

DEERHURST PARISH COUNCIL

Minutes of the Parish Council Meeting held on Wednesday, 28 July 2021 in Apperley Village Hall

Present: Len Attard – Chairman
Ben Oldham
Jim Pollard
John Rutter
Jonathan Smith
Anthony Wilkes (partial attendance)
BC Heather McLain
Fiona Wallbank – Clerk

Parishioners: 0

1 APOLOGIES: Councillors Bromberg and CC Awford.

2 MINUTES OF MEETING: The minutes of the meeting held on the Wednesday, 23 June 2021, having been circulated with the agenda were agreed and signed by the Chairman.

3 DECLARATION OF INTEREST: Councillor Smith declared an interest in 21/00411/FUL & 21/00412/FUL.

4 REPORTS FROM COUNTY COUNCIL AND DISTRICT COUNCILLOR:

In County Councillor Awford's absence the Clerk reported as follows:

- Unfortunately, no update in relation to highways matters
- He is very aware of a residents' concerns around speeding in proximity to the school. They have looked at this many times over the years. However, there is a meeting coming up in relation to 20 mph zones and he will be raising Apperley
- They are not easy to provide as they take Traffic Regulation Orders and lengthy consultation but he will try to get things moving

Borough Councillor McLain reported:

- Council trying to get back to normality – public services are in service
- The garden rubbish collection will be compromised if there is a shortage of drivers. The majority of the Officers are back in the Office.

Councillor Wilkes entered

5 PUBLIC COMMENT: None present

6 PLANNING:

6.1 Applications:

The planning sub-committee agreed the following prior to the meeting:

21/00599/OUT The Newtons, School Road, Apperley: Outline application for the erection of 1 no. dwelling, with all matters reserved for future consideration except for access

Comments to Tewkesbury Borough Council:

In the following for simplification, reference is made to the policies of the Borough Plan 2011-2031. Each has an equivalent saved policy from the Borough Local Plan to 2011.

1. Proposal Address

Part of the plot in this proposal was previously garden to "The Newtons", the dwelling that was altered in accordance with 15/01286/FUL. Use of this address can be misleading. Other

proposals in this area have used locations “Land Adjacent To The Newtons” or “Land Behind The Newtons”, as appropriate.

2. Most Recent Planning Application

19/01218/OUT: Land Adjacent To The Newtons. Consent was given for the erection of one dwelling on a plot within the residential development boundary (Borough Local Plan, Apperley Inset 3) and bounded by The Newtons (to the south), an agricultural track (to the north) and School Road (to the east). Proposal 19/01218/OUT was from a different applicant.

3. Proposal

Although it has the same basic title “Outline application for the erection of 1 no. dwelling” as 19/01218/OUT, proposal 21/00559/OUT is mainly concerned to modify the boundaries of the plot with consent and provide an access 6.0 metres wide onto School Road, which is narrower than the proposed access. The block diagram with the proposal shows a dwelling that does not respect the existing building line along School Road, established by: The Newtons, 1 Westview, and Forge House. Its location as shown ensures an incongruous pattern of development.

4. Plot

Consent was given by 19/01218/OUT for the erection of one dwelling on a plot that measures 380 sq.m, which is larger than several plots nearby on either side of School Road. The plot on which The Newtons currently stands is significantly larger and not typical of the local area. The proposal is to extend the plot with consent to the rear but to make it narrower by having a much wider access. The proposal describes a slight increase of 219 sq.m (57%), although the proposal map indicates an increase of 357 sq.m to the rear and a further 121 sq.m for the existing access track, giving a total of 858 sq.m. This is an increase of 126%.

(Areas given are from OS Master Map)

The plot is described as “scrubland” and an area occasionally used for storing machinery and equipment. Aerial photographs confirm that plot with planning consent had been garden and well-maintained. The proposed larger plot has been cleared except for two trees and a rear boundary has been created by planting a hedge, enclosing a further 431 sq.m of “paddock”. This creates a plot of 1289 sq.m, giving an increase of 239% over the plot with consent, including 909 sq.m of land in agricultural (or equine) use.

The agricultural land behind the plot with planning consent is within the Landscape Protection Zone (LAN2) and rated HIGH for both landscape and visual sensitivity (Toby Jones Associates, 2014 and 2020). As agricultural land, it is Grade 3 and likely to be Grade 3a, due its proximity to Grade 1 land and the local geology, and thus “best and most versatile” agricultural land.

The proposal claims that the length of the garden behind The Newtons justifies the plot being extended. Maps showing the field layout before the original bungalow (The Newtons) was built show clearly that the garden was extended to the rear to enclose a pond that was previously within “Long Orchard”, the field alongside and beyond 1-5 Westview and the house under construction. Such an alteration today would require planning permission (RES11) for change of use. Aerial photographs show that this pond was filled in during the alterations made to The Newtons.

The length of the plot with planning consent is set by the eastern end of Long Orchard, the boundary of which is marked on many maps; from over 200 years old to before the original bungalow “The Newtons” was built. Originally it was an orchard, more recently grazing land for cattle and sheep and now used to keep horses. 10/00388/FUL refers to a change to equine use but the proposed field shelter for horses was never built. 19/01166/PIP states that the land is still used for grazing cattle and sheep.

5. Existing Farm Access

When the original bungalow (The Newtons) was built, it occupied a small field between Yew Tree Farm (and Barn) and the original Village Hall but, according to maps, was extended to take

in the aforementioned pond. The original farm access was added at the same time to provide a connection from Long Orchard to School Road, being no more than the length of the garden.

According to aerial photographs, the farm track that runs for about 600 metres to Dipper's Cottage was added between 1999 and 2005. There appears to be no planning consent for this track beyond the rear of the plot with planning consent (previously part of the garden of The Newtons).

6. Proposed Shared Access

The proposal is for a shared access 6.0 metres in width, with a further pedestrian access (presumably from School Road) for refuse collection; in addition to the basic width. The length proposed is 20 metres from the front of the plot. Although the location of the dwelling is indicative, the distance to its rear is 29 metres and parking proposed behind the dwelling. The proposed width is wider than School Road and more than twice the maximum width (2.55 metres) of an agricultural vehicle.

The proposal refers to safe access/egress for large machinery. Proposal 03/00899/AGR and the decision notice for it clearly require the agricultural access not to pass close to the dwelling (Holly House, owned by the applicant) and this requirement should carry great weight when considering 21/00559/OUT.

Should the Manual for Gloucestershire Streets be applied to an access of this width, the outcome would be an access matched only in this locality by the entrance to Apperley Park from Sawpit Lane. Far from addressing the concerns of the Parish Council and many residents, such an access in this location and the implied manoeuvring of large machinery next to an electricity sub-station, across a school safety zone and across a footway where passengers (young and old) wait at the bus stop would cause even greater concerns.

By far the safest option would be to remove the farm access completely, since it is currently only in occasional use and there are three other access points available from School Road to the agricultural (or equine) land behind the plot. This would increase the residential plot size to 501 sq.m (much more than the average of its neighbours) while preserving the original character of the location.

The proposed 6.0 metre wide access would result in at least 1 and 2 Westview (possibly 3 Westview also) being isolated between two roads, which is incompatible with the MHCLG National Design Guidelines for beautiful, enduring and successful places.

7. Visual Impact and Amenity

With all matters reserved, there are no details of this dwelling. However, the proposal expresses great concern for the residential amenity of the proposed dwelling while expressing none for the residential amenity of neighbouring properties (RES 5). No other dwelling is screened from this part of School Road and, as such, the proposal outlined would be out of character with its surroundings.

8. Previous Applications by Applicant

19/01166/PIP was refused and an appeal dismissed. This was based on a plot of almost 1900 sq.m, consuming a much larger part of Long Orchard (4.7 hectares, not as stated in the proposal) and using the original access; past the plot given consent by proposal 19/01218/OUT.

9. Planning History

Establishing the relevant planning history has been made much more difficult because applications relating to this plot and uses of this and neighbouring land have been assigned to several addresses, including: Holly House; The Old Farmhouse (Apperley); Yew Tree Farm; Yew Tree Farmhouse; The Newtons; Land adjacent to The Newtons; Land behind The Newtons; and Land by Deerhurst Road (Jennings Hill).

10. RES4, New Housing at Other Rural Settlements

This policy should restrict new dwellings to 5% or 10 over the period 2011-2031. In the case of Apperley, 5% is 10 dwellings. Since 2011, the average growth of the settlement has been about

six times this maximum rate, despite its relatively poor local services, as shown by the JCS settlement audit.

11. Conclusion

Deerhurst Parish Council OBJECTS to this outline proposal. The proposal itself includes many errors and inconsistencies about the site and, on this basis alone, it would be unsafe to give it consent. However, the proposed much larger plot and shared access do not (in planning terms) respect:

- the residential development boundary;
- the landscape protection zone;
- the continued use of best and most versatile agricultural land;
- landscape and visual sensitivities;
- the established building line;
- the relative size and residential amenity of neighbouring plots;
- the street design and character of the location;
- the safety of the occupants of the proposed dwelling;
- the safety of users of local and school bus services; and
- the relevant policies of the Borough Plan.

The following applications were discussed at the meeting:

21/00618/FUL Dippers Cottage, Gabb Lane, Apperley: Installation of a balcony, window and rooflight to main dwelling house. Erection of an outbuilding to be used as an office-play room
Comments to Tewkesbury Borough Council:

The Parish Council has no adverse comments to this application however request that the colour of the materials used for the outbuilding are in keeping with the landscape

21/00833/FUL The Old School House, Deerhurst Road, Deerhurst: Demolition of existing carport, erection of a new garage and remodelling of existing single storey rear extension
Comments to Tewkesbury Borough Council:

The Parish Council has no adverse comments to this application.

21/00411/FUL & 21/00412/FUL Plots 1 and 2, Manor Cottage, Deerhurst Walton Two applications for single residential dwellings and associated development: Consider letter from Zesta (sent 19.7.21)

Comments to Tewkesbury Borough Council:

Please find further comments from Deerhurst Parish Council to answer the points raised by Mr Oliver Rider 13th July, 2021

Changes to the initial PIP / Layout, size and design of the properties

This application clearly has two stages: (1) 20/00774/PIP; and (2) 21/00411/FUL and 21/00412/FUL. The response of the Parish Council to 20/00774/PIP addressed matters raised relating specifically to a PIP, and made it clear that comments and remarks would be reserved for the 'FUL' planning application. Referring to "up to two dwellings" in the PIP, (20/00774/PIP) was not helpful, although we assumed that zero was unlikely and two was more likely than one because of the illustrative diagram provided. The illustrative plans, however, suggested that the size, layout and design of the property (ies) was to be of a similar scale and density to surrounding properties, whereas the FUL applications do not.

The subsequent response to 21/00411/FUL and 21/00412/FUL, addressed matters raised in both applications for full planning permission. The remainder of the Parish Council comments raise concerns about specific details. Taking the points raised in turn:

Moving of a public right of way. The footpath was shown on the PIP site layout and the Parish Council had no objection to the principle that this PROW could be diverted. Since it has been blocked and poorly maintained for many years, this provides an opportunity for improvement. The

details shown in the FUL application cast doubt that the rediverted footpath will always remain open; also that it will be of little use to Plot 2. The Parish Council has made suggestions for improvement.

Removal of hedgerows and trees on the plot. It is clear from knowledge of the site, as well as from aerial photographs and maps, that much clearing is required to produce the results shown in the proposal plans. The applications do not describe the transformation from agricultural land to residential land and garden that will be required. The natural assets lost by this site clearance would be considerable to the local area.

Increased traffic from vehicles associated with larger properties. The proposal states that it would be safe to add the access to the property because ‘there had been no accidents at this point’. However, this is because all users of this stretch of road know that they often must brake hard to avoid colliding with oncoming traffic. The road is narrow, curved with restricted vision and on a hill. An access at this point would increase the risk of a collision because of the added distraction. The Y distances are almost equal on a road with such a steep slope, which would suggest that further thought is needed. Some of the data presented from the traffic survey is inconsistent between tables.

Manual for Streets 2 (MfS2) guidance includes “the ability of drivers and cyclists to see this overhang (i.e. drivers cautiously nosing out) from a reasonable distance and to manoeuvre around it without difficulty should be considered”. In this case, the road is not wide enough for such manoeuvring.

Impact on the Landscape Protection Zone. The comment made is the opinion of a Planning Officer. Has Tewkesbury Borough Council commissioned an assessment? As with the removal of hedgerows and trees, no mitigation is offered if the landscape and visual sensitivities viewed from the A38 are adversely affected. We are not aware that the Borough Council Conservation Officer has ever made comments about the application of the Landscape Protection Zone, which would require consultation with the Borough Council Landscape Officer. Particularly as the Landscape Protection Zone applies to the whole of Deerhurst Parish (whereas it only applies to parts of 14 other parishes), it is an extremely important policy for this Parish.

Risk of flooding to other properties in Deerhurst Walton downhill of the plot. While the location may today be in Flood Zone 1, is this sustainable based on NPP guidelines? Where is the flood risk assessment? Regarding surface water, Deerhurst Parish has many examples of dwellings being flooded because surface water runs off dwellings on higher ground into the gardens of dwellings on lower ground; and also into dwellings. On this subject, the Parish Council is concerned for all its residents.

Concerns over providing two additional houses in the settlement. If Policy RES4 were applied as written, the maximum number of dwellings should be one for the size of settlement, assuming that the settlement is not too small (in which case, the maximum would be zero). The Parish Council has not sought to be so restrictive. The concern is over the size of the houses, being larger than previously indicated. Plot 2 has approximately the same plan area as before. Plot 1 is almost 50% larger and much larger than houses in the locality. Overall, the increase is offset by the two garages added being smaller than the original combined building, which was not likely to be practical.

In all, the comments made by the Parish Council are practical concerns and suggestions, which need to be considered at the planning stage; before any consent is given. The planning procedure provides no other means than to object to make such comments.

21/00832/LBC The Orangery, Lower Apperley: Erection of link extension car port. Conversion bike/bin store

Comments to Tewkesbury Borough Council:

The Parish Council has no objections to this application however would like to draw the Borough Council's attention to the issue regarding parking once the carport has been converted and the impact this will have on the neighbours sharing the access.

21/00577/FUL Land Adjacent Malvern View, Apperley: Erection of 1 detached dwelling, alterations to existing vehicular access and provision of associated vehicular parking area and hard and soft landscaping

Comments to Tewkesbury Borough Council:

The Parish Council has no adverse comments however wish to register the following points:

- Has concerns that this will set a precedent for extending the Village Boundary on this and the opposite side.
- The road is narrow at the site of the proposed dwelling and is concerned about the access.

21/00812/FUL & 21/00813/LBC Cooks Green Barn, Lower Apperley: Extension and internal remodelling of the associated annexe building, demolition of the stable block, remodelling of the carport to form an indoor/outdoor entertainment area and the construction of a new timber frame carriage house

Comments to Tewkesbury Borough Council:

The Parish Council has no adverse comments regarding these applications

21/00599/OUT The Newtons, School Road, Apperley: Outline application for the erection of 1 no. dwelling, with all matters reserved for future consideration except for access. The Councillors discussed this application following representations from the applicants that some of the comments submitted to TBC were inaccurate. After lengthy discussion it was agreed that the Parish Council stand by their comments however wish to amend a typing error to correct, the area of the "Long Orchard" should have read 0.47 hectares (not 4.7 hectares) in point 9.

6.2 Decision:

21/00719/FUL Wood Lea, School Road, Apperley: Erection of a single storey front porch extension, single storey front extension to link existing garage and erection of a single storey rear extension – **Granted**

20/00999/FUL Bushey House, Court Drive, Apperley: Variation of condition 9 (highways visibility splays) of 19/00767/OUT – **Granted**

21/00407/FUL Rofield Barn, Lower Apperley: Erection of an outbuilding for storage of agricultural equipment – **Granted**

21/00056/LBC Old Farmhouse, Lower Apperley: Internal & external repairs, relocating the kitchen facilities & minor internal reordering works. Installation of a new window, repairs & replacement of windows & alterations to some windows & doors - **Granted**

6.3 Appeals: 20/00464/FUL Part Parcel 3152 Tewkesbury Road, Deerhurst:

Appeal Decisions: None

6.4 Neighbourhood Plan (NP): Councillor Bromberg had sent the following report:

- There has been a couple of Zoom meetings to go through the draft plans.
- The plans and associated paperwork and PowerPoint are on the NDP website.
- She and Councillor Pollard are now 'virtually meeting' each hamlet / village in the Parish over the next few weeks, to go through each of the policies in turn to see what impact they will have on Parishioners in their areas. This will include defining further settlement boundaries. Once this is done, modifications will be made, and then the completed draft will be presented at a village hall open day (or equivalent).

7 FINANCIAL MATTERS:

7.1 Accounts for payment and receipts:

	Item	Expenditure	Income	Comment
1	Clerk's salary – July	348.07		Paid – £363.07 less £15 tax
2	Inland Revenue	15.00		Paid
3	Countrywide – cuts 2, 16 & 30 July	375.00 VAT 75.00		Paid - £450.00
4	Cost of works to Play Area: Cheltenham Fencing VAT Screwfix Toolstation	87.29 VAT 17.46 2.08 56.94		Paid – Total £163.77
5	Wa+erplus	29.02		Paid
6	N S MacPherson (Builders) – digging out and laying concrete base for Bench Deerhurst Village (refund due to J Rutter)	50.00		
7	Defibrillator Fund Deerhurst Walton		25.00	
8	Allotment Rent		60.00	
9	Go Espresso		10.00	
	Total	£1055.86	£95.00	

	Item	Expenditure	Income	Comment
1	Clerk's salary – August	348.07		To be Paid – £363.07 less £15 tax
2	Inland Revenue	15.00		To be Paid
3	Countrywide – 13 th & 27 th August	250.00 VAT 50.00		To be Paid - £300
4	Apperley Village Hall – cost of June and July meetings	30.00		To be paid
5	Andrew Edwards Decorating – painting youth Shelter at the Play Area	208.33 VAT 41.67		Total £250
	Total	£943.07	£0.00	

7.2 Financial Statement: Circulated with the agenda - the Chairman signed this.

8 MATTERS ARISING

8.1 Apperley Village Hall: Back up and running.

Playing Field: Request to use the football pitch

Allotment: Nothing to report.

Play area: The annual Rospa inspection should be carried out very soon as most of the works have been completed – there is a small amount of painting still to be carried out.

Carpark: Booking for the weekend 20-22 August – agreed rate £5 per van per evening probably 7 vans in total.

8.2 Highways:

Road Closure School Road: 2-4 August near the entrance of the school.

Traffic Lights not working for cyclists on the main road.

Saw Pit Lane: This is in a bad state of disrepair and patches need resurfacing rather than pothole repair.

8.3 Public Rights of Way:

8.4 Proposed Path: It was agreed to take this matter off for the time being. **Clerk to action**

8.5 Community Governance Review: Recirculate this to the Councillors. Consultation ends 15 September - Councillors to send in comments prior to the closing date. **Councillors to action.**

8.6 Risk Assessment: Defer to the September meeting.

9 CORRESPONDENCE: None

10 MATTERS RAISED FOR NOTIFICATION:

Dog Waste Bin: Ensure that this is on TBC's list to empty.

Flytipping: This is on the increase

Litter Bin: Councillor Rutter said that there has been an explosion of walkers down at Oddas Chapel due to Covid and general litter was being put in the dog waste bin. Clerk to ascertain if there is any funding available for the provision of a litter bin from TBC. **Clerk to action.**

11 DATE FOR NEXT MEETING: Wednesday, 22 September 2021 at 7.15pm

Close of meeting 8.53pm