

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 17 January 2023 commencing at
10:00 am**

Present:

Chair
Vice Chair

Councillor R D East
Councillor G F Blackwell

and Councillors:

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

PL.39 ANNOUNCEMENTS

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

PL.40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 40.1 Apologies for absence were received from Councillors J R Mason and J P Mills.
There were no substitutes for the meeting.

PL.41 DECLARATIONS OF INTEREST

- 41.1 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.
41.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
G F Blackwell	Agenda Item 5a – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters. Had received email correspondence in relation to the application but had not expressed an opinion.	Would speak and vote.

R D East	General Declaration.	Had received correspondence in relation to various applications but had not expressed an opinion.	Would speak and vote.
M A Gore	Agenda Item 5b – 22/00624/OUT – Land East of St Margaret's Drive, Alderton.	Knows of the applicant but had not had any contact or discussion with them in relation to the application.	Would speak and vote.
M L Jordan	Agenda Item 5a – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P E Smith	Agenda Item 5a – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Lives about a third of a mile from the application site but would not be any impact. Had been contacted by a number of local residents in relation to the application but had not expressed an opinion.	Would speak and vote.
R J G Smith	Agenda Item 5a – 22/00223/FUL – Field to the West of Hucclecote Lane, Churchdown.	Is a Member of Churchdown Parish Council but does not participate in planning matters.	Would speak and vote.
P D Surman	Agenda Item 5c – 22/00686/FUL – Land North of Leckhampton Lane, Shurdington. Agenda Item 5g – 22/00807/FUL – 54 Meadowsweet Road, Shurdington.	Is a Member of Shurdington Parish Council but does not participate in planning matters.	Would speak and vote.

R J E Vines	<p>Agenda Item 5c - 22/00686/FUL – Land North of Leckhampton Lane, Shurdington.</p> <p>Agenda Item 5d – 22/00245/FUL – Peak View Cottage, Green Lane, Witcombe.</p> <p>Agenda Item 5g - 22/00807/FUL – 54 Meadowsweet Road, Shurdington.</p> <p>Agenda Item 5h – 22/00283/FUL – The Glass Houses, Whitelands Lane, Little Shurdington.</p>	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
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41.3 There were no further declarations made on this occasion.

PL.42 MINUTES

42.1 The Minutes of the meeting held on 20 December 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.43 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

43.1 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.

22/00223/FUL - Field to the West of Hucclecote Lane, Churchdown

43.2 This application was for change of use of agricultural land to a secure dog walking/exercise area and associated works, including car parking area and improved access. The application had been deferred by the Planning Committee at its meeting on 20 December 2022 for a Planning Committee Site Visit to assess the gated area with regard to vehicular access to the site. The Planning Committee had visited the application site on Friday 13 January 2023.

43.3 The Planning Officer advised that this was a retrospective change of use application which included a 1.8 metre high security fence, car parking and improved access. The field was situated on the west side of Hucclecote Lane and approximately 200 metres to the south of the settlement of Churchdown within designated Green Belt land. The field had a road frontage to Hucclecote Lane of approximately 100 metres which included an existing access. The field was formerly agricultural use and was securely fenced with wire mesh secured to timber posts at three metre intervals around the boundary. To the north of the site was a dwelling house, Four Gables, to the east, and on the other side of Hucclecote Lane, was a small woodland and a Severn Trent Water pumping station with the grounds of Chosen

Hill House lying to the south. It was considered that the proposal would not result in any undue harm, as outlined in the Committee report, therefore, it was recommended that the application be permitted, subject to the conditions proposed.

- 43.4 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that this retrospective application for change of use of this agricultural, species rich, permanent pasture to a commercial business use should be refused. In his opinion, Neighbourhood Development Plan Policy CHIN13 should be upheld to preserve the views. The local amenity would be adversely affected due to the noise and greatly increased activity that would take place which contravened Joint Core Strategy Policies SD4 and SD14; Policy SD14 stated that there should be no unacceptable harm to local amenities including the amenity of neighbouring occupants and he failed to see how the proposal could avoid causing exactly that. The Environmental Health department did not seem to consider that an activity which would continue every single day of the year until 20:00 hours would be detrimental to the health and wellbeing of local residents – the opening times currently proposed were of little comfort and the nearest dwelling was only 10 metres from the field. County Highways had given no consideration to the increased run-off of water from the site; however, following a visit last month, it had been acknowledged that water was now being discharged onto the highway. The Council's Tree Officer had stated that Oak trees, now subject to Tree Preservation Orders, had already been impacted which contravened Tewkesbury Local Plan Policy LAN1. The local resident felt this was not the right place for this type of enterprise as it was not an isolated field and there were six dwellings within close proximity which would all be affected by the continual disturbance. The car park would be much more visually intrusive after it was fenced with six foot high security gates and fencing and the local amenity would be affected by the arrival and departure of vehicles every hour of every day of the year, setting free a fresh pack of up to ten excited dogs. The local resident asked Members to consider the impact the proposal would have and to refuse the application; however, if they were minded to permit the application, it should be within their remit to insist on more stringent conditions - there should be a restriction on any structures or equipment to preserve the amenity; the car park should be relocated further south, away from the neighbours and the Oak trees; there should be a restriction on the number of vehicles to one, as in the proposal; there should be greater restriction on the hours and days of opening; the number of dogs should be further restricted, particularly after the recent fatality in Surrey, with many similar sites restricting dog numbers to three or four; and, he asked if there could be at least one day per week when the site was not in operation to allow the neighbours to enjoy their gardens in daylight hours. The local resident disagreed with the Committee report which emphasised the proposal as being small-scale and concluded there would be no adverse impact on amenity. In his opinion, the proposal would radically change the environment and lives of the immediate neighbours and wider amenity of this quiet and beautiful part of Chosen Hill. He felt the recommendation to permit was wrong, the restrictions proposed did not go far enough and the Committee should refuse the application.

- 43.5 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that, as he had explained at the December meeting, the applicant ran a successful, established and highly-regarded dog walking business. This proposal was really important in moving the small business forward and enabling it to succeed by providing a secure dog walking facility in a very accessible location. He had also explained that, in planning terms, the proposal was very similar to other dog walking proposals in the Green Belt that had been approved on similar sites and he had given three nearby examples making the point that the law did not allow different decisions on proposals which were essentially the same in planning terms. He intended to deal with some of the matters which had arisen at the December meeting; firstly, he wished to correct Paragraph 1.3 of the Committee report as it

was not a retrospective application as the change of use of the land had not commenced – he pointed out that the applicant had been waiting patiently for almost 11 months for a decision on the application. Secondly, as Members would have seen on the Planning Committee Site Visit, the access was not yet completed but would be properly surfaced in line with the plans. Visitors would come into the site in a forward gear, turn in the parking area, and leave in a forward gear. County Highways had raised no objection to the proposal and Members should not go against the highway authority on expert technical matters. Thirdly, with regard to dog numbers, the figure of 10 dogs did not come from the applicant and the condition had been suggested by Officers in line with restrictions on other similar sites – the vast majority of users of these facilities had one or two dogs. He confirmed that all sessions would involve one vehicle at the site. In terms of amenity implications, Officers had raised no objection and the three examples he had quoted all had immediate residential neighbours but none had evidence of complaints so this proposal should not be treated any differently. With regard to planning conditions, the applicant had adopted a positive attitude and agreed a whole range of conditions and there was no guarantee these would be endorsed by an Inspector should the application end up at appeal. The applicant's agent sincerely hoped that the majority of the Committee would follow the evidence and clear advice and recommendations of the expert Planning and Highways Officers as there were no reasonable or sound planning reasons to withhold permission for this proposal.

- 43.6 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that the applicant's agent had suggested the application was not retrospective and he asked for clarification on that. The Planning Officer advised that the retrospective element was the fence which had already been erected. She confirmed that the change of use had not been implemented and the dog walking business had not been started. A Member asked for further clarification with regard to the hardstanding as he assumed this would also make it retrospective if that had been put down and would constitute development in the Green Belt. In response, the Planning Officer confirmed there was some hardstanding across part of the site. The Development Management Team Leader advised that hardstanding itself did not constitute inappropriate development in the Green Belt. The Member appreciated the clarification but indicated that other points of view had been put forward with regard to this matter, both at Tewkesbury Borough Council and at Gloucestershire County Council as to whether they laying of hardstanding was development. The Legal Adviser explained that it could constitute development as a building or engineering operation but that could depend on the extent of what was happening. The Development Management Team Leader had advised that here it was not considered that the hardstanding would be inappropriate development in the Green Belt and it was necessary to look at the policy and context each time.
- 43.7 A Member indicated that he personally did not agree with retrospective applications and, in this case, he felt the proposal would scar the beautiful location of Chosen Hill and would be inappropriate development within the Green Belt. He referred to the terrible incident regarding a dog walker killed when walking 10 dogs, seven of which were still detained, and he felt that, if the application was permitted, a condition should be included to restrict the number of dogs to six in accordance with national thinking. He also felt the site should be closed on a Sunday to offer some respite to local residents. In response, the Development Management Team Leader advised that dog numbers were linked to the licensing process which was outside the scope of planning in terms of conditions so, whilst the number could be reduced, that would need to be reasonable in terms of licensing. With regard to operational hours, Planning Officers had been guided by Environmental Health in terms of what was reasonable and it was within Members' power to amend them if

they considered it to appropriate. A Member asked what licence was required for walking dogs and the Development Management Team Leader indicated that he believed there were professional standards in terms of licensing dog walkers.

43.8

A Member indicated that she had spoken at length at the last Committee and she could not support the application. She felt it was unnecessary development in the Green Belt and would have an adverse impact. The Committee report stated there would be limited impact on views but that meant there would still be an impact, however limited. She noted that some of the supporting comments stated that residents should be grateful as it was better than having a housing estate on the site but they clearly did not understand the purpose of the Green Belt. She had complete sympathy with residents whose lives would be blighted. She had no problem with the facility itself but felt it was in the wrong location. Another Member indicated that she continued to have concerns regarding waste, which she had raised at the previous meeting. She asked who would be making sure the waste bins were emptied daily which would be required based on the number of dogs that would be using the field; this would be particularly important in the summer when odour could become a problem for the surrounding area. The Development Management Team Leader advised that facilities would be provided on site for dog walkers to dispose of their waste and it was down to the owner to make the arrangements for that. The Planning Officer pointed out that this would be the same situation as with other dog walking sites and there had been no comments from the neighbouring properties in relation to that particular matter. The Member indicated that she would like a definitive answer regarding who would empty the bins when they were full and the Planning Officer confirmed it was the owner's responsibility. In response to a query regarding how often the bins would be emptied, the Development Management Team Leader advised that he did not have that information but he presumed dog walkers would be required to clean up after their dogs ready for the new users. A Member questioned whether a condition could be included to require dog waste bins to be provided on the site. A Member pointed out that, as an agricultural site, it was possible it could be used for cows or sheep, or even corn, which could all create a much greater disturbance in terms of noise and dust, for instance, during lambing or harvesting. In his view dog walking would have very limited impact. Another Member reiterated that the application was for a maximum of 10 dogs per hour over a 12 hour day. She accepted it was the owner's responsibility to ensure the waste bins were emptied but questioned who would make sure that was being done. The Development Management Team Leader explained that it was proposed to include an informative on the decision notice to recommend that at least two dog waste bins should be provided, situated away from residential properties and near the exit from the site, and that they should be maintained and emptied on a regular basis for the duration of the development. Consideration had been given to including this as a condition but that had not been felt to be appropriate based on reasonableness and the ability to monitor such a condition. She pointed out that a condition had not been applied to any other dog walking site permissions and it was expected that the owner would want to maintain good practice on the site. A Member raised concern that, if dog waste bins were placed at the exit to the site that would also be the closest point to residential properties which contradicted the informative. The Legal Adviser explained that Environmental Health had attended the meeting in December and had pointed out that there was legislation covering odour and accumulation which could be applied if any issues were to arise. Members must consider how reasonable it would be to add a condition to the planning permission, particularly in light of the fact that it had not happened on other similar applications. It had been suggested by others that a waste management plan could be required by condition and she asked an Officer to comment on that. The Development Management Team Leader advised that there may be a waste management plan which would deal with some of these issues but he did not have that information before him so that would need to be done under delegated authority. The proposer and seconded of the motion indicated that they

were happy for Environmental Health to attend the site if there were any issues and did not feel that any further conditions were necessary.

43.9 Upon being put to the vote, it was

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

22/00624/OUT - Land East of St Margaret's Drive, Alderton

43.10 This was an outline application for the demolition of 16 St Margaret's Drive and the erection of up to 48 dwellings (a net increase of 47 dwellings), associated infrastructure, landscape and biodiversity enhancements with all matters reserved except for access from St Margaret's Drive. As set out in the Additional Representations Sheet, attached at Appendix 1, the description had been amended to reduce the number of dwellings from 'up to 55 dwellings' to 'up to 48 dwellings (a net increase of 47 dwellings)'.

43.11 The Senior Planning Officer advised that the report related to an application which was subject to a non-determination appeal and the Council was required to indicate what its decision would have been and this would form the basis of its Statement of Case going forward at appeal. The site was located at the south-eastern edge of the village of Alderton and comprised approximately 3.97 hectares of agricultural land which fell outside of the defined settlement boundary and had not been allocated for development in local plan policy. The site was part of the Special Landscape Area defined for areas of high quality countryside which coincided as the foreground setting to the Cotswold Area of Outstanding Natural Beauty. The Parish Council had objected to the scheme along with the Campaign for the Protection of Rural England (CPRE). The Council's specialist landscape adviser and heritage specialist had both raised objections to the potential impact of the scheme. The application site lay outside of the defined settlement boundary for Alderton and was not allocated for housing development. The site did not represent infilling and should be refused on principle. Harm would arise from the cumulative growth in Alderton in such a relatively short period of time which would have a negative impact on social cohesion and wellbeing and there would be a harmful impact on the landscape within the Special Landscape Area as well as harm to designated and undesignated heritage assets and biodiversity impacts. The reasons for refusal were set out within the Committee report, and amended on the Additional Representations Sheet, and related to the principle of development, impact upon community cohesion, landscape character and potential harm to the setting of both designated and undesignated heritage assets. The remaining reasons for refusal were technical reasons which sought to secure appropriate mitigation in the absence of a Section 106 Agreement, as such, those reasons could be satisfied prior to the appeal. The Officer recommendation was therefore minded to refuse, subject to the amendments detailed on the Additional Representations Sheet.

43.12 The Chair invited the representative from Alderton Parish Council to address the Committee. The Parish Council representative thanked Members for the opportunity to speak against this outline application for 48 houses on a greenfield site, outside of the settlement boundary of the rural village of Alderton. The Parish Council had raised significant objections to the scheme alongside 150 letters of objection from residents of the village. The Planning Officers were recommending minded to refuse and this was fully supported by the Parish Council. Alderton was identified as a Service Village but, in the last eight years, the village had been inundated with planning applications for housing on outlier urban estates. In 2011, the village comprised 277 houses and, since that time, through appeal, there had been an increase of 100 houses, increasing the size of the village by a third. Tewkesbury Borough Council rightly recognised the village had now had its fair

share of expansion and so had not allocated any further housing to the village in its newly adopted Local Plan. Despite this, developers continued to submit applications for new estates and, if all of those were approved, it would double the size of the village in less than 10 years which the Parish Council felt was unsustainable. Part of the site had previously been the subject of a dismissed appeal on the grounds of significant harm to the character and appearance of the area; adverse effect on the landscape and setting of the Area of Outstanding Natural Beauty; and cumulative impact of development on the social wellbeing of the community – those significant adverse impacts remained. In addition, Tewkesbury Borough Council had adopted its new Local Plan and there was an adopted Neighbourhood Development Plan for Alderton; the Council could now demonstrate a five year supply of housing to meet its own housing needs; there had been a loss of services within the village; there was increased awareness of heritage assets around the site; and there were ongoing ecology issues. With regard to highway matters, the Parish Council continued to have significant concerns that expansion with no meaningful employment, retail, medical or educational facilities and no modes of transport other than the car to get to facilities, had economic and social impacts on both existing and new residents. This development was planning by appeal which was not good planning and, given the significant areas of impact identified, the Parish Council welcomed the continued support of the Borough Council in fighting this application at appeal.

- 43.13 The Chair indicated that the Officer recommendation was minded to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be minded to refuse in accordance with the Officer recommendation. The proposer of the motion welcomed the update on the Additional Representations Sheet which improved the reasons for refusal to include reference to the new Tewkesbury Borough Plan. As had been stated by the Parish Council, Alderton had been inundated with an enormous amount of housing and, in her view, it was time developers looked at other villages to add small amounts of development across the borough. A Member noted that the application had been made on 23 May 2022 and the non-determination appeal had been lodged on 31 October 2022 so he asked why the application had failed to be determined within the required timescales. In response, the Senior Planning Officer explained that Officers had been working with the applicant to seek to address the concerns raised by the statutory consultees so it had been allowed to extend beyond the usual timescales in order to facilitate discussions. The Member expressed the view that it was important for the applicant to be given a fair opportunity. Two previous applications had been refused by the Planning Committee and subsequently allowed on appeal and he felt the fact Alderton was a Service Village was very relevant – he pointed out that residential development was taking place in areas such as Coombe Hill which had very few services in comparison to Services Villages such as Alderton. The Head of Development Services explained that the planning application before the Committee was recommended for refusal as it was contrary to the development plan and the Council could demonstrate a five year housing supply and the reasons for refusal were clearly set out within the Committee report and on the Additional Representations Sheet. With regard to the appeal, whilst it was never clear what would happen at an Inquiry, the Council would defend the position taken forward.
- 43.14 A Member indicated that this was a familiar situation with regard to Alderton and she felt it was time for the Committee to stand up against developers whilst the Council was able to demonstrate a five year housing land supply and refuse the application. Another Member indicated that he was happy to support the motion to refuse the application. He drew attention to Pages No. 44-45, Paragraph 4.2 of the Committee report which stated that no objections had been raised by the Lead Local Flood Authority or Severn Trent Water, and he asked if that meant that assessments had been carried out and whether they were desk-based or site

visits. In recent weeks Twigworth, Longford and Innsworth had seen the green spaces between them flooded with excrement which had run into watercourses and Public Rights of Way despite assurances from the Lead Local Flood Authority that would not happen. As such, he felt it was important to obtain more information from the relevant agencies as to what type of assessment had been carried out and to include this within the Committee report. In response, the Senior Planning Officer advised that the comments from the statutory consultees did not indicate whether they had visited the site or not – County Highways may state if there was a specific matter but otherwise that information was not available. The Member asked if that information could be included in reports going forward in order to inform Members' opinion as to what weight they might give to the advice of the statutory consultees.

43.15 Upon being put to the vote, it was

RESOLVED That the application be **MINDED TO PERMIT** in accordance with the Officer recommendation.

22/00686/FUL - Land North of Leckhampton Lane, Shurdington

43.16 This application was for the construction of 25 dwellings. The Planning Committee had visited the application site on Friday 13 January 2023.

43.17 The Senior Planning Officer advised that the application sought full planning permission for 25 dwellings along with access, drainage, landscaping, public open space and associated works. The site was located to the north of Leckhampton Lane, within the village of Shurdington, to the south of Cheltenham. It covered an area of 1.2 hectares and was presently a greenfield site. The site was formerly located within the Cheltenham-Gloucester Green Belt but, on adoption of the Tewkesbury Borough Plan, the land was de-designated and it was no longer located within the Green Belt. The Green Belt boundary adjoined the site at its northern boundary along the Ham Brook and the Cotswold Area of Outstanding Natural Beauty was located to the south of Leckhampton Lane. The proposed development would provide a mix of detached and semi-detached open market and affordable dwellings; overall, 10 of the dwellings proposed would be affordable which equated to 40% provision across the site. The proposed dwellings would be two storeys in height with a palette of materials including reconstituted 'Cotswold' stone, brick and render finishes along with a mix of roof tile and slate. The site was formally allocated for housing under Policy SHU2 of the Tewkesbury Borough Plan and was identified as 1.2 hectares with an indicative capacity of 20 dwellings; it should be borne in mind that this figure was not an upper limit and the policy clarified that "all site capacities are approximate and detailed design proposals may indicate that greater or fewer dwellings can be accommodated on a site". Shurdington Parish Council had objected to the proposal. The formal landscape comments were still awaited. The Senior Planning Officer confirmed that the principle of the development was acceptable as it was formally allocated and the scheme was in accordance with the wider parameters detailed within Policy SHU2. The applicant proposed highway improvements to the triangular parcels of land fronting onto Leckhampton Lane including the provision of formalised parking for public use and improved pedestrian footpaths. The scheme was acceptable in terms of its impact upon the neighbouring special landscape character, the proposal would be served by a safe and suitable access and the cumulative impact on the highway would not be severe. Furthermore, it would have an acceptable impact on the character and appearance of the surrounding area and would be acceptable in terms of residential amenity. 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 receipt of formal landscape comments and the completion of a Section 106 Agreement.

- 43.18 The Chair invited the applicant's agent to address the Committee. The applicant's agent was pleased that the application was being presented to Members with a recommendation of delegated permit and he commended Officers on coming to a positive recommendation. The application before the Committee would deliver housing at a site that had been allocated in the Local Plan for residential development. The applicant had engaged proactively with the Council, firstly, in the preparation of the Local Plan which led to the allocation of the site and, more recently, through discussions at pre-application and planning application stages. Through working in a collaborative manner, the application delivered a well-designed scheme that contributed positively to Shurdington and the surrounding environment and helped the Council to meet its overall targets for open market and affordable housing. The applicant's agent stressed that the application had been subject to rigorous assessment to ensure the scheme did not generate adverse impacts. This assessment had followed the detailed requirements of the Policy SHU2 which was shaped during the preparation of the Local Plan to address site specific issues relating to landscape, Green Belt, highways, biodiversity net gain, flood risk and green infrastructure matters. The Committee report confirmed that the proposal was compliant with the policy. Planning conditions had been suggested by consultees to secure appropriate schemes to ensure that sufficient measures were put in place to enable the development to be delivered in an effective manner without impacting the local community and the environment. The applicant welcomed the suggested conditions as they would give the Council sufficient control over the development and its implementation. The applicant's agent recognised that proposals for new development should accord with the requirements of the development plan as a whole and the Committee report confirmed that the proposal constituted sustainable development and was compliant with the development plan and the National Planning Policy Framework. There was a clear and strong planning justification to support the planning application and the applicant committed to working with the Council to ensure the Section 106 Agreement was completed quickly so that onsite works could commence to enable the project to be built-out in a timely manner. The applicant's agent hoped Members would agree with the findings of the Committee report and he respectfully requested that they delegate authority to permit the application, subject to agreement of the legal matters.
- 43.19 The Chair indicated that the Officer recommendation was to delegate authority to the Development Manager to permit the application, subject to the receipt of formal landscape comments and the completion of a Section 106 Agreement, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Manager to permit the application in accordance with the Officer recommendation. The proposer of the motion felt that residential development in Shurdington had been avoided for many years due to its location in the Area of Outstanding Natural Beauty and this was an appropriate site for housing. The seconder of the motion indicated that 180 dwellings had been provided within the 12 Service Villages across the borough but this was disproportionately spread with minimal provision in Shurdington and areas such as Alderton suffered as a consequence. In her view, it was vital that houses were built in Shurdington to meet the need in that area.
- 43.20 A Member noted that County Highways had raised no objection to the proposal subject to conditions and he asked for more detail of those conditions. In response, the County Highways representative indicated that he believed the conditions related to a construction management plan, provision of cycle storage where there were no garages and Section 278 works relating to the proposed footway and formal parking. The Member sought assurance that the County Highways

representative was completely happy with the access in front of the site onto Leckhampton Lane as he was aware of discussions locally about the need for a roundabout at the junction between Leckhampton Lane and the A46 to ease queuing. The County Highways representative confirmed that the applicant had carried out an assessment and, based on the outputs, County Highways was satisfied that the impact of the development would not be significant and the access could operate safely. The Member noted that the scheme was originally for 20 houses but was now for 25 and, although there were two parking spaces per house, there were only five visitor spaces which he found unacceptable. He raised concern about having the car parking at the bottom of the site on the highway as people would have to walk from their cars to the properties. The County Highways representative confirmed that the car parking provision on site was in accordance with guidance in terms of numbers. The applicant was effectively formalising what already happened in terms of where cars were parking currently. In response to a query about garages and cycle storage, the Senior Planning Officer explained that garages were proposed for the majority of the properties and, for the one or two properties which did not have them, it was possible to include a condition in relation to cycle storage provision. A Member raised concern that there was no condition regarding cycle storage provision within the Committee report and yet it had been suggested that it would be built. She indicated that cycle storage was a matter which had been discussed previously by the Committee and Members were not prepared to accept that it must be provided as a standard condition for residential proposals. She did not believe that providing cycle storage would increase the number of people using bicycles and it took up a lot of garden space. She asked for clarification as to how this was being applied if it was not in the conditions. In response, the Head of Development Services explained that the County Highways representative had mentioned this was one of the recommendations which County Highways had made to the Council; however, as Members would see from the Committee report, such a condition had not been attached to those recommended in the Committee report. Another Member asked why cycle storage provision was not included as a condition if it had been recommended by County Highways and was in the Council's policy. In response, the Senior Planning Officer explained that, as it stood, the recommended condition required garages to be retained for parking; six of the properties did not have garages on site. Further to the discussions at previous Planning Committee meetings, and given that the majority of housing had cycle storage within the garages, on this occasion, cycle storage provision had not been requested. The Member indicated that this was becoming a bone of contention - it seemed ridiculous to her that the Council was supposed to be encouraging people to use greener forms of transport and yet the condition regarding cycle storage provision was being voted out at every meeting. It was either included in the Tewkesbury Borough Plan or it was not and, if it was, the Council should be following the recommendation of County Highways.

- 43.21 A Member observed that there seemed to be a lot of applications where applicants were undertaking their own highway assessments and she asked whether County Highways still undertook an assessment in those situations. In response, the County Highways representative confirmed that County Highways reviewed what was submitted by the applicant but also carried out its own assessment. Another Member noted that a 'no objection' response had been received from the drainage engineer, as set out at Page No. 64, Paragraph 4.5 of the Committee report and he asked if that was a Tewkesbury Borough Council Officer. In response, the Development Management Team Leader confirmed that a drainage engineer was now in post and they were a full-time Tewkesbury Borough Council employee. The Member observed that, in terms of car parking, County Highways had stated that car parking provision would be adequate on other developments, such as the Clock Tower, and yet the reality was very different, therefore, he wanted assurances that provision on this site was adequate and people would not be parking in front of their properties. With regard to drainage, the brook behind the development could only

take run-off from the north of the site, not the site itself and there was a natural valley where the road was to the south. He had only found four rainwater gullies on site with standing water where the new parking area would be provided so he questioned where the water would go and what problems that might cause in the future. The County Highways representative confirmed that parking numbers were based on County Highways' guidance and he was satisfied that the proposal complied with that. The Member expressed the view that the guidance needed to be changed as it was clearly not working in places such as Bishop's Cleeve, Innsworth, Longford and Twigworth. The County Highways representative appreciated that point and agreed it may be something which needed to be looked at going forward but, based on the current guidance at this point in time, the parking was adequate. A Member drew attention to Page No. 63, Paragraph 4.2 of the Committee report, and the response from Shurdington Parish Council which indicated that the Shurdington Speedwatch volunteers had noted speeds well in excess of the speed limit with cars routinely recorded over 50mph and, in one case, 80mph and he asked if County Highways had any concerns about that. The County Highways representative advised that the applicant had carried out an Automatic Traffic Count (ATC) survey between 1 March and 7 March 2022. Based on that evidence, and as the impact of the development would not be severe in terms of additional vehicles, County Highways was satisfied the proposal was suitable based on recorded speeds on the road. The Member asked whether the proposal would be backland development and the Senior Planning Officer reiterated that the site was allocated in the Tewkesbury Borough Plan, therefore, the principle for housing was acceptable.

43.22 A Member indicated that, whilst he supported the application, he shared the concerns raised regarding parking and noted that additional on-road parking bays had been successfully added in negotiation with the applicant on other developments, for instance, in Bishop's Cleeve, and he asked if that would be appropriate in this case. In relation to the ongoing narrative around cycle storage, he stated that this was policy within the Tewkesbury Borough Plan and had been well discussed by the Tewkesbury Borough Plan Working Group where it had been noted that the County Council had tried to influence what should be a decision at this level and the Borough Council had taken a view on that. There was no wish to impose cycle storage provision on developers and he did not think that was appropriate. With regard to the parking, the Legal Adviser understood that the proposal would include 51 off-street parking spaces and the triangular area to the south of the site would be additional to that. The Senior Planning Officer confirmed that was the case and that the five visitor spaces would be provided within the housing development itself and the spaces within the triangle which had been offered by the applicant to improve the parking situation around that area were additional and were not counted as visitor parking spaces. In response to a query regarding the trajectory of the development, the Senior Planning Officer advised that it would be a requirement of the planning permission that work commence within three years but he had no other indication as to when the development might come forward.

43.23 Upon being put to the vote, it was

RESOLVED

That authority be **DELEGATED** to the Development Manager to **PERMIT** the application, subject to the receipt of formal landscape comments and the completion of a Section 106 Agreement.

22/00245/FUL - Peak View Cottage, Green Lane, Witcombe

- 43.24 This application was for the erection of a detached dwelling with a separate garage. The Planning Committee had visited the application site on Friday 13 January 2023.
- 43.25 The Planning Officer advised that, as set out in the Additional Representations Sheet, attached at Appendix 1, the applicant had submitted a supporting statement following the publication of the Committee report but that had not changed the Officer recommendation. In addition, comments from County Highways had now been received and there was still an objection with regard to insufficient visibility at the proposed access. Members were advised that the application related to land to the north-west side of Peak View Cottage with the built-up area of Witcombe to the north – the site was not considered to be within or adjacent to the built-up area. The dwelling would have an oak frame with natural stone walls and a sloped roof. A Committee determination was required as the application had been called-in by a Member to assess the acceptability of the proposal given its location within the Area of Outstanding Natural Beauty. The Officer recommendation was to refuse the application, as set out in the Committee report.
- 43.26 The Chair invited the applicant to address the Committee. The applicant advised that they were looking to build their dream family home, a sustainable oak framed house. The house would not be visible from outside of the immediate site and would have no adverse impact on the Area of Outstanding Natural Beauty. The site was an obvious infill plot being “an under-developed plot well-related to existing built development” and clearly complied with Policies RES3 and RES4 of the Tewkesbury Borough Plan. Unfortunately, the Planning Officer disagreed and was recommending the application for refusal for three reasons. The first reason was that the site was not within, or adjacent to, the built-up area of Witcombe; however, the applicant argued that the site was within the continuous built form of the village of Witcombe and, even if that was not the case, Policy RES3 stated that it would be considered acceptable where development was very small-scale at rural settlements in accordance with Policy RES4; RES4 did not require the site to be in a village, only that it was well-related to existing buildings within the settlement. The second refusal reason was that backland development created a cluster which was considered inappropriate. The applicant pointed out that two other houses further along Ermin Way were also set back from the road and there was a specific example of backland development further along Green Lane. The area was made up of a diverse mix of residential dwellings in varying locations and plot sizes. In terms of refusal reason three, it was suggested the proposal would result in overlooking of the garden of The Landers but the applicant explained that the proposed house would only overlook the front garden and driveway, not the private rear garden which included a swimming pool, patio and lawned area. Planning guidance set out that front gardens and driveways were not sensitive areas for overlooking and the owners of The Landers had raised no objection. In terms of highways, the applicant had addressed concerns from County Highways in June 2022 but had only seen the response at 9pm the previous day. The access was already in use by three properties and would continue to be used by only three properties as it would no longer be used by Peake View Cottage. County Highways had previously given permission to the owner of 2 Red Cottages to create the access, build a garage and run a motorcycle repair and parts business with customers using the same access. In summary, the applicant considered that the application was policy compliant, the hidden house would have no adverse impact on the Area of Outstanding Natural Beauty and the design and materials related well to its setting. The super insulated shell, built from sustainable materials would produce a highly energy efficient home which the applicant felt was exactly the type of new build that Tewkesbury Borough should be championing and she hoped Members would agree.

- 43.27 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted on the basis that the site lay within the built-up settlement of Witcombe; it would respect the character of the area; it would not have an unacceptable impact on the amenity of the property known as The Landers; and the visibility splays at the proposed access were acceptable given that it was an existing access already in use. The seconder of the motion noted that the Committee report did not state that the proposed dwelling was a self-build and the Planning Officer advised that, although it was not in the description of development, it was included on the self-build register; however, she stressed that it being self-build did not override other policies. A Member understood that the Council was required to have a certain number of self-build properties so it would have been helpful to Members to know that was the case and he asked for that information to be included in future. The Development Management Team Leader confirmed that it was a material consideration in terms of the self-build register but it did not need to be on the register to count towards the Council's numbers. Another Member understood that Community Infrastructure Levy (CIL) could not be raised against self-build properties so, if the applicant had indicated that CIL was not payable, Officers should be aware that the dwelling would be self-build at the point the application was submitted.
- 43.28 A Member indicated that he could see no reason in principle why the motion to permit the application should not be supported; however, the applicant had mentioned overlooking of 'The Landers' and it was difficult to work out from the plan where the front and rear gardens were located. The Planning Officer explained that the private garden area was to the rear of The Landers and the overlooking impact would be to do with the front wing where there would be glazing overlooking the dwelling and amenity space to the side. The Landers did have other areas of private amenity space but her professional recommendation was that there would be some overlooking into the private amenity space. She clarified that, although the current occupiers of the property had not objected to the proposal, that did not mean future occupiers would find it acceptable. The Planning Officer also indicated that there was an objection on technical grounds which also formed part of the refusal recommendation. Another Member drew attention to Page No. 101, Paragraph 8.68 of the Committee report which stated that the development was liable for CIL because it created a new dwelling and she asked for clarification on that point. The Development Management Team Leader indicated that she would need to check the application form and, if there was an error, that would be rectified if Members were minded to permit the application. A Member pointed out that the literature from the Secretary of State and the Department for Levelling-Up, Housing and Communities around self-build legislation set out that it was part of the local planning authorities' duty to grant planning permission. In terms of the highways objection he accepted there would be issues if this was a new access but the access was already there and being used by others so he did not consider that to be relevant. The Development Management Team Leader reiterated that self-build was not an overriding consideration and the application would still need to be determined in the planning balance. In this case, other issues came into play which Officers considered were overriding in terms of recommending the application for refusal.
- 43.29 A Member asked what conditions Officers would recommend if Members were minded to permit the application and the Development Management Team Leader advised that standard conditions regarding commencement of the development and the development being carried out in accordance with the plans as well as more information regarding materials and site levels should be included. Another Member indicated that she was supportive of the highways objection as it was a very fast road and she asked whether Peak View Cottage had another access given that it would no longer use the existing access as part of this proposal. The

Planning Officer confirmed there was another access for Peak View Cottage via Green Lane.

43.30 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** on the basis that the site lay within the built-up settlement of Witcombe; it would respect the character of the area; it would not have an unacceptable impact on the amenity of the property known as The Landers; and the visibility splays at the proposed access were acceptable given that it was an existing access already in use, subject to conditions in relation to the commencement of the development, the development being carried out in accordance with the approved plans and further details regarding materials and levels.

22/01011/FUL - Ashstump House, Calcotts Green, Minsterworth

43.31 This application was for removal of agricultural occupancy condition h) of application reference TG4488/C. The Planning Committee had visited the application site on Friday 13 January 2023.

43.32 The Planning Officer advised that Ashstump House was a two storey detached dwelling situated approximately 100 metres to the west of the defined settlement boundary of Minsterworth which was identified as a Service Village in the Tewkesbury Borough Plan. The application was recommended for refusal as set out in the Committee report.

43.33 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the agricultural occupancy condition dated back some 35 years when the dwelling was originally consented for the applicant, who still lived there, at a time when they were employed by Elms Farm in Minsterworth. Elms Farm was a short distance away from the property and had been in operation as an intensive commercial dairy farm but that use had ceased in 2007 and the applicant had last been employed by the farm in 2012. The applicant's agent indicated that, through their submissions, they had demonstrated there was no longer any need for an agriculturally tied dwelling to serve Elms Farm and that had been the case for at least 10 years. Elms Farm would be unlikely to require a tied dwelling in future as it was no longer suitable, in terms of scale and range of facilities, to support any intensive modern farming practices. Members would also be aware there was a live planning application for the residential development of Elms Farm in its entirety to provide 40 dwellings which further outlined the future intentions for the farm. Several local farm owners around Minsterworth had written to support the application, outlining that they had no requirements for agriculturally tied dwellings in the locality and the proposals were supported by the Parish Council and Local Ward Members. Notwithstanding this, the value of the property, even when marketed at an agricultural discount, would be well beyond the affordability of the average agricultural or forestry worker and there were hundreds more affordable and unrestricted properties of all sizes available and currently on the market locally and within close commuting distance. In the 35 years since the dwelling had originally been approved, Minsterworth had expanded considerably and was now considered to be a sustainable Service Village where residential development should be directed in accordance with the development plan. Ashstump House was far from being isolated from services and facilities and was centrally located within a sustainable village location. The main concern raised by Officers related to the availability of marketing evidence for the property and it was the applicant's position that the aforementioned reasoning would clearly outweigh the need to formally market the dwelling for the 18 months as requested. Notwithstanding this, the applicant had recently placed the dwelling on the market to further highlight the lack

of need for a tie on the property and the initial marketing report had been circulated to Officers and Members last week highlighting that, although there had been a small number of enquiries – due largely to the discounted price - none would meet the requirements of the agricultural tie. In conclusion, the applicant's agent indicated that they no longer considered that the agricultural occupancy condition was necessary, relevant or reasonable and therefore would not meet the tests for imposing conditions, as outlined in the National Planning Policy Framework. As a result, the applicant was now seeking the Planning Committee's support for its removal.

- 43.34 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted as sufficient evidence had been submitted to demonstrate there was no need for an agriculturally tied dwelling. The seconder of the motion noted that the agricultural occupancy condition had been added over 30 years ago when there was a need for the agricultural worker to have a dwelling close to their workplace to raise their family; however, the applicant was no longer in agricultural employment and was not able to sell the property so it seemed to him that refusing the application would be imposing something impossible.
- 43.35 A Member asked whether the agricultural tie could be removed for this particular applicant whilst he remained in the property and the Planning Officer provided assurance that the current condition allowed for someone who had worked in agriculture previously to remain in the property so the applicant would not be required to leave the property. The Development Management Team Leader added that the applicant could also apply for a Certificate of Lawful Use which was specifically for that purpose. Officers did not have any information about what the applicant intended to do at this stage.
- 43.36 A Member expressed the view that there was no great demand for site specific agricultural ties in this day and age. Another Member supported that view but indicated that Members must be guided by policy and he questioned what grounds there would be to go against policy and overturn the application. In response, the Development Management Team Leader felt it should be borne in mind that Policy AGR4 of the Tewkesbury Borough Plan required that properties be marketed for a period of 18 months to establish whether there was a need for the dwelling; Officers did not have the full suite of information to make a judgement against that policy which was why the application was recommended for refusal. A Member felt that the applicant had made an effort to find out if there was anyone willing to buy the property and knew there was no market for that type of property. Another Member recognised that the local farmers in the area had been contacted to ascertain there was no local need and it had been advertised for 8-12 weeks on the open market so it seemed unreasonable to put the applicant's life on hold whilst it was advertised for the required 18 months. The Head of Development Services explained that the Tewkesbury Borough Plan had been adopted in June 2022 and Policy AGR4 was one of the adopted policies within the plan. That policy clearly set out the timeframes for any applicants wishing to remove an agricultural tie and that formed part of the Council's adopted development plan. If Members were inclined to disregard that, it could set a precedent for future applications considered by the Committee. Whilst the applicant had contacted local farmers and advertised for 8-9 weeks, that was not in accordance with the policy, hence the recommendation for refusal. A Member understood that, if the Committee was minded to overturn an application, it was necessary to consider how much weight should be attached to each aspect of the Officer recommendation so, should Members decide to give less weight to the policy in the planning balance, it was possible to make a valid decision and permit the application. The Legal Adviser explained that Members should give their policy full weight and she could see no reason why they would choose not to do so given that the Tewkesbury Borough Plan was only adopted in June 2022. If Members were minded to go against the development plan policy they could do so if

there were particular circumstances where it was considered that there were material considerations to make a decision other than in accordance with that policy. Some Members had suggested there was satisfactory evidence, but others may say that 8-9 weeks marketing was not enough to test the market effectively and the policy was for 18 months.

43.37 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** as sufficient evidence had been submitted to demonstrate there was no need for an agriculturally tied dwelling.

22/01079/FUL - Jasmine Cottage, Boddington Lane, Boddington

43.38 This application was for the erection of a two storey side extension and single storey front porch. The Planning Committee had visited the application site on Friday 13 January 2023.

43.39 The Planning Assistant advised that this was a householder application for Jasmine Cottage, a semi-detached dwelling located in Boddington within the Green Belt. There had been no objections from statutory consultees but it was the Officer opinion that the proposal would be inappropriate development which, by definition, was harmful to the Green Belt and should only be approved in very special circumstances. The proposal would also have a harmful effect on the openness of the Green Belt, as outlined in the Committee report. Very special circumstances had been put forward in the form of the permitted development fallback position – three single storey extensions, a rear dormer and an outbuilding. As set out at Page No. 128, Paragraph 8.21 of the Committee report, Officers considered that the outbuilding would not be able to be erected under permitted development rights. The proposed fallback position was materially smaller than the proposal and would have a lesser impact on the openness of the Green Belt, therefore, Officers were of the opinion that this would not constitute very special circumstances. As outlined in the Committee report, a previous application on the site was refused and later dismissed at appeal on the grounds that it was found to be a disproportionate addition which caused harm to the openness of the Green Belt. Whilst the gross internal floor area of the current application had been reduced, Officers considered that this reduction would not address the harm upon the openness of the Green Belt as previously identified by the Inspector. As such, the Officer recommendation was to refuse the application. The Planning Assistant advised that the Additional Representation Sheet, attached at Appendix 1, indicated that an email had been received from the applicant's agent but this had not changed the Officer recommendation and he confirmed that no further representations had been received since the expiration of the site notice yesterday.

43.40 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that, following a previously refused application for householder extensions to the property, the applicant had reviewed the scale and design of the proposals in line with comments made, and in order to better reflect the character of the area and the overall impact on the Green Belt. Through the removal of a large two-storey rear gable extension with single storey elements, this had substantially reduced the proposed floorspace by 41% from the previous scheme. As Members would have acknowledged on the Planning Committee Site Visit, and from the photographs displayed today, the revised proposals had reduced the scale of the extensions at the property to essentially match those at the attached neighbouring property, Laburnum Cottage, which would serve to balance the pair of semi-detached properties. Although the extensions at Laburnum Cottage were permitted some 30 years earlier, the planning policies in place for extensions of existing buildings in the Green Belt were virtually the same as the present day. In addition, the application had highlighted property extensions of a similar scale locally, for

example, No. 3, 6 and 12 Withybridge Gardens, a short distance to the north of the site. Members may also recall the Green Belt extensions at Chestnut Barn, a short distance to the south of Jasmine Cottage in Barrow, which had been approved by the Planning Committee 18 months ago in 2021 where similar Officer concerns had been raised. Finally, as highlighted in the Committee report, there was a credible fallback position available to the applicant relating to significant side, rear and roof extensions that could be constructed under permitted development, without the need for planning permission. Not only would those permitted development extensions result in a similar additional floorspace to that proposed under this application, but they would also unbalance the pair of semi-detached dwellings resulting in a greater impact on the openness of the Green Belt and character of the area, spreading development over a large proportion of the site. The proposed extension subject of this application would be vastly superior in design. It was the view of the applicant's agent that this represented a credible fallback position which would amount to clear very special circumstances in favour of the development. The applicant's agent pointed out there were no outstanding objections from statutory consultees in relation to the proposals and the Parish Council was supportive of the development. Other than in relation to Green Belt policy, the Planning Assistant had noted there were no other planning policy concerns with the development. In conclusion, the proposed extensions had been appropriately designed to overcome previous concerns raised and the scale of the extensions would accord with other recent nearby examples including the attached neighbour. As a result, the openness of the Green Belt would be preserved in this location. Notwithstanding this, a clear fallback position of the less desirable permitted development extensions existed in this instance. The proposals therefore sought to accord with the development plan and the applicant was now seeking the Planning Committee's support in the determination of the application.

- 43.41 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted as the proposed extensions would not be a disproportionate addition over and above the original building and the permitted development fallback position constituted very special circumstances. The proposer of the motion indicated that the reason the application was recommended for refusal was because it would represent a disproportionate addition over and above the size of the original building; however, as there was no planning guidance for what was considered disproportionate, it was down to Members to make that judgement. The seconder of the motion pointed out that the Planning Committee had visited the application site and had noted that the adjoining property had been extended to at least double its original size and he agreed with the applicant's agent that this proposal would balance out the two properties. In his view, the permitted development fallback position would have a greater impact on the Green Belt than what was being proposed. Another Member noted that there had been similar situations in other parts of the borough where houses had originally been built as farm workers' accommodation at a time when smaller properties suited people's housing needs. In these modern times, he could understand why the applicant would want to make this into a family-sized dwelling, particularly when the neighbouring property had already been extended. The Legal Adviser explained that indicative conditions would be needed, should Members be minded to permit the application. She noted the reference to the neighbouring property doubling in size and she pointed out that many people may well consider that to be a disproportionate addition. The Development Management Team Leader advised that, with regard to the adjacent property, the appeal decision issued by the Inspector last year had considered arguments that it would result in a balanced scheme and would not be particularly harmful to the function of the streetscene. Another Member indicated that the proposed extensions had been marked out on

the Planning Committee Site Visit and she had not thought it looked particularly large. In her eyes, it would be a proportionate addition and, although it was in the Green Belt, she did not think it would impact anyone around it.

- 43.42 The Planning Assistant advised that, should Members be minded to permit the application, conditions should be included around the timescales for implementation of the development, the development being carried out in accordance with approved plans and materials along with a restriction on permitted development to prevent additional extensions due to the location in the Green Belt. Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** as the proposed extensions would not be a disproportionate addition over and above the original building and the permitted development fallback position constituted very special circumstances subject to conditions in relation to commencement of development, the development being carried out in accordance with approved plans, materials and a restriction on permitted development to prevent additional extensions due to the location in the Green Belt.

22/00807/FUL - 54 Meadowsweet Road, Shurdington

- 43.43 This application was for change of use from open space to residential garden land and erection of a 1.8 metre high close-boarded timber fence (retrospective). The Planning Committee had visited the application site on Friday 13 January 2023.
- 43.44 The Planning Assistant advised that the application site was located in a prominent position within the estate as it adjoined part of the 'green link' which consisted of pedestrian footpath featuring open green space running west to east. The 'green link' was designed as part of the original planning application for the estate which was granted in 2016 to help deliver open space which added to the overall quality of the area over the lifetime of the development, creating a better place in which to live. The path was open with soft landscaping separating hard boundary treatments from the footpath, resulting in an open characteristic. The National Planning Policy Framework stated that planning policies and decisions should ensure that developments would function well and add to the overall quality of the area, not just for the short-term but over the lifetime of the development and were visually attractive because of good architecture, layout and appropriate and effective landscaping. The implementation of the fencing had resulted in a hard barrier abutting the footpath which was visually intrusive and eroded the open characteristic of this section of the estate, the 'green link'. It was considered that the fencing resulted in unacceptable harm to the character and appearance of the streetscene and resulted in a loss of visually attractive open space which contributed to the level of amenity enjoyed by the public. It was therefore recommended that the application be refused.
- 43.45 The Chair invited the applicant to address the Committee. The applicant explained that they had purchased the house and garden, which included the area of land where the fence was located, from the developer in June 2019. That area of land was within the title deeds of the property and not within public ownership. When they had initially moved into the property, the north-eastern boundary was left open but the developer was still completing the outer edge of the front garden. Within two weeks, the original fence alongside the front lawn had been erected by the developer and the hedge was planted beyond it. As the year went by, their main concern was the number of dog waste bags dumped in the soil along with rubbish. There was also a foul smell of urine which had been noticed both by them and their neighbours. The applicant indicated that they felt the hedge was being used as a pet toilet for the estate and was causing a wider public health issue – their neighbour to the rear also had small children and would kindly help to clear the area

each time. When their back garden was being landscaped in June 2021, they had asked the landscapers if they could extend the existing fence as they thought it would benefit them and the wider estate. Part 2 Class A of the Permitted Development Order allowed fencing up to two metres in height on land where it was not adjacent to a highway used by vehicular traffic, as was the case here. As she understood it, permitted development rights were not removed under the original planning application therefore the fence did not require planning permission in their view. The applicant stressed they did not think they needed planning permission otherwise they would certainly have requested that. Since the fence had been erected it had stopped the dog waste and the smell had gone. The applicant questioned who would pick up the dog litter bags and how the stench of urine would be removed, should the fence be required to be removed. She pointed out that six letters of support had been received from their neighbours, including the one who shared the back of the fence with them and helped them to clear dog waste bags. In the 18 months that the extended fence had been erected, there had only been one objection indicating that virtually all of the neighbours were in favour of keeping the fence. As Members would have seen on site, the wider estate contained a wide variety of boundary treatments including close-boarded fences and brick walls and the width of the footpath would be retained at a generous nine metres and included significant landscaping and the public footpath. The applicant indicated that proposals were in accordance with the National Planning Policy Framework and the development plan and she urged Members to support the application.

43.46 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted as the proposal would have an acceptable impact in terms of the character and appearance of the streetscene and there would be no harmful impact on amenity. A Member noted that, when the Committee had visited the site, she had not seen a single dog waste bin in the whole green area so she asked if there was an opportunity to ensure one was added in an attempt to stop other residents from experiencing similar problems. The Development Management Team Leader advised that she would need to go back to the Section 106 Agreement for the original planning permission for the estate to see whether dog waste bins were included; this was something which was normally requested by the Parish Council. Another Member felt the application should not have needed a Committee determination as the photographs provided in the Additional Representations Sheet, attached at Appendix 1, showed a green open space next to a path and he did not feel there was any impediment whatsoever.

43.47 Upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** as the proposal would have an acceptable impact in terms of the character and appearance of the streetscene and there would be no harmful impact on amenity.

22/00283/FUL - The Glass Houses, Whitelands Lane, Little Shurdington

43.48 This application was for construction of an agricultural building. The Planning Committee had visited the application site on Friday 13 January 2023.

43.49 The Planning Assistant advised that the application site fell within the Green Belt and the Cotswold Area of Outstanding Natural Beauty and the application required a Committee determination following a substantive planning issue raised by Badgeworth Parish Council concerning the impact of the proposal on the Area of Outstanding Natural Beauty. The building was located in the north-western corner of the site and would be partially screened by the existing dense hedgerow which ran parallel with the northern boundary across Whitelands Lane. The proposed building would be used for the existing horticultural business which existed on site

and the applicant suggested that the building would enable the business to better plan its operations and enable more climate sensitive plants to be grown, thus widening the range of plants available for sale to customers and allowing for the diversification of operations. It was considered that the proposal would comply with Policy AGR1 of the Tewkesbury Borough Plan, as set out within the Committee report, as it was reasonably necessary and designed for the purpose of agriculture. The proposed height of the building had been reduced following Officer concerns and so, subject to compliance with conditions in respect of materials and external lighting, the building would not appear as an intrusive feature on the landscape and would integrate well with the existing built development. Several representations had been received concerning potential harm to residential amenity and Environmental Health had recommended conditions to prevent undue harm to the residential amenity of nearby occupants, as set out in the Committee report. County Highways had raised no objection to the proposal and, following a revised ecological assessment, the County Ecologist had raised no objections subject to a number of conditions to minimise the impact on local ecology. It was therefore recommended that the application be permitted.

43.50 The Chair invited the applicant to address the Committee. The applicant advised that the application before Members would help a local employer and established business to consolidate its existing operations and provide a platform for future sustainable long-term growth and recruitment which would include apprentices. The site had been purchased for the purpose of growing specialist plants for the wholesale market, targeting landscape companies as there was felt to be a specific need in the local area, along with opportunities for British grown plants provided by the more difficult importing conditions following Brexit. The business had been successful to date and had utilised the existing greenhouse - which had been inherited in a dilapidated state - outdoor growing areas and yard space to good effect. As the greenhouse was unsafe and unusable, and the wider site unkempt, it had required significant expenditure to bring it up to a workable standard. The proposed new building would supplement the existing operations and was needed to provide the infrastructure to enable them to handle plants, equipment and sundries in line with Department for Environment Food and Rural Affairs (DEFRA) and Health and Safety Executive (HSE) legislation and guidance. For plant health reasons post-Brexit, DEFRA and its inspectors required all imported plant material to arrive at a registered point of destination which must have facilities to unload and inspect plants in well-lit and dry areas. Plants would be delivered periodically in articulated vehicles and the building had been designed to comply with that requirement. The building also provided appropriate welfare facilities and offices for 15 staff, improving their on-site working conditions. The applicant acknowledged the site's location in the Area of Outstanding Natural Beauty and Green Belt and they had been mindful of this in the design of the proposed scheme which strived to strike an appropriate balance between specifying a building of sufficient scale and size to meet operational and legislative needs whilst also respecting the sensitive nature of the site and surrounding area. They supported the Officer's findings that the proposal conserved the landscape and scenic beauty of the area as they too felt it was important to protect the Area of Outstanding Natural Beauty. The applicant provided assurance they would continue to care for the site and had invested in and planted 500 mostly native trees along the site boundaries, securing the nearby public footpath and designing the development so it delivered a biodiversity net gain. They were committed to working in a sensitive manner to minimise impacts on neighbours and the door was open to ensure there was an avenue for dialogue with the local community. The applicant was pleased that Officers found the proposal to accord with the relevant policies of the development plan and the requirements of the National Planning Policy Framework and respectfully requested that Members grant permission for the scheme.

- 43.51 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member noted that County Highways had raised no objection to the proposal and he asked if a site visit had been undertaken as, when Members had visited the site, the entrance seemed to be more acute than 90 degrees. It had given way twice over the years and had to be re-done so he raised concern that it would be used by articulated lorries. The County Highways representative advised that a site visit had not been carried out as it was an established site and it was not perceived that any additional trips arising from the proposal would be severe, hence the recommendation. A Member expressed the view that a desk-based approach was no good and, whilst he had no issue with the proposal, the entrance did need changing as articulated vehicles would find it difficult to turn into the gateway and he pointed out that the bus driver had struggled on the Planning Committee Site Visit. He felt that the entrance needed to be reconsidered and improved to make it work safely. The County Highways representative reiterated that there was no evidence to suggest that the entrance would not operate safely. A Member shared the fears about the highway and the entrance to the site – he was not anti-business and felt it could be a good proposal; however, Heavy Goods Vehicles (HGVs) going up and down the lane and into the access gave him a lot of concern. He suggested it may be beneficial to defer the application in order to look into this further given that it was a narrow lane which was used by cyclists and parents and children and there was deterioration of the substance of the road. The Chair queried whether a delegated permit would be appropriate so Officers could negotiate an improved entrance as it seemed Members would not have a problem if the gate was moved 10 yards further back. In response, the Development Management Team Leader indicated that, regardless of the improvement which may be possible, the access would still come off the lane and Members were required to determine what was before them today.
- 43.52 A Member asked whether articulated lorries delivered to the site at present under current operations and the Chair indicated that he was led to believe that was the case. On that basis, the Member felt that, provided there had been no major accidents or incidents, that would suggest that the access was acceptable as it was. Another Member reiterated that the lane had given way twice over the years and the Legal Adviser explained that a delegated permission would probably be considered unreasonable based on the expert advice from County Highways, and given that there were already articulated lorries accessing the site, but delegated permission or deferral were options available if Members continued to have concerns; however, if Members were unhappy with the access, the cleanest option may be to refuse. A Member indicated that, assuming the lane was a public highway, it would be under the control of County Highways and, if the road was failing, it would be down to County Highways to repair it so, if there was a problem, it would be addressed. Having listened to the debate, another Member expressed the view that, although the access was difficult, the experts had found it to be acceptable and it was already being used so it would be unreasonable to ask the applicant to change what was already there. He did not think there was any mileage in a delegation to Officers but he sought clarification from the Legal Adviser as to whether it would be unreasonable. In response, the Legal Adviser explained that would depend if another highway safety expert agreed it was an unnecessary amendment particularly as the County Highways experts had confirmed they were happy with the access.
- 43.53 Upon being put to the vote, it was
- RESOLVED** That the application be **PERMITTED** in accordance with the Officer recommendation.

PL.44 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

44.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 167-169. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

44.2 Accordingly, it was

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

The meeting closed at 12:59 pm

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 16 January 2023

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

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

Item No															
5a	<p>22/00223/FUL</p> <p>Field To The West Of Hucclecote Lane, Churchdown</p> <p>Officer Update</p> <p>Two additional objections and one supporting comment have been received for this application with no new issues raised.</p>														
5b	<p>22/00624/OUT</p> <p>Land East Of St Margaret's Drive, Alderton</p> <p>Description of proposal to be amended to read:</p> <p>Outline application for the demolition of 16 St Margaret's Drive and the erection of up to 48 dwellings (a net increase of 47 dwellings), associated infrastructure, landscape and biodiversity enhancements, all matters reserved except for access from St Margaret's Drive</p> <p>Para 1.2 to read:</p> <p>The appeal scheme seeks outline permission, with all matters reserved except for main vehicular access from St Margaret's Drive only, for up to 48 dwellings (a net increase of 47 dwellings), associated infrastructure, landscape and biodiversity enhancements and demolition of existing structures and properties.</p> <p>Section 3</p> <p>The planning history section in the Committee report to be amended to read:</p> <table border="1" data-bbox="295 1451 1492 2038"> <thead> <tr> <th data-bbox="295 1451 513 1563">Application Number</th> <th data-bbox="513 1451 1069 1563">Proposal</th> <th data-bbox="1069 1451 1337 1563">Decision</th> <th data-bbox="1337 1451 1492 1563">Decision Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="295 1563 513 1680">Application Site</td> <td data-bbox="513 1563 1069 1680"></td> <td data-bbox="1069 1563 1337 1680"></td> <td data-bbox="1337 1563 1492 1680"></td> </tr> <tr> <td data-bbox="295 1680 513 2038">13/00734/OUT</td> <td data-bbox="513 1680 1069 2038">Outline planning application for the erection of up to 60 no. dwellings and associated parking; vehicular access from St Margaret's Drive; provision of open space; the construction of highways through the site and associated engineering works, including the creation of an attenuation pond. Demolition of 16 St. Margaret's Drive.</td> <td data-bbox="1069 1680 1337 2038">APPEAL DISMISSED</td> <td data-bbox="1337 1680 1492 2038">March 2015</td> </tr> </tbody> </table>			Application Number	Proposal	Decision	Decision Date	Application Site				13/00734/OUT	Outline planning application for the erection of up to 60 no. dwellings and associated parking; vehicular access from St Margaret's Drive; provision of open space; the construction of highways through the site and associated engineering works, including the creation of an attenuation pond. Demolition of 16 St. Margaret's Drive.	APPEAL DISMISSED	March 2015
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Adjacent Land to West			
14/00414/FUL	Development of 24 dwellings, access, landscaping and other associated works at land adjoining Willow Bank Road.	ALLOWED AT APPEAL	July 2015
19/00772/FUL	Residential development up to 28 units, including means of access and landscaping.	ALLOWED AT APPEAL	September 2021
22/00901/FUL	Variation of condition 2 of 19/00772/FUL to allow minor alterations to the layout of plots 8, 9, 10, and 11, parking arrangements for plots 9 and 10, amendments to the accommodation schedule and associated minor amendments to the internal layout of the dwellings and elevational alterations. Including the provision of one M4(3) accessible dwelling and one M4(2) dwelling as required by the original s106 agreement.	PENDING CONSIDERATION	

Para 4.2 to include:

Highways comments - No Objection subject to conditions and financial obligations

At Para 8.27 insert:

The Highways Specialist indicates that there is the need for a new minibus service, within the area to serve the closest secondary schools with capacity were the development to go ahead. These are located in excess of 6 miles away from the site. The GCC Integrated Transport Unit department have indicated that this would cost a total of £285,000 to cover a period of 5 years from occupation. Were the scheme otherwise acceptable this could be secured through a s106 legal agreement.

Para 8.46 to read:

Requests have been made by consultees to secure the following contributions:

- £285,000 contribution towards the cost of access to Secondary educational facilities
- Affordable housing at 40% including appropriate mix and tenure
- £10,584 contribution towards libraries provision
- £3,504 Contribution towards the costs of the provision of recycling and waste bins
- Secure onsite public open space provision
- Biodiversity and Ecological enhancements to secure a minimum 10% net biodiversity gain/ mitigate impact upon Bredon Hill SAC
- £3,504 contribution towards the costs of the provision of recycling and waste bin

Para 9.5 to read:

The proposal would result in harm to the significance of designated heritage assets through development in their setting. This level of harm is considered "less than substantial" in the terms set out in the NPPF. The NPPF requires that great weight should be given to the conservation of designated heritage assets. The public benefits of the proposal relate to, amongst others, the delivery of up to 47 dwellings and the associated social and economic benefits. The delivery of housing is afforded significant weight notwithstanding that the Council can demonstrate a 5 year housing land supply. The associated economic and social benefits are afforded moderate weight. However, officers consider that the public benefits would not outweigh the identified heritage harms. As such, the proposal would conflict with those policies of the NPPF relating to the historic environment and designated heritage assets as defined in Annex 2 of the Framework. The proposal also conflicts with Policy SD8 of the JCS and policies HER2 and HER5 of the Tewkesbury Borough Local Plan to 2011 - 2031 (June 2022).

Reason for refusal 2 to read:

The proposed addition of up to 47 dwellings at Alderton, would result in cumulative development, which would be of a scale disproportionate to the existing settlement. As such the proposed development would fail to maintain or enhance the vitality of Alderton and would have a harmful impact on the social wellbeing of the local community, risking the erosion of community cohesion. As such, the proposal conflicts with Policy SP2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), Policy H1 of Alderton Neighbourhood Development Plan (July 2018) and the National Planning Policy Framework.

Reason for refusal 4 to read:

The proposal would alter the character of Alderton causing harm to the setting of designated and undesignated heritage assets. The harm to designated heritage assets represents a less than substantial harm, which is not outweighed by public benefits. The proposal fails to accord with policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017), policies HER2 and HER5 of the Tewkesbury Borough Local Plan to 2011 - 2031 (June 2022) as well as guidance contained in Section 16 of National Planning Policy Framework.

Reason for refusal 7 to read:

The proposed development does not adequately provide for open space, outdoor recreation, access to education, refuse and recycling and library facilities and conflicts with Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (December 2017) and the National Planning Policy Framework.

Members will be aware of additional correspondence from the Applicant and Alderton Parish Council the issues raise have been addressed within the report and contents of this document.

5c	<p>22/00686/FUL</p> <p>Land North Of Leckhampton Lane , Shurdington</p> <p>Para 8.63 to read:</p> <p>Requests have been made by consultees to secure the following contributions:</p> <ul style="list-style-type: none"> - £125,769.75 contribution towards Secondary school education provision. - £1,825 contribution towards the costs of the provision of recycling and waste bins - Secure affordable housing requirement of 10 units, including that 50% of the affordable units will to meet M4(2) standards of accessibility. - S278 works highways improvements to the front triangle including a formalised parking and footpath connection. - A Management Plan for open apace. - Secure off-site habitat enhancements (including a financial contribution) to ensure biodiversity net gain including Beechwood SAC.
5d	<p>22/00245/FUL</p> <p>Peak View Cottage, Green Lane, Witcombe</p> <p>Supporting statement from the applicant was circulated to Members of the Planning Committee on 12 January at 10.52am but this does not change the Officer's recommendation</p> <p>There is still a highways objection, as such, there is another refusal reason:</p> <p>'There is insufficient visibility at the proposed access which would result in an unacceptable impact on highway safety and conflict with providing safe and suitable access for all users, contrary to paragraphs 110 and 112 of the NPPF and policy INF1 of the Tewkesbury Borough Council Local Plan 2011-2031 (adopted June 2022).'</p>
5e	<p>22/01011/FUL</p> <p>Ashstump House, Calcotts Green, Minsterworth</p> <p>There is another general comment received. The main point being:</p> <p>No objection to the principle of the removal of the agricultural tie but there is concern regarding the way in which this seems to be a precursor to offer support for a forthcoming application for 40 houses on the related site of Elms Farm to the West of Lower Moorcroft Farm.</p>
5f	<p>22/01079/FUL</p> <p>Jasmine Cottage, Boddington Lane, Boddington</p> <p>It is noted that Members received an email on 11.01.23 at 14:54 from the agent representing the applicant stating their case. Following this email, no new issues have been raised and the Local Planning Authority still maintain the opinion that the application should be refused in line with the Officer's recommendation.</p>
5g	<p>22/00807/FUL</p> <p>54 Meadowsweet Road, Shurdington</p> <p>An email was received on 12.01.2023 from the agent acting on behalf on the applicant which is attached. These points have been considered and the Local Planning Authority's position, and the Officer's recommendation, remains unchanged.</p>

Item 5g - 22/00807/FUL - 54 Meadowsweet Road, Shurdington - Email from agent

From: Paul Jenkins <paul@sfplanning.co.uk>
Sent: 12 January 2023 13:21
To: Joe Gibbons <Joe.Gibbons@tewkesbury.gov.uk>
Subject: RE: 22/00807/FUL - 54 Meadowsweet Road

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

Dear Joe,

I hope all is well.

We have reviewed your committee report on this scheme and would request the following is clarified to us and to Members by way of update before the meeting as it's not clear within your report in our view;

1. The area of land which the fence is erect on is within the title deeds of the property (from when they purchased the house from Redrow) and not within public ownership;
2. The report doesn't mention the applicants point (which is made within the planning statement) or the Council's response on the matter that Part 2 Class A of the Permitted Development Order allows fencing up to 2m in height on land where it is not adjacent to a highway used by vehicular traffic, as is the case here. As I understand, permitted development rights were not removed under the original Redrow consent application and therefore the fence doesn't require planning permission;
3. The landscaping condition no.3 on 14/00838/FUL only requires the "hard and soft landscaping works to be carried out in accordance with the approved details." It doesn't state that once it

1

has been carried out it needs to be retained as per the approved plan and 5 years have now passed so the relevant period set out in the condition for replacement planting has now passed;

4. The wider estate contains a wide variety of boundary treatments including close boarded fences and brick walls so the report is not correct that "boundary treatments surrounding the application site generally consist of red brick walling, not timber fencing" (see attached just 2 photos to prove this very close to the site);
5. There are 6 letters of support for the proposals from our neighbours with only a single objection/ Your report states there are 7 representation letters but doesn't break this down into support / objection (like other applications on the same agenda do).

I'd be grateful of a reply by return and confirmation these points will be clarified to members and the applicant before the meeting.

Kind Regards,

Paul Jenkins MRTPI



[Website](#) | [LinkedIn](#) | [Twitter](#) | [Instagram](#) | [Email](#)

