

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 20 June 2023 commencing  
at 10:00 am**

## **Present:**

Chair  
Vice Chair

Councillor P E Smith  
Councillor P W Ockelton

## **and Councillors:**

M Dimond-Brown, M A Gore, S Hands, D J Harwood, M L Jordan, G C Madle, J R Mason,  
R J G Smith, R J E Vines and P N Workman

## **PL.9 ANNOUNCEMENTS**

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

## **PL.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 10.1 Apologies for absence were received from Councillor T J Budge. There were no substitutes for the meeting.

## **PL.11 DECLARATIONS OF INTEREST**

- 11.1 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.  
11.2 The following declarations were made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
D J Harwood	Agenda Item 5a – 22/00916/FUL – 2 Moorfield Road, Brockworth	Is the Chair of Brockworth Parish Council and had listened to the debate when this application had been considered by the Parish Council & Highways Committee but had not taken part.	Would speak and vote.

R J E Vines	Agenda Item 5a - 22/00916/FUL – 2 Moorfield Road, Brockworth	Is a Gloucestershire County Councillor for the area.	Would speak and vote.
	Agenda Item 5b – 22/01306/FUL – Elm Gardens, Badgeworth Road, Badgeworth		
	Agenda Item 5d – 22/01375/FUL – Part Parcel 8019, Chargrove Lane, Up Hatherley		

11.3 There were no further declarations made on this occasion.

## **PL.12 MINUTES**

12.1 The Minutes of the meeting held on 25 May 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

## **PL.13 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

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

### **22/00916/FUL - 2 Moorfield Road, Brockworth**

13.2 This application was for erection of a dwelling and new access drive. The application had been deferred at the Planning Committee meeting on 25 May 2023 for a Planning Committee Site Visit to assess the safety of the access. The Planning Committee had visited the site on Friday 16 June 2023.

13.3 The Planning Officer advised that the application sought full planning permission for the erection of a detached two storey, four bedroom dwelling. The site currently formed part of the residential curtilage of 2 Moorfield Road, a detached property on a corner plot within the designated development boundary of Brockworth. The proposed new dwelling was designed with a hipped roof with grey tiles and the walls would be faced with render on a brick plinth. The Officer recommendation was to permit the application as set out in the Committee report.

13.4 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. A Member drew attention to Page No. 31, Paragraph 8.24 of the Committee report in relation to the condition which would be attached regarding the protection of any retained trees and raised concern that condition 7 was not strong enough to ensure the two existing mature trees on the site were protected. The Planning Officer confirmed the trees would be retained and protected and the condition would ensure measures were in place as stated in the Tree Protection Plan. The Member asked if it was possible to strengthen the wording by removing the reference to 'any retained tree' and instead specifying the two mature trees. In response, the Legal Adviser explained that the proposed

condition was intended to protect the trees during construction. Going forward it may be possible to seek a Tree Protection Order for particular trees but that was a separate process. Another Member drew attention to condition 5 regarding pedestrian visibility splays and sought clarification as to whether the hedge shown in the photograph at Committee was required to be further reduced in order to comply with the height restriction in the condition. The County Highways representative explained that the Manual for Gloucestershire Streets required visibility splays of two metres by two metres and this access would be in excess of 10 metres, therefore the condition was satisfied in terms of visibility. The Member asked for clarification as to whether the hedge needed to be reduced any further in height and, if not, whether that could be enforced. The Development Management Team Manager (South) explained that the condition was there to ensure that the area set out in the condition was kept free from obstructions for the lifetime of the development – anything within that area would need to be 0.6 metres or below. His interpretation was that there was plenty of space without encroaching into the hedge that was remaining and, as it stood, that was as far back as the hedge needed to go and the height did not need to be reduced further.

13.5 With regard to the distance from the junction, a Member noted that the Minutes of the previous meeting stated there was a requirement for the access to be a width of 20 metres from the junction and the plans submitted showed this was 10 metres; she asked for clarification on the distance from the junction. The Planning Officer advised it was 19.9 metres from the centre point of the access. The Member drew attention to Page No. 29, Paragraph 8.14 of the Committee report which suggested that the garden space that would be left would be reasonable, and would mirror those of neighbouring dwellings, but she disagreed with that statement. In her view, the house was far too big for the area and would not mirror existing properties, furthermore, she was concerned there were only two parking spaces which was not enough for a four bed dwelling.

13.6 Upon being put to the vote, it was

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

### **22/01306/FUL - Elm Gardens, Badgeworth Road, Badgeworth**

13.7 This application was for a proposed single storey detached residential annex and garden storage used ancillary to the host dwelling (Elm Gardens) following demolition of the existing residential outbuilding. The application was deferred at the Planning Committee meeting on 25 May 2023 for a Planning Committee Site Visit to assess the appropriateness of the development in Green Belt policy terms. The Planning Committee had visited the site on Friday 16 June 2023.

13.8 The Planning Officer advised that the application site comprised a detached dwelling with a large outbuilding to the rear, it was located on the western side of Badgeworth Road within the Green Belt. The existing block plan showed the location of the existing structure to the rear and the kennels had now been added along with the temporary mobile home which would be removed in six months and therefore was not shown on the proposed block plan. Members were advised that the annex would provide a disabled accessible single storey one bedroom unit with an attached garden store. The proposed building would have a simple linear pitched roof design which would be finished in render and slate. It would be smaller than the building it replaced and would have a lesser impact on the openness of the Green Belt. It was considered to be acceptable in terms of design and appearance and, given the substantial curtilage and separation from other nearby properties,

there would be no adverse impact on any other occupiers. As such, it was recommended that planning permission be granted subject to conditions as set out in the Committee report.

- 13.9 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the proposal was for a single detached residential annex building to be used ancillary to the host dwelling at Elm Gardens, following demolition of the existing residential outbuildings within its residential curtilage. He made reference to the personal circumstances of the applicant and the need for level access accommodation and pointed out that the Tewkesbury Borough Plan was supportive of the provision of such annexes to support households and dependent family members. The Planning Officer agreed that the principle of development was acceptable as set out in the Committee report. The applicant's agent went on to explain that the new building was formed following the removal of a pair of ancillary residential outbuildings within the established curtilage which had become redundant for use. It was acknowledged that the site lay within Green Belt; however, as set out by the Planning Officer, replacement residential buildings were allowed in the Green Belt where the new residential building was not materially larger than the one it replaced. In this instance, the new building would have a 29% smaller footprint, a 28% reduction in volume and a 300mm reduction in height over the original outbuildings to be removed. Therefore, the proposals were materially smaller than the existing buildings. Not only would this meet national and local policy requirements but it would have a positive beneficial impact on the openness of the Green Belt compared to the existing situation. The new building had been designed to match the character and materials of the host dwelling, which Officers noted would represent a visual improvement to the area and the applicant's agent agreed with that. Matters relating to neighbouring amenity, highway impacts, drainage and trees had been considered and statutory consultees raised no objections. In conclusion, the applicant's agent felt it was clear that the proposed annex was acceptable in principle and would meet the requirements of local policy. The proposed reduction in built form and the design to match the host dwelling would also have significant beneficial impact on the character of the area and the Green Belt. Overall, the proposals accorded with the development plan and he asked Members to support the application in line with the Officer recommendation to permit.
- 13.10 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. It was proposed and seconded that the application be permitted in accordance with the Officer recommendation. A Member asked whether the agricultural occupancy tie which had been lifted in 2019 had been removed from the property or whether it had been removed for a particular resident. In response, the Planning Officer advised that the agricultural tie related to the land. The application in 2018 was for a Certificate of Lawful Use as residential use of the dwelling was in breach of the agricultural occupancy condition. In response to a query as to whether the tie had been permanently removed, the Legal Adviser confirmed that, as there had been a Certificate of Lawful Use in the breach, it could effectively continue. Another Member drew attention to condition 3 which stated that the development would only be used in conjunction with, and as ancillary to, the residential enjoyment of the adjoining dwelling known as Elm Gardens. She asked whether the wording could be amended to specify that a kitchen would not be added without a change of use application as her understanding was that it would not be classed as a separate dwelling without one. The Planning Officer advised it was to do with functional reliance as well as distance from properties, therefore, in her view it would still be considered ancillary if a kitchen was added. The Legal Adviser advised it would be unreasonable for the condition to specify there was no kitchen and many annexes had kitchens of their own with such annexes having conditions that they must remain ancillary to the dwelling. The Member asked what

measures were in place to ensure it did not become a residential dwelling over time and the Development Management Manager advised that it was necessary to apply reasonable tested conditions appropriate to a planning application of this type; if Officers became aware of any concerns regarding breaches, these would be subject to investigation by the Compliance team.

- 13.11 A Member queried whether there was any way of accessing the main property from the annex as she did not consider a gravel yard to be particularly conducive to wheelchair use. The Planning Officer explained that disabled access into the house was unnecessary and indicated that the annex was required because the occupants could not access the house. It was envisaged that the residents of the main house would take food from the kitchen to the annex rather than the person using the annex entering the main house. The Member understood this explanation but felt this undermined the ancillary use and that it would become a more permanent residential usage if the occupants were not accessing the main building. The Development Management Manager acknowledged this concern and indicated that it was possible that improvements in internal servicing would be made under permitted development rights but that was not something that could be reasonably controlled at this stage. The proposed conditions reflected the ancillary nature of the proposal and, should there be any concerns going forward, they could be investigated at the appropriate time.
- 13.12 A Member expressed concern regarding attrition of the Green Belt and the precedent being set each time planning permission for developments such as this were granted. He sought assurance that replacing a temporary structure with a permanent structure complied with the National Planning Policy Framework. In response, the Development Management Manager confirmed that, as set out in the Committee report, Officers had undertaken careful analysis of appropriateness of the development in Green Belt terms and this particular proposal provided benefits to the Green Belt with regard to openness. He reassured Members that permitting this application would not set a precedent for this type of development as each proposal must be assessed on its own merits. A Member noted that the applicant's agent had stated there was no local objection to the proposal; however, the Committee report set out that both Badgeworth and Staverton Parish Councils had objected on the grounds of inappropriate development in the Green Belt which should be acknowledged. In response to a query as to whether the property benefited from permitted development rights, the Development Management Team Manager (South) advised that planning permission would not be required for another ancillary use, such as a gym, but as this proposal was for living accommodation planning permission was required.
- 13.13 The proposer of the motion indicated that he had requested a Committee determination in order to assess the proposal against Green Belt policies. In this instance, there had been objection from the Parish Council but at the last Committee, the Parish Council had fully supported an application which was recommended for refusal and this demonstrated the need to assess each application on its merits – sometimes development in the Green Belt was acceptable and sometimes it was not but, in this case, he agreed with the Officer recommendation. The seconder of the motion took on board the concerns raised by the Member regarding inappropriateness in the Green Belt; however, given that the proposed building would be a reduction in size compared to the existing building, there would be a lesser impact on the Green Belt, therefore, he was happy to support the proposal. Upon being put to the vote, it was

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

**23/00240/FUL - 9B Beckford Road, Alderton**

- 13.14 This application was for erection of a first floor rear extension and installation of a rear roof dormer. The application was deferred at the Planning Committee meeting on 25 May 2023 for a Planning Committee Site Visit to assess the impact of the proposal on neighbouring amenity and the visual impact on the streetscene. The Planning Committee had visited the application site on Friday 16 June 2023.
- 13.15 The Planning Assistant advised that this was a householder application in respect of a detached dwelling located in the village of Alderton. A Committee determination was required as Alderton Parish Council had objected to the application on the grounds that the proposal would be of an inappropriate and poor design, out of keeping with the village vernacular, overbearing on the neighbouring dwellings and would result in insufficient parking. No objections had been received from the statutory consultees but there had been eight letters of representation following neighbour consultation, all objecting to the application. As set out in the Additional Representations Sheet, attached at Appendix 1, two further letters of representation had been received since publication of the Committee report which also objected to the application. It was the Officer view that the proposal would not result in any undue harm to the streetscene or the occupants of the neighbouring dwellings, therefore, it was recommended that the application be permitted.
- 13.16 The Chair invited the applicant's agent to address the Committee. The applicant's agent advised that the application related to a recently built property within the main built-up area of the village of Alderton. It involved a small first floor extension above an existing single storey element and a dormer window in the roof space to maximise use of that space – the property as built had proved too small in terms of bedroom space which had hindered its sale viability. As Members would be aware, planning applications must be determined in accordance with the expectations and thresholds set out in local and national policies. In this case, Officers had identified the key policies, those being the householder extension policies of the Tewkesbury Borough Plan, and using their knowledge and experience of determining similar applications within the Borough, had set out clearly in the Committee report the threshold for what was acceptable from a design and amenity point of view. The applicant's agent believed Officers were right in concluding that the proposed extension met those design and amenity policy expectations and, in the interests of consistency, had accordingly recommended that planning permission be granted. In particular, Officers had identified that the proposed extensions would not breach the 45 degree code which was often used to assess the impact on neighbouring outlook and amenity; furthermore, at a distance of over 25 metres from the dormers and 22 metres from the new rear extension, the extensions exceeded the minimum back-to-back, window-to-window distances between properties. The Committee report also confirmed that the Council's Conservation Officer – who represented the main party tasked with assessing design quality in Tewkesbury Borough - had no overarching objections to the scheme. The applicant's agent noted there were concerns from the Parish Council and local residents and whilst clearly they were entitled to their views, which they had duly expressed, the concerns raised could not reasonably lead to the refusal of planning permission in this instance. Members would be aware that the concern expressed by locals that these extensions would set a precedent for other properties to extend and would affect land values, were not material considerations. The concern over the level of parking was also unfounded on the basis that Gloucestershire County Council's parking standards supported two parking spaces for properties of this size, meaning the standard was met. The applicant's agent hoped that Members would take Officer advice and permit the application today.

- 13.17 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted from the Additional Representations Sheet that two further letters of representation had been received the second of which stated that, as referenced in the agent's planning statement, the original planning permission restricted how far the first floor bedrooms at the rear of the property could extend in order to maintain the amenity and privacy of neighbouring properties and went on to say that permitting this new application would mean that decision had been reversed - she asked for confirmation on whether that was the case. In response, the Planning Assistant advised this was not negotiated as part of this scheme; the application had been assessed against the same policies and it was considered there would be no undue harm. Another Member asked whether the proposal complied with the Alderton Neighbourhood Development Plan in terms of design and visual amenity and was informed that it complied in terms of matching materials and cladding was the most appropriate material to facilitate the design. The Member questioned whether cladding complied with the Alderton Neighbourhood Development Plan design and visual amenity clauses and was advised that, in this instance, it was not deemed inappropriate. The Member did not feel his question had been adequately answered and felt it would be helpful if Committee reports could outline whether the proposal complied with the relevant Neighbourhood Development Plan. The Legal Adviser explained that Policy LC1 of the Alderton Neighbourhood Development Plan related to promoting local distinctiveness in built form and included setting out that proposals should seek to reflect the distinctive character of Alderton Parish with materials such as stone, reconstituted stone, painted brick or render being integrated into the design of new dwellings in a proportionate and appropriate way to complement adjacent or nearby buildings. It also included that innovations and contemporary designs may be considered acceptable if scale and materials were appropriate to the site and its setting so there was a judgement issue to be made in terms of whether local distinctiveness was being incorporated in a modern way and Officers had concluded that this proposal fitted the streetscene. A Member expressed the view that nothing had changed in terms of the streetscene, particularly in terms of the size and design of the dormer, and he asked whether any alternative proposal could be put forward which might be considered more acceptable. In response, the Planning Assistant confirmed there would be no change to the principal elevation as the proposal was for a first floor rear extension and rear dormer. He explained that the proposed dormer was 26 cubic metres but under permitted development rights could be up to 50 cubic metres; the proposed rear extension could not be constructed under permitted development rights.
- 13.18 It was proposed and seconded that the application be refused on the basis that, due to its scale and form, it would have an unacceptable impact on neighbouring amenity and was out of keeping with existing dwellings in the area in conflict with Policies H1 and LC1 of the Alderton Neighbourhood Development Plan, Policy RES10 of the Tewkesbury Borough Plan and Policy SD14 of the Joint Core Strategy. The proposer of the motion felt this demonstrated why site visits were invaluable as everyone had been able to see the impact on neighbouring properties. The seconder of the motion noted that the original application was for two properties. Officers had attempted to address the concerns and objections raised by neighbouring occupants with amendments made to simplify and reduce the size of the roof and the scale of the overall building by reducing the first floor element. He did not believe the proposal complied with the Alderton Neighbourhood Development Plan as it did not meet the requirement of Policy H1 in terms of development being consistent with the scale, proportion and density of existing houses, or Policy LC1 which stated that residential development should be of a density appropriate to, and in keeping with, the immediate surrounding area. The proposal also failed to meet the criteria of Policy RES10 of the Tewkesbury Borough

Plan as it would have an unacceptable impact on the amenity of neighbouring properties and did not respect the character of surrounding development. Furthermore, it did not comply with Policy SD14 of the Joint Core Strategy due to the unacceptable impact on neighbouring amenity and therefore should be refused. The Planning Assistant recognised the concerns and indicated that he had discussed these with the Planning Officer responsible for the previous application. In terms of the bulk and mass of the roof there were no other examples in the local vicinity; however, each application must be assessed on its own merits. The proposer of the motion indicated there were negotiations at the time of the original application to ensure there was no impact on surrounding neighbours, which was the reason for the single storey at the back to reduce the mass of the building, but now that was being extended up to roof height and the roof was also being extended which, in her opinion, would have a detrimental impact and conflicted with the Alderton Neighbourhood Development Plan and the Council's own policies. The seconder of the motion asked what could be carried out under permitted development rights should the application be refused and was informed that the first floor extension could not be built without planning permission but the dormer could be extended to take up the majority of the rear roof.

13.19 Upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** as, due to its scale and form, it would have an unacceptable impact on neighbouring amenity and was out of keeping with existing dwellings in the area in conflict with Policies H1 and LC1 of the Alderton Neighbourhood Development Plan, Policy RES10 of the Tewkesbury Borough Plan and Policy SD14 of the Joint Core Strategy.

#### **22/01375/FUL - Part Parcel 8019, Chargrove Lane, Up Hatherley**

13.20 This application was for agricultural access and hardstanding (amended description). The application had been deferred at the Planning Committee meeting on 25 May 2023 for further negotiations to establish whether changes could be made to the proposal to reduce the visual harm to the undeveloped rural landscape. The Planning Committee had visited the application site on Wednesday 24 May 2023.

13.21 The Development Management Team Manager (South) indicated that Members had the benefit of a site visit last month and had been shown the position and extent of the access and turning circle. As set out in the Committee report, the principle of agricultural and associated development was established; however such development had to be balanced to limit any harm to the countryside. In this case there is no identified ecological harm, nor any objections from County Highways. Notwithstanding this, the entrance to the site would create very significant change to the character of Chargrove Lane, in an area of valued landscape, and those concerns were reflected in the significant number of objections received. For that reason, and because the development would appear conspicuous as it extended into the field and detached from existing development, there was conflict with Policies AGR1 and LAN2 of the Tewkesbury Borough Plan. The application was deferred by the Planning Committee in May 2023 to allow for further negotiations to establish whether changes could be made to the proposal to reduce the visual harm to the landscape. In response, a detailed landscaping scheme had been provided which would be appropriate in terms of the type of planting proposed, which would provide some benefits; however, the access road would remain unchanged and identified harms to the character of the lane in particular would remain. Officers had carried out a balancing exercise, taking into account the economic benefits to the rural economy, employment and site mitigation measures from additional planting but the visibility splay/bellmouth would remain unaltered at 60 metres and the



clearing would allow views of the access and turning head into the field. Members were advised that the field could already be accessed by an existing field gate on the corner of Chargrove Lane and the South Park access track. On balance it was considered that the benefits would not outweigh the identified harm to the countryside and landscape and the application was recommended for refusal as set out in the Additional Representations Sheet, attached at Appendix 1. It was noted that a further letter of representation had been received the previous night which had been copied to Members and could be summarised as: the proposed landscaping would not mitigate the impact of the industrial scale opening onto Chargrove Lane; the 60 metre splay and access would create a huge area of hardstanding which could be used as a layby for parking and traffic; the owner may want to restrict parking in that area and introduce a chain and posts; the land was not owned but tenant farmed; cattle were brought in once a year; there was conflict in the applicant's presentation and statement in respect of the number of cattle; the community had concerns relating to the actual purpose of the industrial scale access; cattle arrived in the adjacent orchard at Chargrove Lane recently in two large trucks which backed into the orchard area; it could encourage further development; and the lane was heavily used and highly appreciated by walkers, joggers and cyclists.

- 13.22 The Chair invited the applicant's agent to address the Committee. The applicant's agent indicated that Members would recall this application from last month when the applicant had addressed them to explain the very real need for this agricultural access to support his livestock and arable business on this land which he had farmed for over 15 years. As the applicant had explained, the location of the access was chosen for functional and safety reasons to ensure cattle trucks and large farm machinery could safely enter and egress the site. The applicant's agent clarified that access was no longer available through South Park Farm as planning permission had been granted for residential development and there was no other access that met the requirement for large cattle trucks entering the site. The application had been deferred at the last meeting to seek additional landscape mitigation and, having instructed a landscape consultant, an updated landscaping scheme had been provided. In short, this now proposed additional tree/copse planting to the south, new Oak tree planting to the north and native hedgerow reinstatement along the field boundaries enhancing biodiversity and green infrastructure. Confirmation had also been provided that the natural crushed stone to be used on the access area would be sourced from local quarries to reflect the muted tones and palette of the local landscape character and visuals had been provided to show the access and proposed landscaping once mature based on the updated landscaping scheme and access design. The applicant's agent felt it should be borne in mind that the proposal before Members had already been revised, with the much needed cattle handling pens having been removed at the Officer's request. He noted that the Tree Officer had commented on the latest landscape proposals and the response recognised that the existing section of hedgerow to be removed did not fulfil the criteria of an 'important hedgerow' and no objections had been raised to the new hedgerow planting on either side of the entrance. The applicant's agent noted that the Tree Officer had commented on the compact nature of the planting and, with that in mind, the landscape planting had been updated to revise the species and adjust the Oak planting to ensure space for successful tree establishment. No fundamental objections had been raised by the Tree Officer to the planting scheme and if further modifications were required, the applicant was agreeable to the condition that had been recommended. In summary, the applicant's agent advised this was simply an application for an agricultural access into an agricultural field; the land was not within a local or national landscape designation and neither County Highways, the Council's Ecologist nor the Tree Officer had raised fundamental objections to the scheme. Furthermore, Officers also correctly acknowledged this was not inappropriate development within the Green Belt. With that and the amended landscape plan in mind the applicant's

agent urged Members to permit this application which would support a local farmer and his business during an extremely challenging economic climate.

- 13.23 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be refused in accordance with the Officer recommendation. A Member asked whether consideration had been given to making the access one way and the Chair sought clarification as to whether turn-ins had been considered as opposed to a turning circle. In response, the Development Management Team Manager (South) indicated that he was unable to answer in terms of whether alternatives had been investigated but he indicated that a track was still needed for lorries to enter and exit the site. A layby would cause similar landscape issues as it would require removal of a section of hedgerow and would potentially cause problems if vehicles pulled off the road to park up. A Member drew attention to the letter attached to the Additional Representations Sheet which suggested that the consultation expiry date was 26 June 2023 and she asked if that was correct and, if so, what impact that had in terms of the Committee making a decision. In response, the Development Management Team Manager (South) advised that the date related to the consultation with the Landscape Officer who had been given until 26 June 2023 to comment on the revised proposals. The Landscape Officer was the only person who had been reconsulted on the changes; their comments had been received and they were satisfied with the mix of planting but it was a matter of judgement as to whether that negated the issues in terms of landscape harm.
- 13.24 A Member expressed the view that he could not support the motion to refuse the application and disagreed with the conclusion at Page No. 78 of the Committee report which suggested the development would cause unacceptable and unwarranted visual harm to the character of the rural landscape. He could not see what impact the development would have given that it was on ground level and felt that Members needed to make a judgement on balance. He indicated that no objections had been raised by County Highways and there was no evidence of ecological harm, in fact it may bring some benefits in that regard. The harm that had been identified was the amenity value of the land but houses had been built on the surrounding agricultural land at some point and the Green Belt principles were not relevant here. He raised concern that, should the application be refused, the Council may be liable to being awarded costs on appeal. In response, the Development Management Manager clarified that the reasons set out in the report were not objections on Green Belt terms but related to the visual and landscape harm resulting from the proposal. Officers had been concerned about that and had been seeking amendments including updating the landscape scheme; however, they continued to have residual concerns hence the recommendation before the Committee today. Another Member expressed the opinion that the views across the field should be protected and she agreed with the motion to refuse the application on landscape grounds in accordance with the Officer recommendation. She also felt that it was necessary to ensure habitats were protected. A Member indicated that the report stated there was no evidence of ecological harm and the proposed development was isolated from existing agricultural development with the nearest buildings at South Park which was now entirely residential. She did not agree with the agricultural justification set out at Page No. 77 of the Committee report and argued that the development complied with Policy AGR1 and EMP4 of the Tewkesbury Borough Plan in relation to being needed by the applicant in order to continue with the family business. In terms of the objection raised regarding this being cherished area for local communities, she pointed out that Google Maps showed a housing development, petrol station and a hand car wash only two fields from the application site and good landscaping would mitigate any visual harm. She suggested that conditions could be included to prevent parking which would help to alleviate concerns about the need to erect chain and post fencing. On balance, she believed the application should be permitted and she could not support the motion

to refuse the application. The proposer of the motion recognised this engineered solution did not contravene Green Belt policy; however, he believed it would be detrimental to the environmental quality of the site and would have a negative impact on the local amenity, as Members had seen on the site visit. The proposal contravened a number of local and national planning policies and he planned to continue to hold the environment in high regard.

13.25 Upon being put to the vote, it was

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

#### **PL.14 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

14.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Page No. 87. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

14.2 Accordingly, it was

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

#### **PL.15 TIMING OF FUTURE PLANNING COMMITTEE MEETINGS**

15.1 It was proposed, seconded and

**RESOLVED** That Planning Committee meetings commence at 9.30am going forward.

The meeting closed at 11:25 am

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 20 June 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.

<b>Agenda Item No</b>	
5a	<p><b>22/00916/FUL - 2 Moorfield Road, Brockworth</b></p> <p><b>The agent for the application</b> has stated that the entrance to the site is going to be shared and is well away from the junction. The overall traffic movements are marginally more than existing and the County Highways Officer has agreed that this is acceptable after negotiation.</p> <p>The agent wanted to highlight that the Committee attended the site in a large red van and parked opposite the site entrance, near to the junction, making the situation seem more dangerous than it is 99.9% of the time. The agent feels that this should be mentioned to the Committee if they decide that the junction is actually dangerous.</p>
5b	<p><b>22/01306/FUL - Elm Gardens , Badgeworth Road, Badgeworth</b></p> <p><b>A revised site location plan has been received and the existing and proposed block plans have also been revised to show the kennels and the mobile home.</b></p> <p>Members will recall a mobile home at the rear of the site. It should be noted that the mobile home is temporary - the applicant has confirmed that it will be removed within six months and is in place and being used whilst the main dwelling is being renovated. Therefore, the mobile home is not shown on the proposed block plan.</p> <p>The Officer recommendation remains to permit subject to conditions as set out in the Committee report.</p>
5c	<p><b>23/00240/FUL - 9B Beckford Road, Alderton, Tewkesbury</b></p> <p>Since the preparation of the Committee report, two additional letters of objection have been received from local residents. The details of these letters can be found below. The comments made in the additional letters of representation have been considered; however, the Officer recommendation remains as <b>Permit</b> subject to the conditions set out in the report.</p>

**Letter of Representation 1**

*Dear Planning Committee*

*I apologise for not being able to attend the meeting today to speak in person, but arrangements made many months ago couldn't be cancelled. Thank you for the site visit although it was disappointing to find that you did not have time to visit other affected properties .*

*I still think the proposed building application 23/00240/FUL is overbearing and overshadows the surrounding homes, I hope that following your site visit that you understand my deep concerns.*

*As the conservation officer put in his report :*

*"The proposal is for a rear extension at first floor level with a shallow roof pitch rising to the original ridge with a substantial box dormer creating a monolithic three storey elevation. By virtue of its scale, mass and form the proposed rear extension and dormer are bulky and awkward and create a dominant and unsympathetic addition which by any architectural standards is incongruous."*

*Although he said, "No Objection on heritage grounds" he did say: "However, it is likely that this design approach would be contrary to other, non-heritage planning policies".*

*Alderton Parish Council also said in their comment that "the proposal is an inappropriate and appalling design, and which affectively creates visually a three-storey building to the rear."*

*I would like to draw the Committee's attention to comments made in the delegated report for the related planning application **20/01282/FUL**.*

*When changing the semi-detached houses into to 2 detached houses, point 3.2 and 4.0 comments on the reduction of the size of the buildings and reducing the overall scale of the proposed building by virtue of the reduction in the depth of the first-floor element, in attempt to address Planning Officer concerns and objections raised by neighbouring occupiers. I would ask why this no longer matters.*

*I think the 3-bedroom house at 9B Beckford Road makes a lovely family home like its twin house at 9A Beckford Road and as we already have many 4-bedrooms properties in Alderton, I don't see why the builders would want to change the house.*

*I would therefore urge the planning committee not to permit this application.*

**Letter of Representation 2**

*Further to my comments submitted previously regarding the above planning application I would like the committee to consider the following comments which are directly relevant to the planning application and the associated planning policies. And I would like to register my objection to the proposal.*

*1. As referred to in sections 3.2 and 3.3 of the Zesta Planning Statement, the original planning permission in 2022 (20/01282/FUL) restricted how far the first floor bedrooms at the rear of the property could extend. This decision was made in order to maintain the amenity and privacy of neighbouring properties (which has been successful) and therefore enforce the **JCS Policy SD14** and Local Plan **Policy RES10**.*

*If permission is granted for the new application this would mean that the planning department has been persuaded to reverse this decision. However, since nothing has changed in this short period of time there is no justification to do so. A reversal of this decision would also mean that the **JCS Policy SD14** and **Local Plan Policy RES10** would no longer be enforced.*

*This decision is fundamental to the whole application and if reversed would mean that planning policy is being ignored.*

*With reference to the report prepared by the case officer for the committee:-*

*2. Section 8.2 of the report highlights the design flaws and utilitarian appearance of the proposal, which is incongruous with the surrounding properties. This was also emphasized and disapproved of by the Conservation Officer. However, the report concludes that **"Whilst this relationship is not ideal in design terms the extension would be viewed from a limited number of public vantage points, the majority of which being within private residential gardens and dwellings."***

*This implies that consideration is only given to the appearance on view to members of the public passing the front of the property (ie. the street scene) and no consideration is given to the owners of the neighbouring properties who will view this on a daily basis.*

*3. Section 8.9 of the report states: **"There is already a degree of overlooking of the rear gardens of the neighbouring dwellings of 9A and 11 Beckford Road. The new windows would not intensify this to an unacceptable level where undue harm would be caused."***

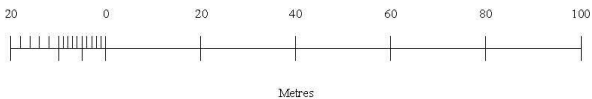
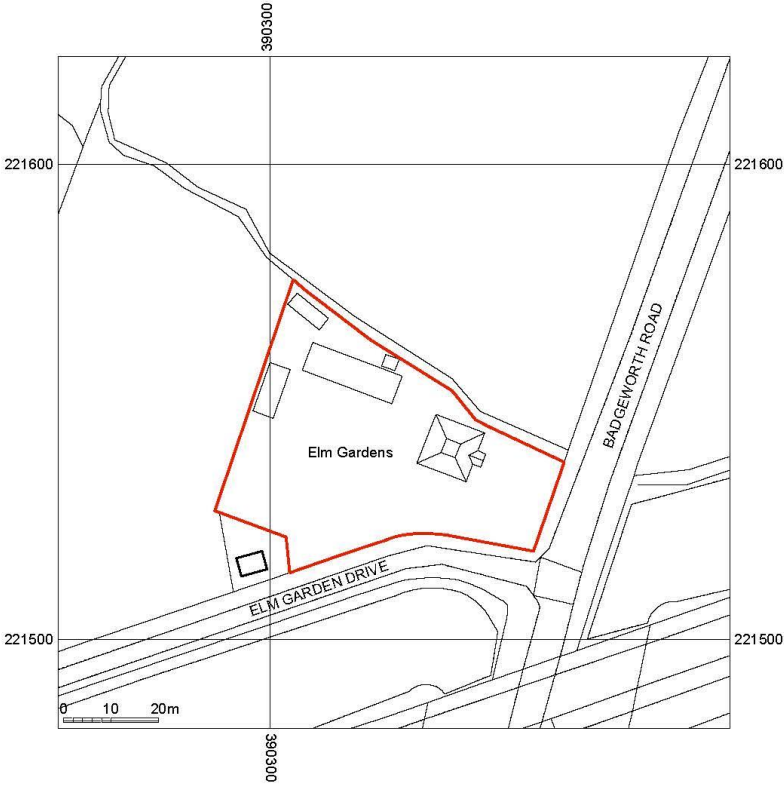
*Section 8.10 of the report states: **"The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity in accordance with Policy RES10 of the TBLP and Policy SD14 of the JCS."***

***Both of the above statements are inaccurate. There is currently no degree of overlooking at all on the patio and seating area to the rear of 9A.** The garden is only overlooked by 9B when you move much further away from the house. However, the proposed new windows of 9B would then directly overlook the patio and seating area of 9A, removing all privacy which is definitely an unacceptable increase in the level of overlooking.*

*There is evidence of this, whereby the rear first floor windows of 9B were only visible on the photographs that were taken by the Planning Office from the garden of 9A when he was positioned half way down the garden. The windows of 9B were not visible when a photo was taken from the patio and seating area of 9A, concluding that the patio and seating area is not currently overlooked and the Planning Department's decision referred to in comment (1) above to restrict how far the first floor bedrooms at the rear of the property could extend has been successful. To reverse this decision now would greatly impact upon the neighbouring properties and would definitely have an undue impact upon their amenity and privacy, therefore completely disregarding Policy RES10 of the TBLP and Policy SD14 of the JCS.*

5d	<p><b>22/01375/FUL - Part Parcel 8019, Chargrove Lane, Up Hatherley</b></p> <p><b>Since the Committee report was written, a further landscaping drawing has been submitted</b> to address concerns raised by the Tree Officer. The details shown on drawing 23126.101 Rev.C (attached) are considered appropriate in respect of species and siting, however officers concerns in respect of the landscape harm from the proposed access and turning area and ability of the landscaping to mitigate this harm remain.</p> <p><b>Two representations have been received from 'Hatherley &amp; Shurdington Triangle Action Group' and are attached to this report.</b></p> <p>Officers do not consider the amended landscaping plan is sufficient to overcome the identified harm as set out in the report. It is therefore recommended the application is refused for the following amended reason:</p> <p>The proposed development is poorly sited in relation to existing buildings, access tracks, ancillary structures and landscape features and is therefore contrary to the provisions of the NPPF, Policy SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, and Policies EMP4, LAN2 and AGR1 of the Tewkesbury Borough Local Plan. For reasons of extensive loss of hedgerow and the significant area of hard surfacing needed to facilitate the turning of articulated HGVs, the development would cause unacceptable and unwarranted visual harm to the generally undeveloped rural landscape. Additional tree planting, copse creation and hedge restoration to parts of the Chargrove Lane fails to mitigate the identified harm and conflict with policy</p>
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Item 5b - 22/01306/FUL - Elm Gardens , Badgeworth Road, Badgeworth,



OS Map  
scale 1:1250

Aj Architects Ltd.

<small>PROJECT</small>	<small>PROJECT NO.</small>
Elm Garden's, Badgeworth Road, Cheltenham, Glos GL51 6TF	20/676

<small>DRAWING TITLE</small>	( B )	A4
1:1250 OS Map		

ANTHEA JACKSON BA(Hons) Arch Dip (Arch) RIBA 11 PRINCES STREET CHELTENHAM GLOUCESTERSHIRE GL52 6BE	Tel: (01242) 581101 Mobile: (07813) 941017
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SURVEY



50%

Revisions

NO.	DATE	DESCRIPTION
100	(A)	ISSUED FOR PERMITS

DATE: 2022-10-01  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**Aj Architects Ltd.**

PROJECT NO.	22/786
CLIENT	Elm Gardens, Badgeworth Road, Cheltenham, Glos GL51 6TF
DATE	1.2.20 (R/A)



PROPOSALS



Block Plan  
scale 1:200

Revisions:  
B 19th Dec 2022: Added Block Plan and Contour

NO.	DESCRIPTION	DATE
220	(D)	Oct. 2022

ARCHITECT: AJ ARCHITECTS LTD  
 PROJECT NO: 20/124/0011  
 DRAWING NO: 02/23/00000001  
 DATE: 19th Dec 2022

Aj Architects Ltd.

PROJECT NO	DATE
22/786	22/786

Elm Gardens,  
 Elm Garden Drive,  
 Cheltenham,  
 Glos GL51 6TF  
 Proposed Block Plan  
 1:200 (B/A)





## HaShTAG, Hatherley & Shurdington Triangle Action Group - HaShTAG

Dear Planning Officer/Chair of Planning

### **22/01375/FUL : Access road off Chargrove Lane, Up Hatherley**

We write to request a period of public consultation for the now (twice) amended proposals to construct a new access road and large area of hard standing in the green belt off Chargrove Lane.

As the planning officer for this case points out in his latest report for the 20<sup>th</sup> June planning committee meeting –

***“It should be brought to Members’ attention that the application has been amended twice since first submission. As originally submitted, the proposal was for a new entrance splay, turning circle and adjacent cattle handling pen. Shurdington and Up Hatherley Parish Council’s comments, consultation responses, and public representations relate to this original submission. After submission of the first and second application amendments, there was no further consultation.”***

Following the closure of the public consultation before the end of February further amended plans were submitted by the applicant on the 27<sup>th</sup> March, 11<sup>th</sup> April, and then further revised plans on the 5<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> June, the latter within one week of the scheduled decision. In addition the plans that are now going to the committee are quite different from those that were available for the public consultation, as follows:

The huge area of hard standing (100 foot in diameter) was to be sited behind the hedge in the second field away from the lane, but now has been moved to be in the first field i.e. much nearer the lane itself and therefore considerably more visible in this highly valued green belt setting.

The cattle pen has been removed from the plans.

There have been considerable changes to the proposed planting.

In addition a member of the public may wish to have the opportunity to speak at the planning meeting but there is now insufficient time to allow/prepare for this.

We therefore request that this application is not decided next week at the 20<sup>th</sup> June Planning Committee, and that the public are given the opportunity to submit further comments, especially as this lane with its adjacent green belt views is a much used and valued community asset.

We note on your website the Consultation Expiry Date is given as 26<sup>th</sup> June (since an amendment document was submitted on 5<sup>th</sup>), yet now a hasty decision is scheduled to be on the 20<sup>th</sup>.

In view of the shortness of time before the planning meeting, please acknowledge this request and reply to confirm this application has been withdrawn from the planning meeting next week.

Yours sincerely,

On behalf of HASHTAG



**Planning application 22/01375/FUL** Roadway off Chargrove Lane, Up Hatherley.

Dear,

In your phone call to me this morning you stated that: you and Mr. Ristic would make the decision whether to Defer, and that you did not consider the recent changes sufficient to warrant Deferral for a further consultation period.

You also stated that the turning circle (having disappeared once) had returned in the original location; this is untrue.

In December 2022 (now Superseded plans), the turning circle (and the cattle pen) were in the second field, away from (sensitive) Chargrove Lane.

**By 26<sup>th</sup> February the bulk of the many Objection letters (up to number 35) had been received.**

Published on 27<sup>th</sup> March, a 'Site Layout Amended' plan suddenly shows no turning circle, as does the 'Site Location Plan Superseded' published on the same date.

Plans then received between 11<sup>th</sup> and 17<sup>th</sup> April show a turning circle (made of "crushed stone") reintroduced and **moved** into the more sensitive, more visible field immediately adjacent to Chargrove Lane.

This would have a far greater impact on the appearance of the Green Belt and on the huge recreational Amenity of the Chargrove Lane 'valued landscape'.

The many Chargrove Lane users have not had the opportunity to address this worsening of the impact, and challenge its poorly explained or documented reasoning.

Furthermore, there are now three recent yellow markings on the lane surface which show the midpoint and the immense length of the hard surfacing and re-fencing required, and the hedge removal (a total of 60 metres) needed to provide visibility flares for the longest 50-foot-long articulated vehicle to enter from both directions.

Apart from the midpoint, the two end markings are indistinct and do not enable objectors to visualise the extent of the proposed transformation of this entire section of a much walked lane.

They need to be made more prominent for a further consultation.

In addition the hard-surfaced road access area will extend back 70 feet into the field. If the road markings were put down purely for the benefit of the planning committee on their site visit, then a post should also have been put 70 feet back into the field to show the huge area of grass that is to be removed.

Following deferral at the May 25th Planning Meeting, despite the officers' recommended Refusal grounds, two plans have been submitted attempting to "mitigate" this impact by screening (the latest published on 13<sup>th</sup> June, barely one week before the decision meeting on 20th, effectively evading challenge).

In your Report to the Planning Committee you state that ***"It should be brought to Members' attention that the application has been amended twice since the first submission. .... After submission of the first and second application amendments, there was no further consultation"***.

Yet although you regard it important that this point needs to be highlighted to the Committee, when members of the public request that further consultation, TBC is refusing to allow this.

In addition, we would also like to point out that following major changes to elected councillors from the May local elections; the new Planning Committee was only appointed a couple of days prior to the May Planning Committee Meeting. Many, if not most, of the Planning Committee were new councillors to the Planning Committee, and we believe that there was very limited (and insufficient) time for them to read the large number of objections and documents associated with this application, which was one of many other applications on the Agenda that day.

This important application seeks to make a major large scale access road entry into the Green belt from a very narrow and very well used country lane. It requires the widest hard surfaced entry splay, totally out of character with the area, which will have a significant impact on the appearance of the Green belt.

We request a written reply, explaining why this application is not being deferred for further public consultation, for planning process transparency, and to show to others, rather than a phone call.

Yours sincerely,