The development shall be implemented in accordance with the approved Biodiversity Net Gain Assessment.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales.

#### **Amended Conditions**

##### **Condition 15**

No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the Local Planning Authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation and demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures.

	<p><b>Condition 16</b></p> <p>No above ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the Local Planning Authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved.</p> <p>Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures.</p> <p><b>Condition 18</b> - The Environmental Statement submitted with this application was dated March 2022 and therefore reference should be made to this date, not March 2021.</p> <p><b>Condition 19</b> - The Environmental Statement submitted with this application was dated March 2022 and therefore reference should be made to this date, not March 2021.</p> <p><b>Condition 20</b> - The Environmental Statement submitted with this application was dated March 2022 and therefore reference should be made to this date, not March 2021.</p> <p><b>Condition 11</b> - Criterion (iv) should read "Provide" not "Provided". This was an error.</p> <p><b>Additional Informative</b></p> <p>The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.</p> <p>Contact the Highway Authority's Legal Agreements Development Management Team at <a href="mailto:higwaylegalagreements@gloucestershire.gov.uk">higwaylegalagreements@gloucestershire.gov.uk</a> allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:</p> <ol style="list-style-type: none"> <li>i. Drafting the Agreement</li> <li>ii. A Monitoring Fee</li> <li>iii. Approving the highway details</li> <li>iv. Inspecting the highway works</li> </ol> <p>Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.</p>
5b	<p><b>21/01392/OUT</b></p> <p><b>Land North and South of Newent Road, Highnam</b></p> <p><b>Officer Update</b></p> <p>Natural England has reviewed the Shadow Habitats Regulations Assessment and concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any given condition.</p> <p>In accordance with the policy requirements of Policy NAT1 of the Tewkesbury Borough Plan, the Council expects this development to deliver a minimum biodiversity net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). Ordinarily this information should be submitted, considered and secured, if acceptable, prior to the determination of the application. However, given the Tewkesbury Borough Plan was adopted at a late</p>

stage of this application, in this particular case a condition is recommended to secure this policy requirement.

As detailed in Paragraph 7.77 of the Committee report, Gloucestershire County Council in its capacity as Mineral and Waste Planning Authority (MWPA) requested a Mineral Resource Assessment and further information on alternative secondary and/or recycled aggregate use to be submitted prior to the determination of the application. Following further discussions, the MWPA agreed, in this instance, that an appropriately worded condition could be used in order to secure the information. As such an additional condition is recommended below.

As mentioned in Paragraph 7.71 of the Committee report, an Ecological Impact Assessment Addendum in relation to the impact of the highway improvement works has been submitted. The Council's Ecological Advisor (EA) has reviewed the report and agrees with the findings and the mitigation proposed. As such amendments are proposed to the wording of condition 21 and condition 23 to include reference to the Addendum.

As set out in Paragraph 7.68 of the Committee report, it is proposed that the site clearance works and the development would be implemented under an approved NatureSpace Great Crested Newt District Level Licensing Scheme. A copy of the NatureSpace Development Assessment and Certificate has not been submitted to the Council for review yet; however, a Technical Officer from the NatureSpace Partnership has confirmed that she cannot foresee any substantive issues with covering the site under the District Licence. That said, at this current time the Assessment and Certificate has not been submitted and when it does it will need to be reviewed by the Council's Ecological Advisor.

#### **Revised Recommendation**

Given several of the outstanding matters have been resolved the recommendation should be updated to the following:

**That authority be DELEGATED to the Development Manager to PERMIT the application, subject to the satisfactory resolution of the following outstanding matters: the submission of the Naturespace Development Assessment and Certificate; the results of the trial trenching survey work being acceptable; the addition to/amendment of planning conditions as appropriate, if necessary; and the completion of an agreement to secure the heads of terms listed in Paragraph 7.88 of the Committee report.**

#### **Additional Conditions**

1. The development hereby permitted shall not commence until a Mineral Resource Assessment Plan (MRAP) has been submitted to, and agreed in writing by, the Local Planning Authority. The MRAP must set out details of the method of investigation proposed for assessing the amount, type, quality and extent of the mineral resource, including the location, depth and number of any boreholes.

The undertaking of the mineral resource investigation must be carried out in strict accordance with the approved MRAP, unless the Local Planning Authority gives prior written permission for any variation. The results of the mineral resource investigation must be presented in a Mineral Resource Assessment (MRA) and submitted to and reviewed by the Local Planning Authority before the development can take place.

If the Local Planning Authority considers prior extraction to be necessary, a sufficiently detailed Mineral Recovery Plan (MRP) for extracting the mineral resource identified in the MRA, must be submitted to and agreed in writing by the Local Planning Authority. The MRP must set out: - the amount, type and quality of the mineral to be extracted; the amount of mineral to be retained and used on-site; the amount of mineral to be exported; and the proposed timescale for completing mineral extraction, including any phasing of mineral extraction.

All activities associated with mineral extraction must be carried out in accordance with the approved Construction Method Statement for the development hereby permitted, unless the Local Planning Authority gives prior written permission for any variation.

No prior extraction of minerals will be required where the Local Planning Authority is satisfied that: -

- the identified mineral resources are of such limited quality or quantity that the cost of removing them would not be justified; and / or
- the extraction of minerals and associated activities would not be environmentally feasible; and / or
- the extraction of minerals and associated activities would prevent or render unviable the implementation of the development hereby permitted.

Reason: To ensure that any identified mineral resource located on the site will not be subject to unjustified and needless sterilisation in accordance with Policy MS01 of the adopted Minerals Local Plan for Gloucestershire.

2. No development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric version 3.1 has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate how a biodiversity net gain of 10% will be delivered either on-site and/or off-site in accordance with the requirements of Policy NAT1 of the Tewkesbury Borough Plan (June 2022).

The development shall be implemented in accordance with the approved Biodiversity Net Gain Assessment.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales.

#### **Amended Conditions**

##### **Condition 21**

No development or site clearance shall take place on the southern parcel of land hereby permitted for commercial development until a Construction Ecological Management Plan (CEMP) for this part of the site has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall be in accordance with the recommendations set out in the Ecological Impact Assessment, prepared by EAD Ecology, dated January 2022, and the Ecological Impact Assessment Addendum: Two Mile Lane Highway Improvement Works, prepared by EAD Ecology, dated May 2022.

All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

##### **Condition 23**

No development or site clearance shall take place on the southern parcel of land hereby permitted for commercial development until a Landscape Ecological Management Plan (LEMP) detailing planting lists and showing retained and created habitats on a landscape plan for this part of the site has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall be in accordance with the recommendations set out in the Ecological Impact Assessment, prepared by EAD Ecology, dated January 2022, and the Ecological Impact Assessment Addendum: Two Mile Lane Highway Improvement Works, prepared by EAD Ecology, dated May 2022.

All works shall be carried out in accordance with the approved LEMP.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

5e	<p><b>21/00496/FUL</b></p> <p><b>Land West Of Delavale Road, Winchcombe</b></p> <p>Further to the preparation of the Committee report, the applicant has confirmed that the requested S106 contributions are acceptable in principle.</p> <p>Discussions are continuing with the applicant regarding the wording and information requirements of planning conditions. Members should note that these discussions are ongoing and the Officer recommendation remains unchanged insofar as the recommendation remains that permission should be granted and that the decision is delegated to the Planning Manager, subject to any additional/amended planning conditions.</p> <p>Since the preparation of the Committee report, one additional representation has been received, which is summarised below:</p> <ul style="list-style-type: none"> <li>- Building another housing estate with 100 houses on the Outstanding Natural Beauty Land should not be allowed by any council.</li> <li>- Winchcombe hasn't got enough infrastructures to support more traffic and the growing population in the area. The town suffers from lack of roads and parking spaces, causing congestions all the time. The current traffic volume is already a great threat to the foundations of the historic buildings with constant vibrations caused by passing traffic and the additional traffic, taken alongside cumulative traffic from recent development will harm the buildings.</li> <li>- Allowing the Bromford Development to build more houses on the Outstanding Natural Beauty Land by Tewksbury council is not only destroying an important part of English history but also destroying future of next generation.</li> <li>- There is no industry within 20 miles radius from Winchcombe and there are only two schools in Winchcombe, one Primary and one secondary (no Sixth Form). This means anyone who moves to Winchcombe will have to commute by means of transport ie. car/buses. The U.K Government and the rest of world desperately try to stop the global warming and to reduce CO emissions. Building more houses where there are no industry and oversubscribed schools means people have to use cars to work, to school runs increasing CO emissions and the global warming.</li> <li>- Tewksbury Borough Council must protect Winchcombe's environment, heritage and future generation from overdevelopment. It is a duty and responsibility of every councillor who must act on behalf of general public rather than profit seeking organisations.</li> <li>- Building another mass housing estate by Bromford Building company in Winchcombe Outstanding Natural Beauty land do not add any value on easing current housing crisis at all but help merely profit seeking private building company. The newly developed two housing estates prices in Winchcombe for 3 beds family home were between £400-£450K about 5 years ago. How many first time buyers with young family can afford these house prices is questionable.</li> </ul>
5f	<p><b>22/00194/APP</b></p> <p><b>Land Off A38, Coombe Hill, Gloucester, Gloucestershire</b></p> <p><b>Further to the preparation of the Committee report and the concerns raised by the Highways Authority, the applicant has submitted revised plans</b> which show that the long sections and gradients of the proposed access road conform with the requirements of the Manual for Gloucestershire Streets. The Highways Authority had also previously raised concerns that the footway of the main access road would not be compliant with the requirements for Inclusive Mobility, which is a material consideration. However, further to liaison with the applicant it has become apparent that, due to the site's topography, it is not possible for the applicant to physically achieve the requirements for Inclusive Mobility for the footpaths adjacent to the main access. However, there other footpaths on the site which meet the requirements which provide alternatives for users and therefore the County Highways Authority raises no objection to the application in this regard.</p>



In addition, the applicant has confirmed that the parking areas within the adopted highway will be managed by a private management company and have added staggered barriers to the two southern entrances. The Highway Authority has confirmed it now has no objection to the application and that the highway safety arrangements are acceptable.

**As set out in Paragraph 7.58 of the Committee report, condition 8 of the outline planning permission requires details of drainage to be provided prior to the commencement of development.** Severn Trent initially requested further information as part of the reserved matters application but has now subsequently advised the applicant to submit a Development Enquiry to Severn Trent to discuss the drainage proposals for the site, before looking to discharge the drainage related condition.

**Since the preparation of the Committee report, an additional objection has been received from the Parish Council. This is set out below:**

'I have spent more than five years leading a group of local residents in consulting and formulating our Neighbourhood Development Plan.

Our intention was as far as possible to maintain the rural atmosphere of our Parish whilst allowing development of new houses.

During the five years our aspirations have been diverted and dictated to by a "numbers game" that has imposed far greater quantities of new housing than the Parish should be absorbing.

We have therefore been forced to adapt our NDP on several occasions and it has recently passed Examination, due to go to vote in July and we expect it to be adopted in September 2022. The developers and their agents have been aware of our NDP and indeed have commented on it during its progression. As such we would expect TBC Planners and Council to take note wherever possible our aims.

The most relevant sections are

**Policy H1: Design for New Residential Development**

**A .Generic urban design will not be supported. Design and Access Statements should demonstrate how the locally distinctive character of the area has been accounted for using the Positive Local Design Features.**

Clearly this is an urban development in its density and in the boring standard design of the houses which in no way reflect any rural character. They may be in a couple of different brick colours but otherwise totally lack variation or imagination.

One of the visuals of the street scene show pavements that are not shown on the site plan. The other visual shows no pavements so is representative but surely dangerous on a busy development. The only thing they do show is total bland buildings taken with a wide angle perspective.

**C. Proposals should relate to the adjacent and nearby local character in massing, scale and use of outdoor landscaping,**

Whilst you can appreciate the green spaces around the development it has resulted in a concrete jungle in the middle. It would have been more rural to have had greater green spaces between the houses—the problem is that may then have meant leaving the numbers closer to the original TBC plan of 45 homes.

**F. All development will be highly sustainable, including energy efficiency measures and energy generation. Adequate refuse and recycling storage that is not visible from the public sphere will be incorporated into all schemes. Superfast broadband will be provided for all developments.**

There is no evidence as to where bins will be located relating to houses that do not have parking alongside their homes. There seems no inclusion of solar energy panels.

**G. Lighting schemes will reflect local character and be restricted to that necessary for public safety. Light pollution into the countryside will be avoided.**

We can see nothing relating to street lighting. Our desire would be to see no main lighting only low level lighting where relevant along footpaths.

**Policy H4: Parking in New Residential Development**

**A Parking spaces will be located in a manner that: a. ensures that parked cars do not dominate the street scene; b. clusters of cars will not form in the street scene; c. surfaces will be permeable; d. parking fits in with the character of the area.**

Clearly none of these factors will be achieved under the proposed design. Several of the streets are dominated with parking bays—often at the back of the houses. There are large clusters of parking spaces. There is no clear indication that all parking spaces will be permeable which is particularly important on this location which is susceptible to flooding. If all these spaces are connected to a drainage system that takes rainfall quickly away to local streams it will severely aggravate an area which suffers from frequent flooding. It should also be noted that at present I think there are only 13 visitor spaces on a development of 95 houses—ridiculous.

**D. Parking must be located in between or to the rear of houses, rather than in the front, to avoid dominating the street scene.**

Clearly this has not been achieved

It is disappointing to find that there have been several important amendments that have only recently been submitted which has not given sufficient time for others to view any redesign.

Some are obvious such as the third proposal for the play area—called LEAP—which is appropriate as children will tumble from a height!! This site was once described as a sensitive landscape now due to have some monstrous false hill built upon it.

I note that there are real concerns that the road system is so steep that it does not satisfy standards for mobility users and that Highways have requested deferment. The developers proposal suggests this may be overcome by removing a few of the visitor parking spaces (already limited) and reducing some planting on site.

The developers may feel that there has been little objection from the Community. I can confirm that faced with the mass of documents and the lack of response previously to objections many have given up. That however must be wrong and the NDP should be recognised as local opinion.

As the person responsible for our NDP I do not feel that the present layout satisfies the Policies within it and as such should be deferred. In addition it may be advantageous for the Proposer to discuss with The Leigh PC how the development may be able to fit in to the Parish. So far they have never approached the PC and the result is an over dense urban style development, with neither sympathy or thought to its rural setting.'

**As additional plans have been submitted since the preparation of the Committee report, which are now acceptable to the Highways Authority, the recommendation is amended to approve subject to the following conditions (the amendments to the conditions are underlined).**

1. The development hereby approved shall be implemented in accordance with the following plans, documents and details:

- Waste Minimisation Statement February 2022 received 4th February 2022
- Location Plan 100.P.1.2 received 4th February 2022
- Site Layout 19256-1003E received 15th June 2022
- Site Layout (Coloured) 19256-1003E received 15th June 2022
- Waste, Refuse, Cycle & Parking Layout 19256-1004C received 19th May 2022
- Materials and Boundary Treatment Plan 19256-1010C received 19th May 2022

- Storey Heights Plan 19256- 1011B received 19th May 2022
- Character Area Plan 19256-1012B received 19th May 2022
- Street Scenes 1 19256-SS01A received 14th April 2022
- Street Scenes 2 19256-SS02A received 14th April 2022
- Site Sections 19256-SITSEC received 4th February 2022
- Land Use, Access & Movement Parameters Plan Site Layout Overlay 19256 1006B received 19th May 2022
- Building Heights Parameters Plan Site Layout Overlay 19256 1005B received 19th May 2022
- Apartments 19256-1BFA received 14th April 2022
- House-Type 2 Bed Bungalow - Main Street 19256-B2 received 4th February 2022
- House-Type 2 - Main Street 19256\_HT2\_01 received 4th February 2022
- House-Type 2 - Lanes 19256\_HT2\_02 received 4th February 2022
- House-Type 3 - Main Street 19256\_HT3\_01 received 4th February 2022
- House-Type 3 - Lanes 19256\_HT3\_02 received 4th February 2022
- House-Type 4 - Main Street 19256\_HT4 received 4th February 2022
- House-Type 5 - Lanes 19256\_HT5 received 4th February 2022
- House-Type W4025 - POS Frontage Gateway 19256\_W4025\_01 received 4th February 2022
- House-Type W4025 - POS Frontage 19256\_W4025\_02 received 4th February 2022
- House-Type W4025 - POS Frontage V2 19256\_W4025\_03 received 4th February 2022
- House-Type X204 - Main Street 19256\_X204\_01A received 14th April 2022
- House-Type X204 - Lanes 19256\_X204\_02A received 14th April 2022
- House-Type X305 - Main Street 19256\_X305 received 4th February 2022
- House-Type X305 - Lanes 19256\_X305\_02 received 14th April 2022
- House-Type X307 - Main Street Gateway 19256\_X307\_01 received 4th February 2022
- House-Type X307 - Main Street 19256\_X307\_02A received 14th April 2022
- House-Type X307 - Lanes 19256\_X307\_03 received 4th February 2022
- House-Type X307 - POS Frontage 19256\_X307\_04 received 4th February 2022
- House-Type X307 Corner - Main Street Gateway 19256\_X307\_05 received 4th February 2022
- House-Type X307 Corner - Main Street 19256\_X307\_06 received 4th February 2022
- House-Type X307 Corner - Courtyard 19256\_X307\_07 received 4th February 2022
- House-Type X308 - Lanes 19256\_X308\_01 received 14th April 2022
- House-Type X308 - Courtyard 19256\_X308\_02 received 14th April 2022
- House-Type X309 - Main Street 19256\_X309\_01A received 14th April 2022
- House-Type X309 - POS Frontage 19256\_X309\_02A received 14th April 2022
- House-Type X309 - Main Street Alternative 19256\_X309\_03A received 14th April 2022
- House-Type X414 - Main Street 19256\_X414\_01A received 14th April 2022

- House-Type X414 - Courtyard 19256\_X414\_02A received 14th April 2022
- House-Type X414 - POS Frontage 256\_X414\_03 received 4th February 2022
- House-Type X416\_01 - Floor Plans 19256\_X416 received 4th February 2022
- House-Type X416 - Elevations - POS Frontage 19256\_X416\_02 received 4th February 2022
- House-Type X416 - Elevations - POS Frontage V2 19256\_X416\_03 received 4th February 2022
- Carport Floor Plan & Elevations 19256 CARP received 4th February 2022
- Single Garage Floor Plan & Elevations 19256 GAR-01 received 4th February 2022
- Double Garage Floor Plan & Elevations 19256 GAR-02 received 4th February 2022
- Shared Double Garage Floor Plan & Elevations 19256 GAR-03 received 4th February 2022
- Build Strategy Plan 0181 Rev B received 4th February 2022
- Vehicle Charging Points Plan received 0181\_210B 19th May 2022
- Petrol Filling Station Context 0181\_211 received 14th April 2022
- Drive Swept Path Analysis - Refuse Vehicle 19256 - DSP01 E received 19th May 2022
- Drive Swept Path Analysis - Fire Tender 19256 - DSP02 G received 19th May 2022
- Drive Swept Path Analysis - Private Car 19256 - DSP03 E received 19th May 2022
- Drive Swept Path Analysis - Pump Station 19256 - DSP04 F received 19th May 2022
- Schematic Drainage Strategy - Layout Plan 19256 - SK101 Rev M received 19th May 2022
- Schematic Extents of Adoptable Highway 19256 - SK301 Rev C received 19th May 2022
- Schematic Adoptable Kerbing and Finishes Plan 19256 - SK401 Rev B received 19th May 2022
- Schematic Road & Drainage Longitudinal Sections (Sheet 1 of 3) 19256 - SK201 Rev B received 15th June 2022
- Schematic Road & Drainage Longitudinal Sections (Sheet 2 of 3) 19256 - SK202 Rev A received 14th April 2022
- Schematic Road & Drainage Longitudinal Sections (Sheet 3 of 3) 19256 - SK203 Rev A received 14th April 2022
- Landscape Framework LA5279 - 01M received 25th May 2022
- Detailed Planting Plan 1 of 2 LA5279 - 02J received 25th May 2022
- Detailed Planting Plan 2 of 2 LA5279 - 03I received 24th May 2022
- Play Area Plan LA5279 - 04F received 24th May 2022
- Central Node Visual April 2022 received 14th April 2022
- Courtyard Visual April 2022 received 14th April 2022
- Landscape Specification & Maintenance Plan LA5279 - LSMP - 001I received 25th May 2022
- Energy Statement February 2022 received 4th February 2022

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

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

	<p>2. No part of the development hereby permitted shall be occupied until precise details of the landmark feature as shown on approved plan <u>19256-1003 E</u> have been submitted to and approved in writing by the Local Planning Authority. The approved landmark feature shall be installed no later than 12 months following the first occupation of the development, unless an alternative timescale is approved in writing by the Local Planning Authority.</p> <p>Reason: To explore the opportunity for a landmark feature on the prominent corner of the A4019 and A38 in accordance with Policy COO1 of the Tewkesbury Borough Local Plan 2011-2031.</p> <p>3. The development hereby permitted shall be carried out fully in accordance with the mitigation measures and recommendations within the Noise Assessment prepared by LFA Acoustic Engineers dated 12th January 2022 (Rev 1.0) unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure an acceptable level of residential amenity for future residents.</p>
5h	<p><b>Consultee Update</b></p> <p>Since the Committee report was written, the Council's Ecology Adviser has confirmed that he has no objections to the application, subject to conditions to secure ecological protection and enhancement and, similarly, the Lead Local Flood Authority Officer has confirmed that the surface drainage proposal are acceptable.</p> <p><b>A further public representation</b> has been received which reiterates objections previously received and set out in the Committee report.</p> <p>The recommendation remains delegated permit subject to the completion of a Section 106 Agreement and as set out at Paragraph 8.11 of the Committee report.</p>