

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 21 February 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, C L J Carter (Substitute for J P Mills), M A Gore, D J Harwood, M L Jordan,
E J MacTiernan, J R Mason, P W Ockelton, A S Reece, P E Smith, R J G Smith, P D Surman,
R J E Vines, M J Williams and P N Workman

also present:

Councillor G J Bocking and P D McLain

PL.45 ANNOUNCEMENTS

- 45.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 45.2 The Chair gave a brief outline of the procedure for Planning Committee meetings, including public speaking.
- 45.3 In accordance with Council Procedure Rule 1.2 the Chair used their discretion to vary the order of business so that Agenda Item 5a – 22/01225/APP – Land to the North of Innsworth Lane, Innsworth would be taken after Agenda Item 5g – 22/00979/FUL – Two Hoots, Alstone, Tewkesbury.

PL.46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 46.1 Apologies for absence were received from Councillors J K Smith and J P Mills. Councillor C L J Carter would be a substitute for the meeting.

PL.47 DECLARATIONS OF INTEREST

- 47.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.

47.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
C L J Carter	Agenda Item 5c – 22/00251/APP – Phases 4 and 6, Land at Perrybrook, North Brockworth.	Is Chair of Brockworth Parish Council's Planning Committee and would be speaking as a local Ward Member in relation to this application.	Would not speak or vote and would retire to the public speaking area for this item.
M A Gore	Agenda Item 5g – 22/00979/FUL – Two Hoots, Alstone, Tewkesbury.	Her family farm is in Alstone but none of the land overlooks this particular property.	Will speak and vote.
D J Harwood	Agenda Item 5c – 22/00251/APP – Phases 4 and 6, Land at Perrybrook, North Brockworth.	Is a Member of Brockworth Parish Council but does not participate in planning matters.	Would speak and vote.
A S Reece	Agenda Item 5f - 22/00104/FUL – 1 Wood Stanway Drive, Bishop's Cleeve.	Is a Member of Bishop's Cleeve Parish Council but does not participate in planning matters.	Would speak and vote.
R J E Vines	Agenda Item 5c – 22/00251/APP – Phases 4 and 6, Land at Perrybrook , North Brockworth.	Is a Gloucestershire County Councillor for the area.	Would speak and vote.

47.3 There were no further declarations made on this occasion.

PL.48 MINUTES

48.1 The Minutes of the meeting held on 17 January 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.49 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

49.1 The objections to, support for, and observations upon the various applications as referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

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

- 49.2 This was an outline application for the erection of up to 95 dwellings and up to three hectares of commercial space associated with the expansion of Highnam Business Centre, as well as associated infrastructure, with all matters reserved except for access.
- 49.3 The Planning Officer advised that the application proposed 1.9 hectares of commercial uses as an extension of Highnam Business Park, associated soft landscaping and a Sustainable Urban Drainage Scheme (SuDS). Whilst the Tewkesbury Borough Plan allocated a 1.9 hectare extension of the Business Park, and the grey area outlined for development broadly equated with that, the view of Officers was that that part of the land for the 95 dwellings was outside of the settlement boundary of Highnam and therefore was in open countryside. The application had been brought to Committee in June 2022 where Members had resolved that a split decision be issued with the commercial land permitted, subject to the relevant legal agreements, and the northern part for residential use be refused on the basis of the principle of development, the landscape impact, the lack of connectivity and the lack of a completed Section 106 Agreement. Further to the Planning Committee resolution to issue a split decision, the applicant did not wish to progress with completing a legal agreement and had submitted a non-determination appeal for the entire site. The Planning Inquiry was scheduled for April and the Local Planning Authority was required to prepare a Statement of Case setting out how the Committee would have determined the application as a whole if it had remained the determining authority. As such, the application had been brought back to the Committee to set out the putative reasons for refusal which would form the basis of the Inquiry. Members were requested to consider a recommendation of minded to refuse based on the putative reasons for refusal set out in the Committee report in relation to the principle of development; landscape impact focusing on the residential parcel; and the non-completion of planning obligations. It was noted that connectivity had been part of the original refusal and Members had been made aware when it had been discussed at the previous Committee meeting that, whilst the access come out of the residential parcel of land, a footpath to the north of Newent Road provided access to Highnam and services to the south including a doctors' surgery, nursery, shop etc. It was noteworthy that a footpath within the existing residential development to the east was currently fenced off but it would be possible for future residents to access the new site subject to the removal of part of the fence so Members were asked to consider whether lack of integration should be part of the refusal with knowledge of that.
- 49.4 The Chair invited a local Ward Member to address the Committee. The local Ward Member suggested that the grounds for putative refusal, as highlighted in his previous comments to the June 2022 Committee, as set out at Paragraph 7.21 of the Committee report, still stood. He reiterated that the application established a separate new settlement rather than being an extension to Highnam village and the disconnect had been recognised by the Committee in its original decision. He indicated that the site was not included within the Highnam Neighbourhood Development Plan and conflicted with Joint Core Strategy Policies SD10 and INF1 and, critically, the Tewkesbury Borough Plan. At the time of the original application, he had asked the Committee to consider the potential conflict with the Tewkesbury Borough Plan and the borough's housing land supply and that was particularly pertinent now, as set out in the Committee report, as having moved to the standard method, the Council could demonstrate a housing land supply of more than six years. This was supported by putative reasons for refusal 1 and 2. The local Ward Member reiterated the conflict with the Tewkesbury Borough Landscape and Visual Sensitivity Study for Rural Service Centres and Service Villages. This application would lead to the loss of prime agricultural land and the applicant had advised that the proposal would result in the loss of 3.8 hectares of Grade 2 land and 3.8

hectares of Grade 3a Land. Further grounds for refusal could be considered within Paragraph 174 of the National Planning Policy Framework and Policy SD14 of the Joint Core Strategy. He asked the Committee to review the issues around infrastructure in terms of schools, community provision and healthcare facilities as set out in reasons for refusal 4-8. Although not referenced directly in the putative reasons for refusal, it would be remiss of him not to mention the potential impact of flooding and surface water run-off. He also flagged up concerns around traffic in relation to visibility, volume and safety.

49.5 The Chair indicated that the Officer recommendation was minded to refuse 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. A Member indicated that the Committee had granted permission for the commercial land and he asked for clarification on the current status of that land. The Planning Officer explained that, at this point, the application was undetermined so the commercial land did not have planning permission. An appeal had been submitted for the whole site – residential and commercial – which was what the Planning Inspectorate would consider in the first instance. Although the Planning Inspectorate had the right to issue a split decision, at the moment it needed to be considered as a whole and the expansion of Highnam Business Park currently had no planning permission. A Member queried how robust a putative reason around lack of connectivity – which the majority of Members had been concerned about – would be, or if it would be thrown out during deliberations on the Statement of Common Ground. The Planning Officer advised that the Statement of Common Ground set out the facts of the case for investigation. There was potential for future connection from the existing site to the new development and quality of the footpath on the side of the road from the site across to Highnam could be improved via Section 278 works so the Statement of Common Ground would say that was the case. A putative reason for refusal had been drafted on the basis that the site did not integrate into Highnam, and Joint Core Strategy Policy SD4 talked about the importance of integration, so it would be stated that connectivity was a concern as, for a development of this scale, the fact there was only an access along Newent Road, and one potential access from Highnam, was not ideal. A Member noted that the Gloucestershire Gardens and Landscape Trust had objected to the proposal and asked for clarification on the basis of its representation. The Development Management Team Leader (East) advised that the Trust was not a statutory consultee; however, groups were able to comment on applications if they had not been consulted.

49.6 Upon being put to the vote, it was

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

22/00251/APP - Phases 4 and 6, Land at Perrybrook, North Brockworth

49.7 This was an approval of reserved matters (appearance, landscape, layout, scale) for Phases 4 and 6 comprising development of new homes, landscaping, open space and associated works pursuant to outline permission 12/01256/OUT. The Planning Committee had visited the application site on Friday 17 February 2023.

49.8 The Development Management Team Leader (East) advised that the reserved matters application sought approval for appearance, landscape, layout and scale for 435 dwellings over two phases. Phase 4 would deliver 226 dwellings and Phase 6 would deliver 209 dwellings; combined the application would make provision for 149 affordable homes. The application also sought to secure public open space and infrastructure pursuant to the outline application across Perrybrook for up to 1,500 dwellings on the wider site. The principle of residential development at this site had been established through the grant of outline planning permission. The key principles guiding the reserved matters applications had been approved by the

planning authority through the outline consent which included approval of a Site Wide Concept Masterplan Document. The current application sought approval of reserved matters in line with the Site Wide Concept Masterplan Document and the key issues to be considered were access, appearance, landscaping, layout and scale and compliance with the approved documents including the Design and Access Statement. A number of matters which were the subject of other outline conditions were also considered within this application including affordable housing, housing mix, surface water and foul drainage. As set out in the Committee report, Officers had carefully considered the application and were of the view that the reserved matters were in accordance with the Site Wide Concept Masterplan Document and Design and Access Statement aspirations and were of an appropriate design. County Highways had confirmed that the access, internal road layout and car parking provision were acceptable and in accordance with the Site Wide Concept Masterplan Document. Officers were satisfied that the mix and clustering of affordable housing was in accordance with the requirements of the Section 106 Agreement attached to the outline permission, including being tenure blind and of high quality, similarly, the market housing mix was considered acceptable for this phase of the development. In terms of flood risk and drainage, the outline permission included a drainage strategy for the site and the reserved matters must include detailed drainage details for each phase of development to accord with that strategy. Several conditions on the outline permission also required the development to accord with the approved flood level parameters. The detailed drainage strategy and finished floor level information had been submitted with the application, the Lead Local Flood Authority had been consulted and had advised that the drainage strategy was suitable and the Environment Agency had confirmed that all finished floor levels accorded with the approved drainage strategy. Concerns had been raised by some of the existing residents around the Brockworth area regarding the impact of construction traffic on existing sites which were being built out and the effect on the existing road networks. The applicant had advised that access into Phase 4 would be via the Linden development to the north, which the developer had permission to use, until the new roundabout to the west had been constructed at which point that would be used to complete Phase 4 and Phase 6 to the south. Taking all of this into consideration, Officers were of the view that the proposed development would be high quality and appropriate in terms of access, layout, scale, appearance and landscaping and would be in accordance with the Site Wide Concept Masterplan Document. As such, the Officer recommendation was to approve the application. With regard to the north side of Phase 4 and the potential noise impact from the A417, Members were informed that bunding would be in place at the top of the site and the applicant had redesigned the layout of the site to accord with the noise levels.

- 49.9 The Chair invited a local resident speaking in objection to the proposal to address the Committee. The local resident indicated that his property immediately adjoined the site under discussion today and he had sent a letter to the Planning department in May 2022 making 13 points regarding the development. He wished to object very strongly that the external wall of one of the new houses would immediately abut his garden with no space whatsoever in between; nowhere else in the proposals was there a house positioned right on the boundary of the entire site. The impact would be that the sun was blocked in the afternoon, casting his garden into deep shadow with resulting loss of light, view and amenity. He noted that the plan he had commented upon did not accord exactly with the one which had been displayed at the meeting today. If he had a neighbour whose garden backed onto his and they were proposing building a two storey wall right up against his boundary he was sure it would be thrown out by the Planning department so he did not see why a developer should be allowed to do the same just because it was part of a much larger scheme. If this application was approved, he asked that it be on the proviso that the layout was changed in that corner of the site. The local resident went on to point out two mature Oak trees on the field currently, only one of which would be

preserved. Old Oak trees were of great ecological value as they were home to hundreds of insects, birds and other forms of life and he objected strongly to the second Oak tree being felled. Earlier plans had shown a landscape buffer strip with pedestrian access between the new development and the houses on Ermin Park and Maple Drive but that had quietly been eliminated or reduced to a few inches. He asked how that would be maintained and how self-seeding nuisance trees, such as Ash or Sycamore, could be removed if that became necessary. He felt it was important that the landscape strip be reinstated so that the houses did not suffer loss of amenity. His final point was about the provision of local health services as the population of Brockworth was being doubled. In his view, no further planning permissions should be granted until it was established that adequate health services were in place - it seemed irresponsible to build hundreds of houses for families if no spaces were available at a GP practice anywhere in the area.

- 49.10 The Chair invited a local Ward Member to address the Committee. The local Ward Member indicated that Phases 4 and 6 were previously agricultural fields with the Horsbere Nature Corridor running through the middle; this was considered a special area by many local residents and the Public Right of Way meant that it was possible to walk from Court Road to Churchdown Lane in Hucclecote uninterrupted. It was also an important ecological area due to the abundance of plants and wildlife. Residents were unhappy with the proposal to build a bridge through the nature corridor and wanted mitigation measures to be put in place to protect the special area and prevent the Public Right of Way from being cut off. There were two Oak trees within the ecology of the site, which had been there his whole lifetime, and one was being felled to make way for a parking space – in his view it should be possible make amendments to the site layout to ensure the second tree was retained. He pointed out that travel options around the site were limited and the main road through the site was 50mph – he would not want his children riding bicycles on a road of that speed. Furthermore, there were no bungalows on the site for the older generation which he felt needed to be addressed. In his view, the worst part of the development was the extra traffic that would be brought to Brockworth with construction traffic travelling its entire length.
- 49.11 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. A Member noted that the local resident who had spoken against the development had mentioned that the external wall of one of the new properties would abut his garden and she asked for clarification as to where his property was located. The Development Management Team Leader (East) pointed out on the site layout plan a property where the wall abutted the boundary and the Member asked whether the Committee was able to move particular properties on the plan as part of its decision. In response, the Development Management Team Leader (East) explained that the application had been considered on its merits in terms of the proposal as a whole, including the interfaced distances and separation from neighbours, and the representations received had been taken into account. If the Committee wished to make any changes of that nature then a redesign of the scheme would be required. A Member proposed that the application be refused. She indicated that the traffic order condition required traffic to travel via Valiant Way, Mill Lane and Delta Way. There was no permission for construction traffic to use Hurcombe Way, Vicarage Court or Court Road. Phase 5 was not allowing traffic through that site despite the condition allowing access for each phase through all of the areas. Valiant Way, where the new roundabout was due to be constructed, was right next to this phase and it seemed illogical that traffic would need to travel around Mill Lane and Shurdington Road all the way through Brockworth, bypassing Phase 5 to get to Phases 4 and 6 – this was unacceptable in her view. She echoed the comments regarding the danger of the cycleways on Valiant Way, a 50mph road, and raised concern regarding the lack of connectivity between the development and the rest of the estate, including the local supermarket, as everyone living there would be required to drive to access services.

The Public Right of Way should not be cut off and she would appreciate if one of the last remaining green spaces in Brockworth could be retained. Another Member felt there were a number of concerns which needed to be addressed and the local resident speaking in objection to the proposal had mentioned a landscape buffer zone being included in the design at one time which now seemed to have disappeared. He noted there was a white strip on the plan and suggested that could be a buffer if it was moved to the right so there was separation between the houses. He was also concerned about the new roundabout as it seemed to go off to the north-east which did not seem necessary if it was purely to serve this site. He agreed this was a suitable location for housing but suggested it might be beneficial to defer the application so the applicant could take on board the design issues raised and come up with something more appropriate. The proposal to refuse the application was subsequently withdrawn and it was proposed and seconded that the application be deferred.

49.12 In terms of the point raised by the local resident regarding a property being built directly on his border, a Member noted there was some open space at the other end of the terraced houses and he suggested that it might be possible to move that property to that location so the resident did not have a two storey brick wall in his garden. Another Member shared the local Ward Member's concerns regarding the speed of cars travelling on Valiant Road and through the proposed development – although a roundabout was due to be constructed he did not believe that would slow traffic sufficiently – and he asked what was being done by the County Council to promote active travel to encourage people to walk and cycle and whether there would be properly constructed cycleways. In response, the County Highways representative advised that the main spine road would be 30mph and County Highways was satisfied with the design. The side roads would be 20mph and would accommodate cyclists and vehicles without the need for segregation. The seconder of the motion to defer the application felt that, given the concerns raised, the best solution was to give the developer an opportunity to improve the proposals. A Member asked if Officers were clear as to the reasons for the deferral and whether what was being asked for could be achieved and, if not, what the consequences would be. With regard to construction traffic, the Development Management Team Leader (East) confirmed the developer had agreement to go through the Linden Homes site to the north to access Phase 4 – that was in place and was the route that would be used as he had stated in his introduction. As he had already mentioned, the neighbouring amenity had been assessed and distances had been measured and deemed appropriate. He confirmed that a landscape buffer was included on the illustrative masterplan and, although it had been reduced in size from that plan, there would be a buffer between properties. In terms of the Oak trees, he advised there were three Tree Preservation Order trees on the southern part of the site, two of which were to be removed – one had died and had been assessed by the Tree Officer, who was happy with its removal, and it had been agreed at the outline consent stage to remove the other, which was deemed the lesser quality of the two, as part of the design. On that basis, the Development Management Team Leader (East) indicated that, if Members wished to defer the application on design grounds, it would be useful to have a clear idea as to what Members wanted to achieve so that could be discussed with the applicant.

49.13 A Member indicated that he had been struck by the local resident speaking in objection to the proposal regarding the issue with the house being built across the boundary of his garden as it seemed that structure would block a lot of light to his garden in the afternoon. He appreciated the point about the design specification requirements being met but he felt a small amount of redesign would be appropriate under the circumstances and one of the things to focus on would be those three houses and their position. A Member noted that, as a reserved matters application, this could not be refused; however, the Committee had a chance to improve the proposals and he shared the concerns which had been raised regarding site access

and that it was inappropriate for construction vehicles to travel through the whole of Brockworth, particularly when the new roundabout could be used and would be less intrusive for existing residents. He understood that the Horsbere Brook would be culverted but that meant water would travel to his Ward and he asked what assessment had been done around the impact of culverting in that particular location in terms of water flows and indicated that he would like more information on water flows to be provided. The Development Management Team Leader (East) explained that, when the outline planning permission had been granted, a condition had been included requiring a construction management plan for the whole site – there was no requirement at each phase to submit a new plan and the applicant had agreed to access the site via the north through the Linden development. The application for the roundabout at Valiant Way was with the local planning authority and it was anticipated a decision would be made in June following which work could commence; once complete, it would open up the site for construction in the southern part and to finish elements in the northern part. The Member sought clarification as to whether he was correct in thinking that the Committee was not able to refuse the application but could defer and the Legal Adviser explained that this was a reserved matters application so the principle of housing had already been approved. Construction traffic was part and parcel of the outline conditions and discharged under those, as such, it would be hugely difficult to form a case based on that issue. The deferral reason would need to be confined to concerns over appearance, landscape, scale and internal layout – it was not possible to ask for the access points to be relocated as part of the reserved matters application. Members would need to clarify the reasons for a deferral, whether that be in terms of design or other matters, and it was important to recognise there was a possibility that the developer may decide that was not a situation they could tolerate and subsequently go to appeal. The Development Management Manager drew attention to Page No. 132 of the Committee report which talked about foul and surface water drainage for the site. Paragraph 8.50 stated that the Lead Local Flood Authority, Severn Trent and the Environment Agency had all considered the submitted strategy and raised no objection to the approval of reserved matters in accordance with the engineering and management plans submitted.

49.14

The proposer of the motion to defer the application raised concern that the property which had been pointed out on the site plan as being the one belonging to the local resident who had spoken in objection to the proposal was incorrect. In terms of construction traffic, she understood that the agreed access was via Mill Lane, Valiant Way and Delta Way – there was no agreement to use Court Road. In light of the comment about the location of the local residents' property, a Member sought further clarification as to where exactly this was and the Development Management Manager confirmed there was a general acceptance that the plot being discussed was to the southern end of the scheme rather than the original location suggested earlier in the meeting. As had been already been referenced, the relationship with adjacent residents had been considered and the relationship that had been identified here was not a direct one so his advice would be that a deferral on that basis would be difficult in terms of what was appropriate on site in planning terms. The proposer of the motion to defer the application indicated that her other concerns related to the local playing area being in the middle of an attenuation pond, the bridge over the Public Right of Way being too low, the removal of the trees to make way for a parking space, the lack of connectivity to services and the arrangements for cycling. The seconder of the motion to defer the application indicated that his initial point related to the separation of the new buildings and the existing dwellings but he could not understand why the buffer could not be moved to the left to create a larger buffer zone. In response, the Development Management Team Leader (East) explained that the area the Member was referring to was outside the remit of the reserved matters application, and he assumed outside of the applicants' ownership as well. In addition to this, the Development Management Manager pointed out that the layout had been carefully considered in terms of the local noise

environment. There was significant highways infrastructure around the site so there would need to be some separation between the highway and the proposed residential development. In terms of the footpath, it was noted the vehicular bridge was too low for pedestrians to walk underneath so they would need to be redirected over the road and reconnected to the existing footpath.

49.15 Upon being put to the vote, it was

RESOLVED That the application be **DEFERRED** for concerns to be addressed in respect of construction traffic, design issues relating to neighbouring residential amenity to the east, the landscape buffer to the eastern boundary, the local play area/attenuation pond, the bridge over/redirection of the public right of way, the Oak tree being removed for a parking space, the lack of connectivity to services/surrounding areas and the arrangements for cycling.

22/00439/APP - Land at Fiddington

49.16 This was a reserved matters application for Parcel H2 for appearance, landscaping, layout and scale for the erection of 209 dwellings and associated works and infrastructure pursuant to outline permission 17/00520/OUT.

49.17 The Development Management Team Leader (East) advised that the application was seeking approval for access, appearance, layout, scale and landscaping for 209 dwellings – 136 market and 73 affordable dwellings – as well as public open space and infrastructure pursuant to the outline application for 850 dwellings on the wider site. The current reserved matters application represented the whole of the Phase 3 residential area of the approved outline scheme as defined in the approved phasing plan. This was the second phase of residential development on the site following approval of the first parcel by the Committee in December 2022. The principle of residential development at the site had been established through the grant of outline planning permission. The key principles guiding the reserved matters applications had been approved by the planning authority through the outline consent which included the Site Wide Masterplan Document. The current application sought approval of reserved matters pursuant to the outline planning permission and the approval of the Site Wide Masterplan Document. The key issues to be considered in this application were access, appearance, landscaping, layout and scale and compliance with the approved documents, including the Site Wide Masterplan Document. As set out in the Committee report, Officers had carefully considered the application and deemed that the reserved matters were in accordance with the Site Wide Masterplan Document aspirations. County Highways had confirmed the access, internal road layout and car parking provision was acceptable and in accordance with the Site Wide Masterplan Document. Officers were satisfied that the mix and clustering of affordable housing was in accordance with the requirements of the Section 106 Agreement including being tenure blind and of high quality. Similarly, the market housing mix was considered acceptable. In terms of flood risk and drainage, the outline permission included a drainage strategy for the site and the reserved matters must include detailed drainage information for each phase of the development to accord with that strategy. Several conditions on the outline permission also required the development to accord with the approved flood level. A detailed drainage strategy and finished floor level information had been submitted with the application, the Lead Local Flood Authority had been consulted and had advised the drainage strategy was suitable, and the Environment Agency had confirmed that all finished floor levels accorded with the strategy. The Environmental Health Officer had requested further information on the internal and external mitigation measures in relation to noise impact, given the site's proximity to the M5, along with submission of a Noise Impact Assessment;

these had been provided by the applicant at a late stage so the Environmental Health Officer had not had chance to assess them and deem whether they were appropriate. Taking all of this into consideration, Officers were of the view that the proposed development would be high quality and appropriate in terms of access, layout, scale, appearance and landscaping, and in accordance with the Site Wide Masterplan Document; therefore, it was recommended that authority be delegated to the Development Management Manager to approve the application, subject to confirmation from the Environmental Health Officer that the noise impact would be acceptable.

- 49.18 The Chair invited the applicant's representative to address the Committee. The applicant's representative indicated that, if approved, the development would be an important contributor to Tewkesbury Borough Council's housing land supply. Parcel H2 represented the second phase on a site where the principle of development had been established through the granting of outline planning permission in January 2020 with the application for Parcel H1 being approved by the Committee in December 2022. The proposed scheme was designed in accordance with the Site Wide Masterplan Document and had been amended throughout the process to account for consultee comments. Changes made included adding balconies to all apartments, equipping all homes with electric vehicle charging points and solar panels and adding footpath links throughout the layout. As the site fell within the emerging Garden Town area, the applicant was keen to ensure that the site adopted sustainable principles and had carefully designed cycle storage so that it was no further away from a dwelling than a car parking space. Residents would also be within a five to 10 minute walk of the local centre, school, sports pitches and play areas that were being provided as part of the wider scheme. Furthermore, pedestrians had been given priority at all junctions and the main routes through the site would have segregated cycle and footways to ensure safe use for all. The spine road would be lined with trees and the amount of street trees within secondary roads had been significantly increased following feedback from the Landscape Officer. A public square sat at the centre of the scheme and would contain paths and benches to foster social interaction and to aid wayfinding. It would also contain trees and shrubs to act as a green node and link with the wider green infrastructure network, including the north/south green corridor which would be enhanced with substantial planting. A separate part of the site contained an accessible play area which featured wheelchair friendly surfacing and equipment. Members would be aware that the Officer recommendation was to delegate approval, subject to agreement on a noise mitigation scheme, and the applicant's representative confirmed that the developer would be providing acoustic screening, vents and glazing on all affected properties where appropriate. She indicated that an updated noise survey had been submitted for review. Moreover, discussions on external materials and boundary treatments were at an advanced stage and the applicant's representative was confident that an appropriate and high-quality scheme could be agreed with Officers. In summary, the applicant had worked positively and proactively with Tewkesbury Borough Council and its Officers throughout the process to ensure the scheme accorded with statutory planning policies and approved design parameters, as such, the applicant's representative respectfully requested that Members approve the application in line with the Officer recommendation.
- 49.19 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to approve the application, subject to confirmation from the Environmental Health Officer that the noise impact would be acceptable, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Management Manager to approve the application in accordance with the Officer recommendation. The seconder of the motion indicated that his only reservation was that the Environmental Health Officer had concerns about noise from the M5 but this parcel was furthest away

from the motorway so this was a worry in terms of the other parcels still to come forward. Another Member asked for clarification on the number of houses stipulated within the appeal decision for this particular phase and the number of dwellings for the other two phases as he was concerned about the density of 53 per hectare. In his opinion, the design was ugly and the parking would not work resulting in another estate road where a smaller vehicle would be required to collect waste meaning additional costs for the authority. In response, the Development Management Team Leader (East) advised that the outline application was for 850 dwellings but he did not have the phasing plan for the numbers being delivered. This phase had been reduced by six units but they would be incorporated into other sites. The densities had been cross-referenced with the Site Wide Masterplan Document and, although there were slightly lower densities on some parcels and slightly higher on others, Officers were satisfied the proposals were in accordance with the Site Wide Masterplan Document.

49.20 A Member questioned whether the affordable housing would be affordable rent or social rent and was informed that Page No. 169, Paragraph 8.4 of the Committee report, set out that there would be 44 units for affordable rent and 29 units of affordable housing for sale. The Member raised concern that this could be interpreted in two ways and the Legal Adviser advised that she expected they would be affordable rent in line with the definition in the National Planning Policy Framework i.e. up to 80% of market rent. The Member raised concern that 80% of market rent was still very expensive and lot of younger people were struggling to pay that amount so he felt strongly that it was important to secure social rent properties on new developments such as this. The Planning Officer advised there had been a lot of discussion at the Inquiry regarding the mix of affordable housing and negotiations had taken place with the Council's Housing Enabling Officer throughout the process in order to secure the best mix based on the demographic of the borough. Ultimately, the Planning Inspectorate had determined the mix which was now fixed and the reserved matters had to work to those parameters. Another Member agreed it was important to get as much social housing as possible within housing developments and she sought confirmation as to whether her assumption that there was no social housing on this site was correct. The Development Management Team Leader (East) confirmed that was correct as he understood it and the Legal Adviser confirmed that the Section 106 Agreement for the outline planning permission stipulated there would only be affordable rent on this site. The Member appreciated what had been said and she was sure Officers had done their best to negotiate, but developments of this size having no social housing whatsoever set a dangerous precedent in her view. The Legal Adviser pointed out that there had been changes since the outline permission and Section 106 Agreement were approved in 2019. The Housing Enabling Officer who spoke at Planning Inquiries made a case based on the data which was available and most Section 106 Agreements now provided for more social housing as that need could be substantiated.

49.21 A Member sought clarification as to whether this site was part of the Garden Town and, if that was the case, whether the developer had signed up to any protocols and principles put forward for the Garden Town. The Development Management Team Leader (East) explained that the site was geographically located in the area earmarked for the Garden Town; however, there was nothing in policy to tie this application to that. The applicant had worked to try to bring in some of the core principles but the Garden Town was at a very early stage in terms of design. Another Member indicated that she could not support the application as it was within the Garden Town area and she could not see any evidence of the developer complying with Garden Town principles. Furthermore, she considered that putting three storey flats in this location was outrageous.

49.22 Upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **APPROVE** the application, subject to confirmation from the Environmental Health Officer that the noise impact would be acceptable.

21/01163/FUL - Royal Oak Inn, Gretton Road, Gretton

49.23 This application was for construction of an accommodation block comprising seven self-catered units (6 one-bedroom studio suites and 1 two-bedroomed suite) and change of use land for the siting of six shepherd's hut style camping pods.

49.24 The Senior Planning Officer advised that the site included the adjoining field parcel to the immediate east of the public house which was considered to be a non-designated heritage asset and lay wholly within the Cotswold Area of Outstanding Natural Beauty. The proposals were for accommodation in two locations on the site; a block of seven suites on the disused tennis court where the proposed structure would be cut into the existing slope of the land and was intended to be finished with a grass (green) roof and six shepherd's huts located within the lower portion of the eastern field adjacent the existing car park. The huts would have their own bathroom facilities with all kitchen and bathroom waste to be treated on site. Gretton Parish Council had objected to the proposal as detailed within the Committee report. A Landscape and Visual Impact Assessment had been submitted in support of the scheme by virtue of its location on the edge of the Cotswolds Area of Outstanding Natural Beauty and the predicted landscape and visual impacts were in keeping with the strategies and guidelines of the Cotswolds Area of Outstanding Natural Beauty Management Plan. Neither the Cotswolds Conservation Board nor the Council's Heritage Adviser raised any objection to the scheme. The accommodation would be accessed through the existing car park which served the public house; however, direct vehicular access to the accommodation would not be permitted. The scheme proposed 13 allocated spaces for the occupiers of the accommodation, along with electric vehicle charging points, and covered secure cycle parking facilities. County Highways raised no objection to the scheme. There were no immediate neighbouring residential properties adjoining the site that would be impacted by the proposal with the nearest residential property 'Field Watch' lying approximately 50 metres to the west of the site. No objection had been raised by the Environmental Health Officer; however, in line with similar approvals of this nature, it was recommended that conditions be included on the planning permission to ensure the site was properly managed so that any potential impact on neighbouring amenity was limited and to require the submission and approval of a noise management plan. An amended ecological report had been provided following initial concerns raised by the ecological specialist and final comments were awaited in that regard. Subject to the suggested conditions which sought to ensure satisfactory landscaping and mitigation measures, it was considered that the proposed development would constitute sustainable development in the context of the National Planning Policy Framework as a whole and it was therefore recommended that authority be delegated to the Development Management Manager to permit the application, subject to conditions and the satisfactory resolution of the outstanding matters as set out in the Committee report and consultation with the infrastructure manager of the railway which was missed originally.

49.25 The Chair invited a local resident speaking against the application to address the Committee. The local resident indicated that he was surprised the application was recommended for delegated permission - having heard nothing for 17 months, he had assumed it would be refused on the basis of the obvious Area of Outstanding Natural Beauty. He referenced the recent appeal refusal for a single back-fill

residence on the same hillside due to the short single access track and its effect on the Area of Outstanding Natural Beauty. This development brought no value to Gretton or the wider community – no new housing, nothing for the local economy, just a busier pub, noise disturbance, group bookings and more holiday accommodation. The pub was successful because it had tremendous views so it was recognised that the site could be seen for miles. Every year, thousands of train passengers, walkers and road users would look across at the scarred hillside and ask who had let that happen. If permission was inevitable, he asked that approval be delayed to allow collaborative work to seek improvements for village residents and he urged Members not to waive this through accepting everything the developer said – ‘communicate, collaborate and compromise’ used to be a good planning motto but there was no evidence of that happening here and Gretton residents had the right to expect the Planning department to stand up for them. With regard to the accommodation block, he felt this would inevitably attract group bookings, stag parties etc. and, if this unit had to go ahead, a simple mitigation would be to move the communal area and fire pit to the other side of the building away from the village side. This would be a simple change that removed the blight of late-night noise heard in the village every Friday and Saturday in summer and he questioned why that had not already been addressed given residents’ concerns. Furthermore, the shepherd’s huts were not mobile, they were fully plumbed and wired and had decking so were effectively 18 foot green static caravans. A known fact which was ignored here was that the public house already used that field for overflow parking so parking for this proposal would be a big problem; of course, vehicular access and parking at each hut would be established in time – it would start with drop-off and utility vehicles which would get stuck on sloping grass causing a track to appear and then parking next to each hut would begin because the pub car park would be full which was how a static caravan site started. He questioned why there could not be simple mitigation that addressed the main car park and limited vehicular access and parking in the field. In conclusion, he asked Members to consider whether this should happen at all and, if it had to be permitted, to address some of the concerns of the many people who would suffer as a result of the proposal.

- 49.26 The Chair indicated that the Officer recommendation was to delegate authority to the Development Management Manager to permit the application, subject to conditions and the satisfactory resolution of the outstanding matters as set out in the Committee report and consultation with the infrastructure manager of the railway, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Development Management Manager to permit the application in accordance with the Officer recommendation. The seconder of the motion asked if it was possible to move the fire pit to the other side as part of the delegation, as had been suggested by the public speaker, to prevent noise from travelling down to the village. The Senior Planning Officer advised that the Environmental Health Officer had raised no objections to the proposal in terms of impact on residential amenity, which included the position of the fire pit, and a noise management plan had been requested as part of the conditions to ensure there was no negative impact on residential amenity.
- 49.27 A Member congratulated the Senior Planning Officer on a balanced report. He did not think the Council was likely to win an appeal, should the application be refused; however, he shared the concerns that had been raised by the public speaker. The public house was higher than the village of Gretton which meant there was an impact in terms of noise travelling down to the village and adversely affecting neighbouring residents, particularly in summer. He could envisage the proposal being used for group parties with people staying in the pub until it closed and then moving on to the fire pit. In his view, the fire pit should be removed from the proposal to prevent people from congregating and causing disturbance. Whilst he felt there were no grounds to warrant refusal, based on the Council’s policies and the economic benefits it would bring he would like the Environmental Health Officer

to relook at the proposal, given that the site was higher than the village itself, and for the fire pit to be removed. Another Member shared the view that the fire pit should be omitted and he sought reassurance from Officers regarding the car parking as he was aware of an event in 2016 when the field had been completely packed with cars and he felt that measure to alleviate the traffic and car parking should be addressed as part of the delegation. The Senior Planning Officer clarified that car parking was currently very informal in nature and the plans indicated that the parking would be formalised. It was possible to include a condition requiring a car parking management plan to demonstrate where parking would be provided for special events, should Members so wish. In terms of noise, the Environmental Health Officer was the Council's own statutory consultee who had raised no objection to the proposal. Whilst it was possible for the fire pit to be removed or relocated as part of the delegation, it should be borne in mind that a noise management plan had been requested as part of the decision to tie in any use of the external areas in line with the licensing of the public house. A Member understood the arguments about parking but nothing had been said about the impact on the Area of Outstanding Natural Beauty which she felt was the main concern. Development creep was happening all over the borough and, in her view, the Area of Outstanding Natural Beauty should be protected at all costs. Whilst she appreciated each application should be considered on its own merits, she felt there was a lack of consistency with regard to the approach taken - this proposal would result in a large development in the Area of Outstanding Natural Beauty so she had expected the impact of that to be a significant concern.

- 49.28 The proposer of the motion for a delegated permission indicated that he was happy with the suggestion made by the seconder of the motion to move the fire pit. A Member asked whether it would be appropriate to set a maximum time for occupation of the accommodation and the Senior Planning Officer confirmed that a condition could be added to ensure the accommodation was for temporary use and could not be occupied on a permanent basis. A Member suggested it might be more appropriate to defer the application given the various concerns and requests for additional conditions. The Legal Adviser clarified that a deferral was a procedural motion which took precedent over all others; a deferral would be appropriate if Members felt there was not enough information to determine the application today and would mean the application would be brought back to the Committee. A delegated permit would enable Officers to have conversations regarding specific matters Members wished to see resolved before permission was granted and, provided those matters were resolved, the application did not need to come back to Committee. It was a decision for Members as to which was the most appropriate way forward. It was subsequently proposed and seconded that the application be deferred for a Planning Committee Site Visit to assess the location of the fire pit and the potential impact of noise on local residents. Another Member indicated that he was supportive of the suggestion to remove the fire pit, and would second a proposal on that basis, but he would not be happy to support a deferral. The Development Management Manager advised that the removal of the fire pit could be discussed with the applicant as part of a delegation, if Members so wished. The proposer and seconder of the motion for a delegated permission confirmed they would amend the delegation to be on the basis of the removal of the fire pit and the inclusion of conditions requiring submission of a car parking management plan and to restrict the accommodation to temporary use to prevent permanent occupation. In response to a query, the Development Management Manager clarified that, if the applicant was not willing to remove the fire pit, the application would come back to the Committee. On that basis, the proposer of the motion to defer the application confirmed he was happy to withdraw his proposal and, upon being put to the vote, it was

RESOLVED That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application, subject to removal of the fire pit, the inclusion of conditions requiring submission of a car parking management plan and to restrict the accommodation to temporary use to prevent permanent occupation, and the satisfactory resolution of the outstanding matters as set out in the Committee report and consultation with the infrastructure manager of the railway.

22/00104/FUL - 1 Wood Stanway Drive, Bishop's Cleeve

- 49.29 This application was for erection of a wooden pergola and wooden children's climbing frame (part retrospective) and installation of an organic pool. The Planning Committee had visited the application site on Friday 17 February 2023.
- 49.30 The Senior Planning Officer advised that this was a householder application for 1 Wood Stanway Drive in Bishop's Cleeve which was a detached dwelling located in a cul-de-sac. The proposal was for the retention of a wooden pergola and a children's climbing frame in the rear garden and also included the installation of an organic pool. A Committee determination was required as the Parish Council had objected on the grounds that the play equipment was overbearing and there was a loss of privacy to the occupiers of neighbouring dwellings, particularly in Snowhill Drive. Whilst the objections of the Parish Council and the neighbours were understood, the applicant had revised the plans, lowering the height of the highest platform from 1.5 metres, as had been built, to 1.2 metres and had agreed to add a 2.7 metre high solid wood screening to the panel onto the climbing frame facing Snowhill Drive. This meant that anyone standing on the platform level would have to be over 1.5 metres tall to look over the screen itself. The applicant had also planted a row of evergreen pineapple broom trees along the fence boundary; these trees would grow up to a height of four metres, adding more screening. The reduction of the platform height and installation of the screening panel could be secured by recommended conditions 2 and 3, the latter of which was included in the Additional Representations Sheet, attached at Appendix 1, and would ensure this was done within 28 days of the date of the planning permission. Together with the existing pineapple broom trees, this was considered sufficient mitigation from overlooking and, as the pergola and organic pool were considered to be of a suitable size and design, the Officer recommendation was to permit the application.
- 49.31 The Chair invited the applicant to address the Committee. The applicant advised that she and her husband first built the frame that they called 'The Pirate Ship' in 2017 and, during lockdowns through the COVID-19 pandemic it had proved to be an effective way to keep the children entertained and active during a time when many had been frustrated by the restrictions enforced upon them. As such, it had both practical and sentimental value to them. It acted as a centrepiece to their garden during gatherings and parties they had hosted and had been enjoyed by many children other than their own; that had continued to be the case since it was rebuilt after moving to a bigger garden. The Pirate Ship had become essential in the ethos of their children's outdoor play, engaging their adventurous natures and creativity, and she hoped that could continue.
- 49.32 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 a split decision be issued with the pergola and organic pool being permitted and the climbing frame refused on the basis of the impact on the amenity of the occupiers of neighbouring properties. The proposer of the motion indicated that, whilst he had no objection to the pergola and the organic pool, his view, having visited the application site, was that the climbing frame would still directly overlook four

neighbouring properties and he could not see how the proposed mitigation measures would prevent overlooking of their gardens and invasion of their privacy. Although the platform would be lower, the screening proposed only covered one side of the structure and he felt the impact on neighbouring properties made that element of the proposal unacceptable. A Member indicated that the impact on neighbouring properties had been evident from the site visit and she felt it was appropriate that trees had been planted but they were very sparse currently and, although she did not know the rate of growth, she did not think they were likely to provide screening very quickly. The Senior Planning Officer indicated that he did not have a note regarding the rate of growth, only that they would grow to four metres in height. The Member stated that she did not believe the trees would provide sufficient screening quickly enough and, if the platform remained, she would like to see it reduced below 1.2 metres.

49.33 A Member indicated that he could not support the motion for a split decision as the applicant had demonstrated a willingness to reduce the height of the platform and had planted trees which would provide screening once they had matured. He asked whether it was possible to include fence screening until the trees had reached maturity and was advised that the property did not benefit from permitted development rights so any increase in the height of the fencing would need to form part of a planning application or a condition going forward. The proposer of the motion indicated that, if the applicant came back with a different proposal for the climbing frame, that would be a matter for another discussion and any proposal to reduce the height would make it more acceptable. As had been seen on the site visit, what was proposed currently would mean that teenage children standing on the platform would be overlooking neighbouring properties. The seconder of the motion felt that a split decision would enable the applicant to continue with the erection of the pergola and installation of the organic pool and, if they wished to have more play equipment, they could look at other options for that and come back with another application.

49.34 Upon being put to the vote, it was

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

1. That the erection of a wooden pergola and installation of an organic pool be **PERMITTED**.
2. That the erection of a wooden children's climbing frame be **REFUSED**.

22/00979/FUL - Two Hoots, Alstone, Tewkesbury

49.35 This application was for the conversion and extension of an existing single storey double garage and replacement of an existing conservatory with a two storey side extension and alterations to the existing house. The Planning Committee had visited the application site on Friday 17 February 2023.

49.36 The Senior Planning Officer advised that this was a householder application at Two Hoots in Alstone and the site was within the Area of Outstanding Natural Beauty. A Committee determination was required as the Parish Council had raised objections about the impact on the adjacent listed buildings and the surrounding Area of Outstanding Natural Beauty. In terms of the impact on the immediate neighbouring listed buildings, the Conservation Officer had been consulted and considered that the proposal alterations and extension would not generate a negative visual impact upon the setting of the listed buildings and there would be no harm to their residential amenity. Overall, the proposal was considered to be of a suitable size

and design and would not be harmful to the Area of Outstanding Natural Beauty nor the neighbouring listed buildings. As such, the Officer recommendation was to permit the application.

- 49.37 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. The proposer of the motion sought clarification as to whether the two windows at the top of the new extension would be obscure glazed as the Parish Council had suggested they were being changed to clear glazing. The Senior Planning Officer indicated that the plans stated the windows would be opaque and a condition could be added to the planning permission to ensure that was the case. The proposer and seconder of the motion confirmed they wished to include a condition to that effect and, upon being put to the vote, it was

RESOLVED That the application be **PERMITTED** in accordance with the Officer recommendation, subject to the inclusion of a condition to ensure that the two windows at the top of the new extension would be obscure glazed.

22/01225/APP - Land to the North of Innsworth Lane, Innsworth

- 49.38 This was an approval of reserved matters application in respect of the appearance, landscape, layout and scale pursuant to planning permission 15/00749/OUT for the erection of 257 dwellings, hard and soft landscaping, car parking, including garages, internal access roads, footpaths and circulation areas, public open space and associated works, together with additional details as required by conditions 2, 3, 7, 12, 13, 14, 20, 22 and 33 on the new Phase 5 of Land North of Innsworth Lane. The Planning Committee had visited the application site on Friday 17 February 2023. It was noted that Members had received an update sheet which included sensitive information and if those details needed to be discussed it would be necessary to move into separate business.
- 49.39 The Planning Officer advised that this was a reserved matters application seeking approval for access, appearance, layout and landscaping for 257 dwellings - 176 open market and 81 affordable – public open space and infrastructure pursuant to wider outline planning permission 15/00749/OUT for 1,300 dwellings. The current application represented the whole of the Phase 5 residential area of the approved outline scheme shown in the revised phasing plan. The application site was located in the eastern part of the outline site, adjacent to Frogfurlong Lane, and the reserved matters had already been approved for a number of other phases including Phase 1 East and Phase 2 to the south which were constructed/under construction. The principle of residential development at this site had been established through the grant of outline planning permission and its subsequent allocation for housing in the Joint Core Strategy as part of the Innsworth and Twigworth Strategic Allocation (Policy A1). The key principle guiding reserved matters applications had also been approved by the planning authority including a Site Wide Masterplan Document, site wide road principal infrastructure, including access onto Frogfurlong Lane, and site wide attenuation and drainage strategies. Officers had worked closely with the applicant throughout the application process to ensure that the proposal accorded with the aspirations of the Site Wide Masterplan Document and, as set out in the Committee report, it was considered that the scale, layout, landscaping and appearance of the proposal was acceptable and of an appropriate design. It was noted that the application site contained a number of green infrastructure corridors, including one to the north and one adjacent to Frogfurlong Lane. Railings along the principal spine road would match phases to

the south and street tree planting was incorporated into the layout. In terms of flood risk and drainage, a detailed surface water drainage and Sustainable Urban Drainage System (SuDS) was submitted to, and subsequently approved by, the Council in October 2019. The Lead Local Flood Authority had been consulted on the current scheme and had advised that the drainage strategy would be suitable as part of the overall approved drainage scheme. The Environment Agency had also now confirmed it was satisfied and that all finished floor levels had been set at the appropriate height as required by the outline permission. Members would be aware of a recent foul sewage leakage incident in proximity to this site and Officers had been liaising with the applicant and Severn Trent Water regarding this issue. An update on the latest position was set out in the Additional Representations Sheet, attached at Appendix 1, and a representative from the Lead Local Flood Authority was in attendance to answer any questions on this issue; however, Members were reminded that the current proposal was a reserved matters application in respect of the layout, appearance, scale, landscaping and internal access arrangements and the determination of the application must focus on those reserved matters. Taking all this into account, Officers considered that the proposed development was acceptable in regard to access, layout, scale, appearance and landscaping in accordance with the Site Wide Masterplan Document and it was recommended that the application be approved.

- 49.40 The Chair invited the applicant's representative to address the Committee. The applicant's representative advised that the application sought approval of the reserved matters application for 257 new homes in the latest phase of the development. The quantum of development was previously permitted via an outline planning permission and accompanying Section 106 Agreement. The Section 106 Agreement had been signed in advance of the applicant purchasing the site, as such, the development would be delivered in accordance with the approved obligations. The approved Site Wide Masterplan and the Design and Access Statement set out the vision, objectives and development principles to guide and inform developers to ensure a consistent and coherent design approach. The layout, appearance, scale and density of the proposed scheme were in accordance with the approved parameters. Of the 257 homes, 81 were affordable, equating to 32% of the overall scheme in accordance with the Affordable Housing Section 106 Agreement. The scheme would deliver a tenure mix of 60% affordable rented and 40% intermediate housing. The affordable homes were evenly distributed through the site and designed to blend seamlessly with the market housing. It was important to note that most of the homes in the scheme would be fully compliant with Building Regulations Part M4(2) which exceeded the minimum policy requirements. The proposal delivered a well-designed street hierarchy, providing access and connectivity for all users including pedestrians, cyclists and vehicles. The amount of parking had been a key consideration in the evolution of the scheme and the proposal delivered 533 spaces for the 257 dwellings which exceeded the latest parking standards. All proposed homes were located within Flood Zone 1 with all proposed floor levels set at an appropriate height, as such, the application was supported by both the Lead Local Flood Authority and the Environment Agency. During consideration of the proposal, concerns had been raised by the local community regarding the safety of pedestrians crossing Innsworth Lane and, whilst that did not form part of the application, the applicant was working with Gloucestershire County Highways to deliver a suitable crossing solution. Design proposals were under consideration and subject to a road safety audit which was currently being undertaken. Through continued close working with Officers, the applicant had responded to all consultee feedback and approval was now sought from the Committee to deliver the next phase of quality and sustainable new homes.

- 49.41 The Chair invited a local Ward Member to address the Committee. The local Ward Member indicated that, as Members would be aware, he was not in favour of building in flood zones; however, this development was going ahead so he had to accept that and wanted to ensure it was done properly in order to get the best outcomes for the community. Although not directly related to this application, he still had concerns regarding flooding; roads – particularly the access onto Frogfurlong Lane; other infrastructure, including schools, doctors, dentists etc.; and foul water management, especially given the recent happenings in the area. The Committee report did not totally satisfy him but his main issue - which fortunately was now being addressed - was linked to road safety and the risk, most notably to children, of being exposed to crossing the roads given that schools were on the opposite side of the road. He had raised these issues and was delighted the developer had been supportive and willing to fund a pelican or zebra crossing so he thanked them for putting people above profit and doing the right thing. All consultees were satisfied with the proposal and raised no objection, aside from the Parish Council which had concerns in relation to matters which had been considered at the outline stage. In summary, his main issues on this specific application had now been addressed, with the exception of foul water management, which he felt demonstrated how full and open communication could resolve a potential issue; however, there was a need to ensure that necessary conditions were in place and met the required timescales going forward.
- 49.42 The Chair indicated that the Officer recommendation was to approve the application and he sought a motion from the floor. It was proposed and seconded that the application be deferred until a satisfactory solution to the sewage system for the entire strategic A1 site was found and proven to work in any weather conditions; to allow the submission of a traffic assessment of the strategic road network, including Frogfurlong Lane and Down Hatherley Lane; and to allow a comprehensive car parking assessment to be carried out, including at evenings and weekends. The proposer of the motion noted from the Committee report that the pumping station had been upgraded prior to the disgraceful incident regarding foul sewage leakage. He understood Severn Trent accepted no responsibility for the sewage system as it had not yet been adopted and, despite the Parish Council raising concern time and time again that the system could not cope, the statutory consultees had given assurance it could but it was now evident that was not the case. In terms of the traffic assessment, he pointed out that it was difficult for two small vehicles to pass one another on Frogfurlong Lane, let alone large construction traffic, and he would like a car parking assessment to be carried out on evenings and weekends to establish the reality of the situation, rather than a desktop assessment. The seconder of the motion indicated that the Committee often considered applications with problems with drainage or sewage and Members were told there was nothing which could be done but she now felt there was a situation where something could be done and the opportunity to insist on a better arrangement for sewage should not be lost. In terms of the sewage leakage incident, she had contacted Tewkesbury Borough Council Officers to discuss what could be done about the sewage, which was also a problem in adjoining areas such as Churchdown, and had been advised that it should be left to disperse naturally. Given the state of the waterways nationally she did not feel that encouraging more pollution was appropriate so this needed to be addressed. She noted there appeared to be no social housing provision and she asked how social housing would be delivered if it was not required on major sites. In response, the Planning Officer advised that, in terms of sewage infrastructure and whether the application could be deferred for that reason, Longford Pumping Station had been upgraded to meet the needs of the development, along with Twigworth, and Severn Trent had advised that the sewage system had sufficient capacity. With regard to the recent leaking, surface water had infiltrated the foul network during times of heavy rainfall due to construction issues. CCTV surveys and water pressure testing had been carried out on the Taylor Wimpey site and a number of areas had been identified where surface water had

been getting in. All issues were being rectified by the end of March. Vistry was also carrying out CCTV surveys on the land at Twigworth site along a section from Innsworth to Longford Pumping Station which was being monitored by Severn Trent to find the cause. Whilst there was no guarantee this type of incident would not happen again, it would need to happen whilst it was being monitored in order to identify where water was getting in. It was important to separate wider issues from the reserved matters application of appearance, landscaping, layout and scale and to think very carefully of the implications of deferring the application for a substantial period of time in terms of the impact on housing development for the borough. The local planning authority engaged proactively with Severn Trent and the developer and they were well aware of the issues and seeking to resolve the foul drainage matter. In terms of traffic reports, outline planning permission had been granted for the site and highway safety on the strategic road network had previously been found to be acceptable in terms of the trip rate for the number of houses on the site. In terms of the current proposal, whilst access was part of the reserved matters, this was in relation to the internal access as the wider strategic connection onto the A38 had already been agreed so the Officer opinion was that this was not a valid reason to defer the application. In respect of the comprehensive assessment of car parking, on-site parking was in accordance with the Gloucestershire Manual for Streets which was standard across the county.

- 49.43 The proposer of the motion drew attention to the Additional Representations Sheet which set out that Severn Trent had referenced “times of high water table” as reason for the system failure. He pointed out that rainfall in January 2022 was 474mm, which exceeded the 132mm in January 2023, so he was confused as to why the problem had not arisen last year. He noted that Severn Trent could not guarantee there would be no further incidents but he was not willing to accept that. In his opinion it was not satisfactory that people living in the wider strategic allocation were experiencing foul sewage escaping across the green infrastructure and into watercourses. He asked what the Council’s Environmental Health team had done about this and asked for a response to be provided following the meeting. He acknowledged that Taylor Wimpey was undertaking a programme of remedial works due to be completed by the end of March with future prevention measures being put in place and he asked for clarification as to what those were. In terms of highways, he referred to the Ashchurch Parish Council appeal in relation to the bridge where it had been recognised that materiality was a matter for the decision-makers; the Planning Committee was the decision-maker in this instance so his interpretation was that, if the Committee felt additional information was required on certain matters in order to make a fully-informed decision, that should be provided. Another Member indicated that, as she understood it, a deferral had been proposed based on three reasons, two of which could not be taken into consideration as part of the approval of reserved matters application – the foul drainage and the strategic road network - so she sought clarification as to whether car parking was an appropriate reason for deferral. The Planning Officer confirmed that the foul drainage scheme had been approved for the site and the issues identified were being monitored separately and would be resolved outside of the reserved matters application. Similarly, the impact on the wider road network had been assessed by the Secretary of State and there had been mitigation work on the adjacent highway network to account for the impact of 1,300 homes on the site; in terms of the access considerations for this application, that was in relation to the internal layout which included car parking arrangements, vehicle tracking etc. The proposer of the motion to defer the application reiterated that he felt the reasons he had put forward were material considerations, not just in terms of the existing dwellings but those which were to come. He was not suggesting the application be refused, and he agreed that the site needed to come forward, but that should not be at the detriment of existing or future residents. In response, the Legal Adviser explained that what was material or not would differ depending on the type of planning application. In this approval of reserved matters application the issues to consider were

appearance, landscaping, scale and layout including internal roads. The aspects which the proposer of the motion was concerned about were relevant considerations at the outline stage and if the application was deferred on the basis of those concerns, there was risk of a non-determination appeal and the Inspector could decide the Council was being unreasonable by holding out for reasons which were not relevant to the reserved matters application. The seconder of the motion drew attention to Page No. 38, Paragraph 8.3 of the Committee report, which stated that a proposed drainage strategy plan had been submitted in support of the application and she questioned why that had been done if drainage was not a matter for consideration. In response, the Planning Officer advised that a site wide drainage plan had been produced for the whole outline site and, as each reserved matters application came forward, it was necessary to establish that those drainage schemes were in accordance with the site wide drainage plan. The representative from the Lead Local Flood Authority explained that the drainage strategy for this scheme should not be impacting in terms of the foul drainage issues currently being experienced. Severn Trent had advised there was surface water getting into the foul system and, whilst that may be down to the quality of installation, it was not due to the drainage strategy for the site which separated foul and surface water completely.

48.44 Upon being taken to the vote, the proposal to defer the application was lost. It was subsequently proposed and seconded that the application be approved in accordance with the Officer recommendation and, upon being put to the vote, it was

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

PL.50 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

50.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 247-249. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

50.2 A Member noted the appeal decision set out at Page No. 248, Paragraph 2.1 of the report and asked if there was any reason why there was no indication given as to why the Inspector had dismissed the appeal. In response, the Development Management Manager advised that consideration was being given to the style of the appeals report and it was intended that appeal decisions would be circulated directly to Members of the Planning Committee going forward.

50.3 It was

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

PL.51 PLANNING COMPLIANCE UPDATE 2022

51.1 Attention was drawn to the report of the Development Management Manager, circulated at Pages No. 250-253, which informed Members of planning compliance activity during the 2022 calendar year. Members were asked to consider the report.

51.2 Accordingly, it was

RESOLVED That planning compliance activity for the 2022 calendar year be **NOTED**.

The meeting closed at 1:42 pm

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 21 February 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>Foul Drainage</p> <p>Further to the preparation of the Committee Report, Officers have been liaising with the applicant and Severn Trent regarding foul drainage.</p> <p>Officers have been advised by Severn Trent that the causes of a recent sewage leak was due to surface water infiltrating the foul sewage network at times of high water table.</p> <p>Severn Trent confirm that its network has sufficient capacity to deal adequately with the flows within the network, but the problem arises when the network is inundated by ground water.</p> <p>Severn Trent are currently investigating the causes of the infiltration on that part of the foul network outside of the development sites. Severn Trent are also currently working with the various developers to ensure that their, as yet unadopted, site drainage is not contributing towards this problem. Severn Trent have advised that if they are correct in their assumptions, until any infiltration has been reduced, they cannot guarantee that future incidents will not occur.</p> <p>Officers have been advised that Taylor Wimpey (Innsworth outline site) and Vistry (Twigworth outline site) have been testing their foul sewage network on their respective sites further to the sewage leakage incident. Taylor Wimpey have undertaken extensive investigation works via air testing and CCTV surveys.</p> <p>These investigations have identified a number of defects where water (ground and surface water) was getting into the foul sewer. The effect of this was further exasperated by the recent heavy prolonged rainfall. A plan of the defects will be displayed in the Committee Presentation.</p> <p>Taylor Wimpey are currently undertaking a programme of remedial works and many of these works have been completed with all remedial works due to be completed by end of March 2023 on the Innsworth outline site. Future prevention measures are also being put in place.</p> <p>Crossing Points on Innsworth Lane</p> <p>The crossing points do not form part of this current application. They have been constructed in accordance with the approved Section 278 Agreement. Independent of this, Taylor Wimpey and the County Highways Authority are reviewing a number of options to upgrade a crossing(s) and Taylor Wimpey have advised that they will undertake the works at their own expense. A Stage 1 Road Safety Audit is currently being commissioned which will ascertain the most appropriate strategy to upgrade a crossing(s).</p>

Revised Plans: Street Tree Planting, Hedgerows and Planting

Revised plans have been submitted setting out specifications for street tree planting, positions of hedgerows and details of estate railings along the main roads to ensure consistency in design approach.

Officers consider that the details of estate railings are acceptable, and the County Highways Authority and Landscape Advisor also now consider that the tree planting details are acceptable and raise no objection to the application.

Revised Recommendation

The proposed planning condition must be amended to refer to the amended plans. The Highways Authority has also advised that informatives should be included in the planning permission.

The revised recommendation is that the application be approved subject to the following amended conditions and informatives:

Conditions

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

- 21019.NP5.101 Rev B Site Layout Plan
- 21019.NP5.102 Rev C – Character Area Plan
- 21019.NP5.103 Rev A – Area Densities Plan
- 21019.NP5.104.1 Rev B – External Works – Sheet 1 of 3
- 21019.NP5.103.2 Rev B – External Works – Sheet 2 of 3
- 21019.NP5.103.3 Rev B – External Works – Sheet 3 of 3
- 21019.NP5.105 Rev A – Refuse Strategy Plan
- 21019.NP5.107 Rev A – Materials Plan
- 21019.NP5.108 – Enclosures Details
- 21019.NP5.109 – Site Sections
- 21019.NP5.110 Rev A – Affordable Housing Plan
- 21019.NP5.111 Rev A – Storey Heights Plan
- 21019.NP5.112 Rev A – Street Hierarchy Plan
- 21019.NP5.201 rev A – Street Scenes 1
- 21019.NP5.202 rev A – Street Scenes 2
- 21019.NP5.203 rev A – Street Scenes 3
- 21019.NP5.205 rev A – Street Scenes 4
- 21019.EMA23.201 – EMA23 (Mapleford) Middle Plans & Elevations Variation 1
- 21019.EMA23.202 - EMA23 (Mapleford) Middle Plans & Elevations Variation 2
- 21019.EMA23.203 - EMA23 (Mapleford) Middle Plans & Elevations Variation 3
- 21019.EMA32.201 – EMA32 (Brambleford) – Middle Plans & Elevations Variation 1
- 21019.EMA32.202 - EMA32 (Brambleford) – End Plans & Elevations

Variation 2

- 21019.EMA32.203 - EMA32 (Brambleford) – End Plans & Elevations Variation 3
- 21019.EMA32.204 - EMA32 (Brambleford) – End Plans & Elevations Variation 4
- 21019.H1052-34.201 rev A – H1052-34 Middle Plans & Elevations Variation 1
- 21019.H1052-34.202 rev A – H1052-34 Middle Plans & Elevations Variation 2
- 21019.H1052-34.203 rev A – H1052-34 End Plans & Elevations Variation 3
- 21019.H1052-34.204 rev A – H1052-34 End Plans & Elevations Variation 4
- 21019.H1052-34.205 rev A – H1052-34 End Plans & Elevations Variation 5
- 21019.H1052-34.206 rev A – H1052-34 End Plans & Elevations Variation 6
- 21019.H1052-34.207 rev A – H1052-34 End Plans & Elevations Variation 7
- 21019.H1052-34.208 rev A – H1052-34 Detached Plans & Elevations Variation 8
- 21019.H1052-34.209 rev A – H1052-34 Detached Plans & Elevations Variation 9
- 21019.H1052-34.210 rev A – H1052-34 Detached Plans & Elevations Variation 10
- 21019.H1052-35.201 rev A – H1052-35 Middle Plans & Elevations Variation 1
- 21019.H1052-35.203 rev A – H1052-35 End Plans & Elevations Variation 2
- 21019.H1052-35.203 rev A – H1052-35 End Plans & Elevations Variation 3
- 21019.H1052-35.204 rev A – H1052-35 End Plans & Elevations Variation 4
- 21019.H1294.201 – EMAP22 (Levenstead) Middle Elevations Variation 1
- 21019.EMAP22.202 – EMAP22 (Levenstead) Middle Elevations Variation 2
- 21019.EMAP22.203 - EMAP22 (Levenstead) End Elevations Variation 3
- 21019.EMAP22.204 - EMAP22 (Levenstead) End Elevations Variation 4
- 21019.EMAP32.201 - EMAP32 (Satterstead) Middle Elevations Variation 1
- 21019.EMAP32.202 - EMAP32 (Satterstead) End Elevations Variation 2
- 21019.EMAP32.203 - EMAP32 (Satterstead) End Elevations Variation 3
- 21019.EMAP41.201 – EMAP41 (Witherstead) End Elevation Variation 1
- 21019.H1294.200 rev A – H1294 End & Middle Plans
- 21019.H1294.201 rev A - H1294 Middle Elevations Variation 1
- 21019.H1294.202 rev A - H1294 End Elevations Variation 2
- 21019.EMT31.200 – EMT31 (Aynesdale) Detached Plans
- 21019.EMT31.201 – EMT31 (Aynesdale) Detached Elevations Variation 1
- 21019.EMA44.400 – EMA44 (Henford) Det Floor Plans

- 21019.EMA44.401 – EMA44 (Henford) Det Elevations Variation 1
- 21019.EMAP22.401 – EMAP (Levenstead) Middle Plans & Elevations Variation 1
- 21019.EMAP32.401 – EMAP 32 (Satterstead) End Plans & Elevations Variation 1
- 21019.EMT31.400 Rev. A – EMT31 (Aynesdale) Det Floor Plans
- 21019.EMT31.401 Rev. A – EMT31 (Aynesdale) Det Elevations Variation 1
- 21019.EMT41.400 – EMT41 (Plumdale) Det Floor Plans
- 21019.EMT41.401 – EMT41 (Plumdale) Det Elevations Variation 1
- 21019.EMA32.601 – EMA32 (Brambleford) Semi-det. Plans and Elevations Variation 1
- 21019.EMA44.600 – EMA44 (Henford) Detached Plans
- 21019.EMA44.601 – EMA44 (Henford) Detached Elevations Variation 1
- 21019.EMA44.602 – EMA44 (Henford) Detached Elevations Variation 2
- 21019.EMA49.600 – EMA49 (Raynford) Detached Plans
- 21019.EMA49.601 – EMA49 (Raynford) Detached Elevations Variation 1
- 21019.EMA49.602 – EMA49 (Raynford) Detached Elevations Variation 2
- 21019.EMA49.603 – EMA49 (Raynford) Detached Elevations Variation 3
- 21019.EMT41.600 – EMT41 (Plumdale) Detached Plans
- 21019.EMT41.601 – EMT41 (Plumdale) Detached Elevations Variation 1
- 21019.H1052-35.400 rev A – H1052-35 Det & Semi Floor Plans
- 21019.H1052-35.401 rev A – H1052-35 Semi Elevations Variation 1
- 21019.H1052-34.400 rev A – H1052-34 Det & Semi Floor Plans
- 21019.H1052-34.401 rev A – H1052-34 Elevations Variation 1
- 21019.H1052-34.402 rev A - H1052-34 Elevations Variation 2
- 21019.H1268.400 rev A – H1268 Det Floor Plans
- 21019.H1268.401 rev A – H1268 Det Elevations Variation 1
- 21019.EMAP22.601 – EMAP22 (Levenstead) – End Plans & Elevations Variation 1
- 21019.EMAP22.602 – EMAP22 (Levenstead) – End Plans & Elevations Variation 2
- 21019.EMAP22.603 – EMAP22 (Levenstead) – Middle Plans & Elevations Variation 3
- 21019.EMAP22.604 – EMAP22 (Levenstead) – Middle Plans & Elevations Variation 4
- 21019.EMAP32.601 – EMAP32 (Satterstead) End. Plans & Elevations Variation 1
- 21019.EMAP32.602 – EMAP32 (Satterstead) End. Plans & Elevations Variation 2
- 21019.EMAP32.603 – EMAP32 (Satterstead) End. Plans & Elevations

Variation 3

- 21019.EMAP32.604 – EMAP32 (Satterstead) Middle Plans & Elevations Variation 4
- 21019.EMAP41.601 – EMAP41 (Witherstead) End Plans & Elevations Variation 1
- 21019.EMAP41.602 – EMAP41 (Witherstead) End Plans & Elevations Variation 2
- 21019.H1052-34.601 rev A – H1052-34 Semi-det. Plans & Elevations Variation 1
- 21019.H1052-35.601 rev A – H1052-35 Plans & Elevations Variation 1
- 21019.H1294.600 rev A - H1294 Semi-detached Plans
- 21019.H1294.601 rev A - H1294 Semi-detached Elevations Variation 1
- 21019.H1294.602 rev A - H1294 Semi-detached Elevations Variation 2
- 21019.EMA32.800 – EMA32 (Brambleford) Mid Floor Plans Variation 1
- 21019.EMA32.801 – EMA32 (Brambleford) Mid Elevations Variation 2
- 21019.EMA44.800 – EMA44 (Henford) Det Floor Plans
- 21019.EMA44.801 – EMA44 (Henford) Det Elevations Variation 1
- 21019.EMA49.800 – EMA49 (Raynford) Det Floor Plans
- 21019.EMA49.801 – EMA49 (Raynford) Det Elevations Variation 1
- 21019.EMT41.800 – EMT41 (Plumdale) Det Floor Plans
- 21019.EMT41.801 – EMT41 (Plumdale) Det Elevations Variation 1
- 21019.EMT42.800 – EMT42 (Tewksdale) Detached Floor Plans
- 21019.EMT42.801 - EMT42 (Tewksdale) Det Elevations Variation 1
- 21019.H2259.800 – H2259 (Ruston) Det Floor Plans
- 21019.H2259.801 – H2259 (Ruston) Det Elevations Variation 1
- 21019.H1052-34.800 rev A – H1052-34 End Floor Plans
- 21019.H1052-34.801 rev A – H1052-34 End Elevations Variation 1
- 21019.H1052-35.800 rev A – H1052-35 End Floor Plans
- 21019.H1052-35.801 rev A – H1052-35 End Elevations Variation 1
- 21019.H1052-35.802 rev A – H1052-35 End Elevations Variation 2
- 21019.AP1 Rev. A Apartments (Plots 226-234) Floor Plans
- 21019.AP1.202 Rev. A Apartments (Plots 226-234) Elevations
- 21019.301.01 – Double Garages Floor Plans and Elevations
- 21019.301.02 – Garage Block to Plots 165-167, 170 & 171 Floor Plans & Elevations
- 21019.301.03 – Single & Double Garage Floor Plans & Elevations
- 21019.301.04 - Single & Double Garage Floor Plans & Elevations
- 21019.301.05 - Single & Double Garage Floor Plans & Elevations
- 21019.301.06 – Double Garage & Garage Block to Plots 73,74 ,76 & 77

Floor Plans & Elevations

- D6 64 09 Rev A Innsworth New 5 AMS
- D6 64 P10 Rev A 1 of 2 Innsworth New 5 TPP A1 P500
- D6 64 P10 Rev A 2 of 2 Innsworth New 5 TPP A1 P500
- JBA 18-295-87 Detailed Soft Plots Rev B
- JBA 18-295-88 Detailed Soft Plots Rev B
- JBA 18-295-89 Detailed Soft Plots Rev B
- JBA 18-295-90 Detailed Soft Plots Rev B
- JBA 18-295-91 Detailed Soft Plots Rev B
- JBA 18-295-92 Detailed Soft Plots Rev B
- JBA 18-295-93 Detailed Soft Plots Rev B
- JBA 18-295-94 Detailed Soft Plots Rev B
- 22919-05-01-Road&Sewer-Sections-05-01 Rev A
- 22919-05-01-Road&Sewer-Sections-05-02 Rev A
- 22919-05-01-Road&Sewer-Sections-05-03 Rev A
- 22919-09-01 Bus Stop Walking Distances-09-05 Rev A
- 22919-38-01-Section 38 Plan Rev A
- 22919-80-01- Vehicle Tracking 5 Sheets Rev A
- 22919-100-01 Planning Levels (5 Sheets) Rev A
- 22919-101-01 Planning Levels w Drainage (5 sheets) Rev A
- 22919-102-01 EV Charging Plan (5 sheets) Rev A
- 508_101 Innsworth Phase 4 Whittle Gardens Equipment Schedule (002) Rev A
- 22919-101-01 Planning Levels w Drainage (5 sheets) Rev A
- 22911-4001-01 Rev B CCTV Foul Sewer Remedials
- 508_001 Innsworth Phase 4 Whittle Gardens Lighting Layout (Dwg: 508/001)
- 508_101 Innsworth Phase 4 Whittle Gardens Equipment Schedule
- 508_201 Innsworth Phase 4 Whittle Gardens Calculation Report
- Taylor Wimpey Future Homes at Innsworth – Carbon Reduction Proposal – CGI

Informatives

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. The decision is to be read in conjunction with planning permission 15/00749/OUT including the associated S106 legal agreements.

3. The developer is advised that all pre-commencement conditions on outline approval ref: 15/0079/OUT shall be submitted to the LPA and approved in writing, prior to commencement of the development hereby approved.

4. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

5. There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000 514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

6. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

7. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway. Construction Management Plan (CMP)

	<p>8. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public</p> <ul style="list-style-type: none"> - Informing, respecting and showing courtesy to those affected by the work; - Minimising the impact of deliveries, parking and work on the public highway; - Contributing to and supporting the local community and economy; and - Working to create a positive and enduring impression, and promoting the Code. <p>The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.</p>
5c	<p>22/00251/APP</p> <p>Phases 4 And 6 , Land At Perrybrook, North Brockworth</p> <p>Late Representations</p> <p>Since the preparation of the Committee Report, an additional letter of objection has been received. The details of this letter are summarised below:</p> <ul style="list-style-type: none"> - The revised plans have not addressed the earlier comments that related to the blocking of daylight, specifically the sunset. <p>Notwithstanding these comments, the recommendation remains as set out in the Committee Report.</p>
5d	<p>22/00439/APP</p> <p>Land At Fiddington , Ashchurch</p> <p>Officer Update</p> <p>At the time of writing the Committee Report there was an outstanding matter in relation to the noise mitigation that was in the process of being resolved. An update on these matters is set out as follows:</p> <p>The Council's Environmental Health Officer (EHO) advised that a Noise Mitigation Plan and updated Noise Mitigation Assessment should be provided as the noise levels on the site were presently higher than those set out in Conditions 36 of the approved outline scheme.</p> <p>The applicants provided a Noise Mitigation Plan which detailed acoustic fencing/barriers and additional glazing within some of the proposed dwellings. The EHO has had sight of this plan and is requesting additional information and an updated Noise Assessment. It is not considered that these details can be established by way of a condition, therefore, the Officer recommendation remains to delegate authority to the Development Manager to approve the application subject to the submission of further Noise Assessment information and mitigation and confirmation from the Environmental Health Officer that the amendments to the scheme are acceptable, together with any consequential minor revisions to plan numbers and conditions that may arise.</p>

	<p>Report corrections</p> <p>There are some minor corrections to the Committee Report to note as follows:</p> <ul style="list-style-type: none"> - Para 2.4: states that the area west of the site will be Phase 3, this should read as Phase 4 - Para 8.2: These details have not yet been submitted but will be forthcoming in a separate application.
5f	<p>22/00104/FUL</p> <p>1 Wood Stanway Drive, Bishop's Cleeve</p> <p>Members may be aware that an additional letter of objection has been received from one of the immediate neighbours in Snowhill Drive. The letter is attached in full. The objections raised that haven't been mentioned in the Committee Report are as follows:</p> <ul style="list-style-type: none"> - They are against the proposed 2.7m high screen to the rear of their property. - Adults also go on the climbing frame. The main impact on privacy is from adults using it and this is a safeguarding concern. - Why can't the platform be dropped to a more reasonable height of around 50cm's. <p>Officer's comments:</p> <ul style="list-style-type: none"> - The site itself, along with the gardens of 1 and 3 Snowhill Drive were visited and a full assessment was made. Photographs were also provided by the neighbours. - In relation to adults using the climbing frame, this may happen on occasion, but it is unlikely to happen on a frequent basis. - The majority of the concerns / objections raised have already been addressed in the Committee Report. <p>Additional condition required:</p> <p>3. The platform shall be reduced in height to 1.2 metres so as to accord with the revised plans dated 17th October 2022. This shall be done within 28 days of the date of this permission.</p> <p>Reason: For residential amenity reasons and to ensure that there isn't undue overlooking to the immediate neighbours.</p>

Item 5f - 1 Wood Stanway Drive, Bishops Cleeve – neighbour letter

For urgent attention of councillors attending TBC Planning Meeting, 10am, Tuesday 21st February 2023,

Re: Agenda item 5f: 22/00104/FUL 1 Wood Stanway Drive

Dear all,

I unfortunately cannot attend the planned meeting this coming Tuesday to speak due to my husband working away starting a new job and children being off on school holidays. The other objector feels too intimidated.

Please make sure you have read all of the comments online, not just a summary from the Planning Department /Case Officer

Whilst you read my below points, please bear in mind that:

- the Case Officer has only been to visit to look at the site once from the view of our gardens. This was on a date that was best for her back in Summer 2022. Until now, my husband worked at home 99/100 times. The day the Case Officer was coming, my husband needed to go to the office. I offered several other dates and times, and obviously there has been plenty of time to come back since summer 2022. This offer of other dates/times was kindly refused and she was shown into my garden by my neighbour. The Case Officer has not made any requests to come back;
- the Case Officer has not ever actually stood on the climbing frame;
- the Case Officer therefore has no idea what the applicants can see from the climbing frame and how invasive it is to privacy;
- the Case Officer has not stood in my garden nor 3 Snowhill Drive's garden whilst anyone has been stood on the climbing frame; and
- the Case Officer has literally no idea what it is like for anyone who is in their garden whilst people are up on the climbing frame in terms of noise and privacy implications.

I strongly feel that decisions made are more based on a bird's eye view and written measurements rather than the actual realities of the impact the climbing frame has.

Responses to points on the Planning Committee documentation:

8.3 The climbing frame and wooden pergola are considered to be an acceptable size and design, and although visible in part from neighbouring dwellings and gardens, the structures are not considered to be unduly prominent or visually intrusive. Furthermore, it is considered that features such as play equipment, pergolas or outbuildings are not an unusual form of development within a garden setting. These works are therefore considered to be acceptable from a design and a visual amenity perspective.

> I cannot understand, if you genuinely take on board my above bullet points, how 8.3 can be an accurate assessment of whether they are considered unduly prominent or visually intrusive. How can someone accurately 'consider this' when you take into account my above points? I do not dispute that features such as play equipment etc are not an unusual form of development. However, this frame is literally larger than the pirate ship at Pittville park. The frame itself is a very unusual development.

8.4 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Local Plan Policy RES10 provides that extensions to existing dwellings should not have an unacceptable impact on adjacent property and residential amenity.

> Simply, this development does have an unacceptable impact on adjacent property.

8.6 The closest dwelling in Snowhill Drive (no 3) is approximately 10 metres away from the nearest part of the climbing frame. To resolve the privacy concerns raised by neighbouring occupiers, additional revised plans were requested to provide a 2.7 metre (from ground level) high wooden privacy screen across the side of the climbing frame (next to the boundary with Snowhill Drive). Revised plans were subsequently submitted on the 17th October 2022 (see plans) to demonstrate this proposed remediation.

> We have absolutely categorically NOT requested this and I don't know who has. Just because one party may or may not have suggested this, it should not look as if it has been 'requested' as if it is something that I would consider a compromise. This idea has not been discussed with me, the original complainant, in any way by the Planning Department or Case Officer. This will essentially create a 2.7 metre high fence to the rear of my property. My husband and I are totally against this.

Continued overleaf:

8.7 The design of the climbing frame as revised includes a 1.2 metre platform, with a 2.7 metre solid wood screening panel on the side of the climbing frame facing Snowhill Drive. The difference between the platform to the top of the screen would be 1.50 metres. This means that a child of 12 years old at an average height of 1.49 metres would not be able to look over the screen into the back gardens and ground floor windows of nos. 1 and 3 Snowhill Drive (see images on presentation) and is considered sufficient to provide mitigation from overlooking.

>This is a totally mute point. [REDACTED]

[REDACTED] The average height of a 13 year old is almost 157cm. Saying that that the above facts are sufficient to provide mitigation are not accurate when concerns are not just aimed at anyone below the height of 149cm!!! [REDACTED]

[REDACTED] The impact on privacy comes from not just the children, but the ADULTS who stand on the deck of the climbing frame, of which you can fit at least six people. The impact on privacy, the Planning Committee seems to presume comes from children, because it is a climbing frame presumably for children. The main impact on privacy is from adults, particularly men, who stand and look into the properties and gardens. I expressed these specific privacy (**and therefore safeguarding**) concerns to the Case Officer: [REDACTED]

[REDACTED] There is also an excellent view into our rear bedrooms, [REDACTED] Please note that I sent a photo to the Case Officer expressing privacy and safeguarding concerns last year to show a male standing alone on the climbing frame platform to evidence the fact that this does occur. This is the owner of the property. Please do not knowingly put my family at this level of risk / privacy invasion / unacceptable impact.

8.8 The applicant has also planted a row of six evergreen Pineapple Broom trees along the fence boundary line with number 3 and 1 Snowhill Drive (see photograph). The Pineapple Broom trees planted are already at approximately 3.4metres in height and would contribute towards screening the structure from the nos. 1 and 3 Snowhill Drive. It should also be noted, on the neighbour's side of the fence they have planted 3 evergreen trees. As such, there are two rows of trees between 3 Snowhill Drive and 1 Wood Stanway Drive.

>Please note that the applicants had been asked again and again to plant trees – this has only come about after several planning revisions rather than any kind of proactiveness before encouragement from the Planning Department. Please see the attached photo. Whilst being 3.4m, there is nothing to them and they currently screen hardly anything at all. They will take years to mature. Please note that the occupiers of 3 Snowhill Drive purchased the trees at their own expense after the climbing frame was built and repeated requests of the applicant to purchase trees was rejected. The applicant's trees are welcomed. Please note that whilst the applicants were building the frame, the occupiers of 3 Snowhill Drive expressed their concerns about the height and proximity. The applicants were not interested at all in the impact on Snowhill Drive residents or in any kind of compromise of relocation.

I do not object to the pool or pergola.

I do not know why the platform can't be dropped to a more reasonable height on this **permanent** structure to around 50cm.

8.5 Objections have been received from several nearby residents and the Parish Council on the grounds of overlooking / loss of privacy to their homes and gardens (especially those nearest to the climbing frame in 1 and 3 Snowhill Drive). Due to the objections received, revised plans were submitted on the 7th July 2022 omitting a climbing wall and reducing the height of the larger platform on the climbing frame to reduced to 1.2 metres. Alternative locations were considered for the climbing frame, however, due to the layout of the housing estate, in particular the applicant's rear garden, it means that the garden is at a 90° angle to five neighbours, and physically adjoined to the rear gardens of eight neighbours. As a result, the applicant was unable to find a more suitable alternative location without the potential to impact privacy.

Omitting the climbing wall does not change the situation with the climbing frame in anyway. This idea could have been put into the plan so it could then be withdrawn as an offer of an olive branch. The lack of climbing wall bears no change to privacy invasion. This is not a drain or something essential to be in a garden. There are many parks near by. This climbing frame does not need to be in this garden. *If due to the layout of the housing estate, in particular the applicant's rear garden, it means that the garden is at a 90° angle to five neighbours, and physically adjoined to the rear gardens of eight neighbours. As a result, the applicant was unable to find a more suitable alternative location without the potential to impact privacy,* THEN WHY IS MY (AND No. 3's) GARDEN WHICH IS MORE OVERLOOKED THAN ANY OTHER GARDENS DEEMED A SUITABLE LOCATION? Please see the attached map. Please come to my house to see. EVERY other garden apart from No's 1 & 3 have trees and/or sheds. Why would someone choose to build this in the most overlooking point possible, knowing it is overlooking a garden in which children play, that is right next to two garden patios that are right by the fence where the climbing frame is located. The applicant's garden is enormous and there are many other areas of the garden the frame could be relocated to, that have trees and sheds at the end of surrounding gardens. Point 8.5 is the most absurd of all, because of all other alternative locations have trees, sheds etc and deemed unsuitable then why is the current location deemed acceptable? Please see map with approximate layout of other gardens. **Please do not permit the existence of this climbing frame. I have very genuine privacy concerns for my family and neighbours.**

Photo showing lack of impact of the new trees between 1 Wood Stanway and 3 Snowhill.

