



## PLANNING COMMITTEE

**MINUTES of the meeting of the Planning Committee held on Thursday 7 July 2022 commencing at 10.00 am.**

### **PRESENT MEMBERSHIP:**

Cllr Phil Awford	Cllr Dr Andrew Miller
Cllr Bernard Fisher	Cllr Graham Morgan
Cllr Terry Hale	Cllr Gill Moseley
Cllr Tim Harman	Cllr Pam Tracey MBE
Cllr Mark Mackenzie-Charrington	Cllr Robert Vines
Cllr Chris McFarling	Cllr Susan Williams

**Officers:** Simon Excell (Assistant Director of Planning & Economic Development), Carrie Denness (Principal Lawyer), Kevin Phillips (Team Manager Minerals & Waste Planning), Sarah Pearce (Principal Planning Officer), Denis Canney (Senior Planning Officer), Stephen Hawley (Technical Adviser for Highways), Gary Kennison (County Ecologist), David Lesser (Technical Adviser for Flooding) and Andrea Griffiths (Democratic Services Officer).

**Apologies:** Cllr Paul Baker, Cllr David Brown and Cllr Alex Hegenbarth

### **17. APPOINTMENT OF CHAIR**

On calling for nominations for the Chairmanship of the Committee, Cllr Mackenzie-Charrington was proposed and duly seconded. There being no other nominations, the Committee

#### **Resolved**

**That Cllr Mackenzie-Charrington be elected as Chairman for the ensuing civic year.**

### **18. APPOINTMENT OF VICE-CHAIR**

On calling for nominations for the Vice-Chairmanship of the Committee, Cllr Hale was proposed and duly seconded. Councillor McFarling was also proposed and duly seconded.

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On being put to the vote, Councillor Hale was duly appointed as the Vice-Chair of the Planning Committee

**Resolved**

**That Cllr Hale be elected as Vice-Chairman for the ensuing civic year.**

**19. DECLARATIONS OF INTEREST**

Councillor Vines declared he was a member of Tewkesbury Borough Council (TBC) and a member of their Planning Committee and had no involvement with this application.

**20. PUBLIC QUESTIONS**

No public questions were received.

**21. MEMBERS' QUESTIONS**

No member questions were received.

**22. MINUTES OF PREVIOUS MEETING**

**Resolved**

**That the minutes of the previous meeting held on the 12<sup>th</sup> May be approved as a correct record.**

**23. MEMBERS SITE VISIT**

The Committee received the site visit notes.

**24. APPLICATION NO:22/0003/TWR3MJ SITE: LAND SOUTH OF BADHAM PHARMACY HEAD OFFICE, A435, BISHOPS CLEEVE, CHELTENHAM, GLOUCESTERSHIRE GL52 8SA**

A summary of the application was presented by Denis Canney, Senior Planning Officer aided by a power point presentation. (A copy of the presentation is attached to the signed minute book).

It was noted that pages 39 – 44 of the report introduced the application in detail. Slide 2 depicted the inset map, (a detailed version of the map was available on page 41 of the report), which showed the application site, Gotherington to the north and Bishops Cleeve to the south. The plan showed the red line planning application boundary, Badham Pharmacy HO, residential properties in Bishop's Cleeve to the south and the A435 road adjoining the site to the west.

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Slide 3 showed the Badham Pharmacy Head Office, the proposed school building footprint, access and outdoor sport facilities. It was noted that the application proposed the phased development of a new 2 storey primary school with two form entry, expanding to 3 form entry at a later date. A single storey nursery was also proposed, which could be delivered at any point during the phasing process. Phase 1 would facilitate up to 420 pupils with phase 2 between 580 and 630. The nursery was proposed to provide 2 pre-school groups, (26 children per group) accommodating a total of 52 pre-school children.

Members were informed that associated facilities included the staff parking area, vehicular access directly off the A435, Multi Use Games Area (MUGA), rounder's pitch, running track and a grass pitch. The sports pitches would be located to the north of the site and the school buildings to the south where 3 ponds would replace the existing pond in that part of the site.

It was explained that the site, as displayed at slides 4,5, and 6 were undeveloped land with an area of 2.5 hectares. It was located on the eastern side of the A435, approximately 200m to the north of the junction with Evesham Road, at the northern end of Bishop's Cleeve. The site was adjacent to the Old Farmers Arms which was now the Head Office of Badham Pharmacy, and recently constructed houses on Valentine Road to the south. Members noted there was a watercourse (Dean Brook) running along the southern boundary. The site was located 1.3 miles from the Bishop's Cleeve Town Centre and 4.9 miles from Cheltenham Town Centre.

The map at slide 7 showed that the site was located outside of the Cotswolds Area of Outstanding Natural Beauty (AONB) (more than 1,270 m at its nearest point) to the east. The site was also outside and to the south west of the Special Landscape Area (SLA) at Gotherington. The case officer explained most of the site was within Flood Zone 1, which represented a low risk of flooding. To the south-west of the site there was a small area situated in Flood Zone 3. The site contained a pond in the south-west corner and the southern boundary was defined by the Dean Brook watercourse which formed the boundary between the Parishes of Bishop's Cleeve and Gotherington as well as the extent of the settlement boundary. The Committee noted the topography of the site was generally sloping, with the highest point being in the north eastern corner, sloping down to the lowest point at the south western corner. The overall level change was around 6m.

Members were advised that the site lay outside but adjoined the Bishop's Cleeve settlement boundary and was within the identified Gap of Strategic Importance identified in the Tewkesbury Local Plan and the Gotherington Neighbourhood Plan.

The case officer referred the committee to report pages 45-53 which covered the policy context. It was noted that report paragraphs 4.1- 4.9 referred to the relevant National Planning Policy Framework (NPPF) guidance. Paragraphs 4.10 - 4.24 covered relevant development plan policies in the GCC Waste Core Strategy, The Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS), the Tewkesbury Borough Council Local Plan and the Gotherington Neighbourhood Plan.

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In terms of representations, members were informed that the application was advertised by both site and press notice along with neighbour notification on two separate occasions following submission of revised highway plans. Following this exercise 19 objections were received. It was noted full details of the public representations were available through the link provided at paragraph 5.2 of the report.

The Committee noted that paragraph 5.3 of the report summarised the objections. It was confirmed that objections had been received from both Gotherington and Bishop's Cleeve Parish Councils and were detailed in the report. Members were advised the main issues related to site location and highway/transport concerns. It was noted that members were directly sent the Bishop's Cleeve objections to the application which were contained in the report.

Part 6 of the report referred to the consultations undertaken, it was noted that Tewkesbury Borough Council Policy comments had referred in particular to Policy LAN 3 Gap of Local Importance formerly referred to as the Strategic Gap. The Environmental Health Officer (EHO) advice regarding noise impact was also provided.

The case officer clarified that Gotherington and Bishop's Cleeve Parish Council consultation responses were on page 57 – 64 of the report and both were objecting to the application.

It was stated that Natural England, Severn Trent Water Ltd, Wales and the West Utilities and Western Power Distribution had raised no objection, as did Sport England following revised plans being submitted.

In terms of GCC consultees, this was detailed in Part 7 of the report (pages 70 – 76) this showed the Highway Authority response. However, following an initial request for deferral and upon consideration of revised drawings, the Highways Authority (HA) raised no objections subject to conditions. A representative of the HA was present at the meeting to answer any questions regarding any highway matters that arose during the course of the meeting.

It was noted that no objections were received from the County Archaeologist or the Lead Local Flood Authority and County Ecologist subject to planning conditions. Two technical representatives were present to answer any relevant questions regarding flood, drainage and ecology. In addition, the County Landscape Officer representative, following clarification and revised drawings raised no objections and neither did the County Glint/Glare adviser.

Part 8 of the report detailed the Planning Consideration. This identified the main considerations material to the application starting with the Planning Policy Context. Paragraph 8.4 referred to the identification of the site for a school but the Inspector did not allocate it in the Plan leaving it to be determined under development management policies to decide its appropriateness.

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The recently adopted Tewkesbury Local Plan (TLP) referred to the Gap of Local Importance Policy LAN 3 (slide 7) commenting that the policy sought to avoid development, except in exceptional circumstances, in the gap between Gotherington and Bishop's Cleeve.

Para 8.12 of the report identified that the officer opinion was that the application departed from policy and, if approved, would need to be referred to the Secretary of State. The case officer explained should the application not be "called in" then following the prescribed time period planning permission could be issued.

It was explained in terms of the educational need consideration, the Education Authority and the planning agent referred to the increased housing in the area and the lack of physical capacity to expand at the current Bishop's Cleeve school site.

The case officer explained that Paragraph 95 of the NPPF was referenced which gave great weight to the need to create, expand or alter schools. Overall it was considered to comply with policies SP1 and INF4 of the Joint Core Strategy (JCS).

Paragraph 8.19 of the report referred to the site location consideration. A site options appraisal was undertaken prior to submission of the application. The section concluded having considered the constraints, that on balance, the site was an acceptable location for school development.

It was clarified that Highways and Transport was considered on paragraphs 8.22-8.33 of the report. The Highways Authority (HA) had considered the application documents, revised highway design and the concerns of the objectors and the response was provided within the report. The HA raised no objection subject to conditions being satisfied that the safety of children, parents and staff was accommodated in the highway design. The highway design promoted had deliberately accepted the lack of drop off/pick up provision as part of sustainable travel requirements promoted by local and national policy. The HA accepted that an inevitable consequence of this was that parents would drop off pupils further away from the school entrance and/or park in nearby residential streets.

The application was supported by a Travel Plan (TP) which stated that transport would be organised as appropriate for pupils with special educational needs but no vehicular drop off/parking facilities for parents would be provided on or off site. The TP identified nearby bus stops to the school as depicted at slide 19.

Slides 20 and 21 showed the revised highway drawings. Members were referred to the larger plans on display in the meeting room. Slides 22-24 showed the walking distance radii and the recent housing developments.

The case officer recapped whilst the concerns raised on highway matters were acknowledged and considered material, it was the professional technical opinion of the HA that the highway design considerations were acceptable and satisfactory, subject to planning conditions. The highway design satisfied sustainable transport considerations encouraged by both local and national policy. As such the proposal

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was considered to comply with policy INF1 of the JCS, policies TRAC1 and TRAC2 of the TBP and paragraphs 104, 105, 110, 111 and 112 of the NPPF.

Members were referred to Slide 8-13 and paragraphs 8.31-8.59 of the report which detailed the ecology. It was explained that a full suite of ecology reports had been undertaken to include trees, hedgerows, badgers, bats, great crested newts, dormouse, water vole, otter and reptiles as listed at paragraph 8.2 of the report. The County Ecologist had provided detailed responses and they were summarised in the report.

It was noted that the application documents had considered and appropriately addressed ecology implications of the proposed development. Whilst the loss of the traditional orchard was unfortunate it was, with mitigation and compensation, not considered unacceptable to warrant a sustainable reason for refusal of planning permission. The ecology section concluded subject to the conditions referred to in paragraph 8.57, it was considered that the proposed development satisfied policies NAT1 of the TBC development plan, policy SD9 of the JCS and NPPF paragraphs 126 and 174. The County Ecologist was also present at the meeting to answer any detailed questions.

The case officer referred to the landscape considerations as detailed at paragraph 8.60 – 8.68 of the report. Members were informed that the County Landscape Adviser (CLA) identified that the site lay within the Gap of Local Importance and lay outside the AONB and Gotherington SLA. The CLA identified that the site was small for what was being proposed, this was also identified by other consultees. The loss of the historic orchard adjacent to the A435 road was regrettable, but it was noted that it was compensated and mitigated by new tree planting on the site. Overall, after submission of additional information and clarification of details there was no landscape objection raised subject to planning conditions relating to those identified in paragraph 8.67 of the report.

Whilst the CLA considered that the proposal represented an over development of the site, he was satisfied that the proposed landscaping and mitigation was achievable through the imposition of appropriate planning conditions.

The CPA considered that the proposed development departed from TBP LAN3 (Gap of Local Importance), and having taken into account the landscape issues that, in the planning balance, the proposal broadly accorded with the aims of JCS Policies SD6 (landscape) and INF3 (Green Infrastructure) and TLP NAT1 (Biodiversity, Geodiversity and Important Natural Features) subject to the conditions identified in paragraph 8.67 of the report.

Slides 15 and 16 showed the drainage strategy and the SUDS. The Lead Local Flood Authority (LLFA) had considered the proposed development and the documents submitted. They concluded that the Flood Risk Assessment (FRA) had assessed whether the application site was likely to be affected by flooding and whether the proposed development was appropriate in the suggested location. The FRA and drainage strategy submitted with this application showed that the development could proceed providing a school that will be safe from flooding and

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without increasing flood risk elsewhere. It was noted the LLFA had no objection to this proposal subject to conditions. A representative of the LLFA was present at the meeting to answer any detailed questions.

The Committee were informed that the County Archaeologist (CA) advised that the application area was subject to full archaeological evaluation at pre-application stage, and no significant archaeology was found to be present. In the CA's view there was a low risk that archaeological remains would be adversely affected by this development proposal. The CA had recommended that no archaeological investigation or recording needed be undertaken in connection with this scheme.

Members attention was drawn to slides 3 and 4, which showed the modern design of the proposed building. It was two storeys and occupied the southern part of the site at a lower level than the adjoining sports pitches to the north. The land sloped towards the south with a difference in level of 6 metres. The proposed school building had been designed to be Carbon Neutral and achieve net Zero Carbon Building Operational Energy and to an A+ Energy Performance Certificate (EPC).

Members were advised that the siting, design, materials and access was informed by both the planning policy context and the planning constraints. The development of the site had to make compromises regarding outdoor sports provision and the loss of existing trees, pond area and parent drop off provision. These matters had all been assessed by technical advisers and subject to conditions they were satisfied that the proposed development was acceptable.

The Committee were advised that the building design and materials palette chosen had attempted to reflect the rural setting. Overall, it was not considered that in design terms the development was unacceptable and could be considered to generally accord with JCS policy SD4 and the principles of the NPPF.

Slides 17 and 18 referred to noise and it was noted at the Members site visit the issue of traffic noise was raised. Slide 17 showed the noise monitoring locations near to the road and the residential properties to the south and also the expected noise readings at the ground floor and first floor facades of the school building. Slide 18 provided an extract from the Noise and Acoustic report. The report identified that mitigation would be required suggesting Natural Ventilation with Heat Recycling and/or Mechanical Ventilation with Heat Recovery. It was confirmed the EHO had assessed the report and mitigation proposed and raises no objections subject to conditions.

The case officer clarified that overall, it was considered that amenity impacts with regards to air quality, noise, dust and glint and glare mitigated by planning condition was acceptable and in accordance with JCS policy SD14. Also in terms of Health and Environmental Quality, the energy efficiency and carbon footprint were referred to in paragraphs 8.108-8.114 of the report.

The CPA considered that the design of the proposed new School, through the use of appropriate materials and technology together with innovative design, meets the requirements of Paragraph 154 (b) of the NPPF which sought to ensure that "new

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development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design.”

However, the school building itself was not the only consideration when looking at climate change. This proposal would also involve the removal of established hedgerow and traditional orchard representing a carbon and biodiversity loss. Notwithstanding the proposed ecological compensation and mitigation provided a Biodiversity Net Gain (BNG), as referred to in ecology consideration, this was balanced against the climate change implications of the development.

It was explained that in terms of waste minimisation and management and subject to planning conditions, the proposed development was considered to accord with GCC Waste Core Strategy (WCS 2) policy.

Paragraphs 8.117 - 8.129 of the report referred to the community engagement. The Statement of Community Involvement (SCI) described the elements of the consultation that had been undertaken prior to the submission of the application. It was clarified that the following forms of consultation had been undertaken prior to submission:

- Pre-application discussions with Planning Officers at GCC; and
- Two consultation events held at Bishop’s Cleeve Primary Academy School.

On that basis the CPA was satisfied that appropriate community engagement had taken place and the applicant had considered the responses made by the public in consideration of the proposed development.

The case officer summarised that the proposed development, subject to planning condition compliance and mitigation works relating to landscaping, ecology and highway matters, was not considered to significantly adversely impact upon, the amenity of residents in the vicinity, the environment; the local highway network; upon the Cotswolds AONB and the Gotherington SLA. Overall, whilst departing from Policy LAN 3 in the newly adopted TLP it was considered that, on balance, the educational need outweighed any adverse impact perceived or otherwise by the proposed development and was therefore recommended for approval.

The case officer concluded the Planning Committee be minded to grant planning permission for the reasons summarised in paragraph 8.133 of the report, subject to the application being first referred to the Secretary of State to consider as a departure application from the adopted TLP 2011-2032, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions set out in the report. Also that the Team Manager Development Management and Minerals & Waste Planning is granted delegated authority to impose such conditions relating to Great Crested Newt’s (GCN) in line with the GCN licensing approach to be taken prior to the decision being actioned.

The Chairman invited the following registered speakers to address the Committee:

**Supporting: Lisa Summerbell (Gloucestershire Learning Alliance)**



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*“The Gloucestershire Learning Alliance (GLA) is an established and successful local school trust, comprising of 8 primary schools serving the needs of over 2000 pupils.*

*Across the GLA, our vision of 'Outstanding Outcomes for Children', is at the centre of all that we do; it is the driver that ensures that each and every child in the Trust is given the opportunities and support that they need to ensure they are able fulfil their potential. Within the GLA we are also keen to preserve and celebrate the uniqueness and individuality of each of our schools. The new school, 'Greenacres Primary Academy', will be committed to enabling our children to achieve their full potential both academically and personally, and to be the very best that they can be. This will be woven into the school culture using the Greenacres unique vision*

*Do Something Great! Aim High; Work Hard; Dream Big*

*Further to this, we are keen to expand these individual 'flavours' in our schools. The new school will take the lead on climate and sustainability issues. Children will understand that to be a pupil at Greenacres is to be a part of something great, trailblazing the eco approach to sustainability and environmental conservation in the trust and sharing their learning and ideas with the other schools. We are delighted that the building will have such impeccable green credentials and we will continue to do everything we can to limit the school's carbon footprint. One of the best ways we can do this is to ensure that the system provides capacity at the point of need or as Gloucestershire County Council would say-local schools for local children.*

*Greenacres will be a village school. We will serve the community so that our children walk, scoot or cycle to school. It seems to us that this is the most sustainable way for education to fit properly into a full range of policy measures that will be needed as we all tackle climate change.*

*All GLA schools have active travel plans with Modeshift Stars and Greenacres will be no exception -we are actively pursuing all possible ideas to promote safe and sustainable ways of getting to school for our families and staff in order to establish Greenacres as a flagship green school. We already offer the cycle-to work scheme for Staff; we will also operate walking buses for children and there will be a scooter and bike park. We are even exploring creative ideas like the 'cycle-bus' that many schools use in Holland.*

*Our early consultations are showing that there is a good appetite for this and we will promote this at every opportunity including through the section L0 consultation.*

*We are excited to secure this school in the heart of its community providing an excellent education. We are proud to be the sponsor of choice and have a strong team of senior staff and trustees involved in the development process and together we wholeheartedly support this proposal.”*

**Applicant: Gareth Vine, Universal Commissioning Manager/Head of Commissioning for Learning, GCC**

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*“The County Council has a statutory duty to ensure that sufficient school places available within its area.*

*In 2019 primary forecasts which include pupils generated from now new housing revealed there will be a shortfall in school places of up to 60 places (2 form entry) from 2023/24. The LA carried out an options appraisal in consultation with the existing primary and secondary schools in the Bishop’s Cleeve area to explore how the additional places could be provided. There was agreement that the existing primary schools could not be expanded to meet this additional growth. The recommendation was to explore Cleeve School to become an all through school covering both primary and secondary phases by developing a primary school on the site at Kayte Lane.*

*This proposal attracted strong opposition to the location of the new school primarily as the site is located to the south of Bishops Cleeve and not in the northern area where the new housing is. This was viewed as unsustainable as it would mean children would have to be transported across the village to the school.*

*Following a review of available land within the Bishop’s Cleeve area, taking on board the need to be near the new housing, the current site was identified as a more suitable site.*

*In December 2020, Cabinet approved the proposal to establish a new school to serve the Bishops Cleeve area.*

*It is proposed the school will open from September 2024 with an intake of 60 pupils (2 form entry) in reception and grow each year in line with the additional demand of 60 places each year, reaching its capacity of 420 places by 2030.*

*The school has been designed that it can expand its intake to a total of 90 places for reception from 2031 to meet further growth from housing becoming a 3 form entry school with a capacity for 630 places*

*If a new school is not provided to meet this additional local demand the County Council will be failing in a statutory duty to provide sufficient school places where they are needed. Furthermore, the County Council will be required to provide places further afield and also pay for the transport which is not sustainable either financially or environmentally.”*

**Agent: Joe Seymour**

*“Good morning, I’m here as the Agent speaking on behalf of the Applicant today, there are two key points I wish to make.*

1. *Firstly, it is necessary to emphasise that local and national planning policies are overwhelmingly supportive of the provision of new primary schools. The Government’s ‘Planning for Schools Development Statement’ outlines the key*

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*policies relating to state-funded education development and it states there is a presumption in favour of granting planning permission for new schools.*

*That means your default position should be to grant planning permission, and all of the evidence before you in the Officer's Report also concludes that planning permission should be granted.*

2. *My second point relates to whether or not the proposal is a departure from the Development Plan. Let me be clear, this proposal is NOT a departure from the Development Plan.*

*The only issue that is identified in the Officer's Report is the fact the site lies within the 'Gap of Local Importance', which is controlled by Policy LAN3. This policy sets out how you can build within the Gap of Local Importance when three tests relating to landscape impact are satisfied.*

*The Case Officer has concluded in paragraph 8.65 that the undeveloped character of the Gap of Local Importance would not be significantly adversely affected. The County Landscape Officer concurs with this. Consequently, there is no conflict with, or departure from, the Development Plan.*

*This means the application should be permitted today, and it does not need to be referred to the Secretary of State as a departure.*

*Thank you."*

### **Bishop's Cleeve Parish Council: Councillor Wendy Hopkins**

*"Firstly members, I want to make it absolutely crystal clear that Bishops Cleeve needs a new primary school. There is no doubt about that, we have a growing population and we welcome the decision to build a new primary school to accommodate our rapidly growing population in the village.*

*However, we have concerns about the application in its current form, firstly it's the Active Travel Plan. Essentially, the Active Travel Plan is submitted to accompany the application which proposes a new 5m wide shared footpath and cycle way to be constructed alongside the new school, new speed restrictions along the A435 near the school, a Toucan crossing, and traffic regulation orders (TRO's) being established for surrounding residential streets and an Urban Clearway on the A435 to deter parents from parking locally to drop-off and collect their children at the beginning and end of the school day.*

*There is no provision on site for the drop-off or collection of children traveling to school by car and this will inevitably lead to illegal parking in nearby street and directly on the A435 itself. The lack of provision for safe drop-off and collection for primary aged children, aged between 4 and 12 years old, is completely unrealistic, ill-conceived, unworkable and sadly dangerous, as no doubt should this development go ahead without this provision it would endanger the young lives of these future pupils.*

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*Just in terms of future pupils, we are talking about 630 future pupils in the school and 52 pre-school aged children, that's nearly 700 children.*

*On that basis, it is my opinion that it would be neglectful for the Members here today to support the proposal in its current form and Members should be deferring this decision to request and ensure that the safe provision of drop-off and collection facilities are provided on-site.*

*Members, given the location and constraints of the site and the primary aged children, do not let anyone persuade you that safe drop-off and collection is contrary to planning policy because that is simply not true. It may be cheaper in development costs and we've already heard that officers consider the site to be small and it's an on balanced decision, but you know the interpretation of "sustainability" has been distorted to disguise this as being acceptable. Which in this instance disregards the truth and the interests of those young children attending the school and nearby residents whose streets will be congested with illegal parking and hazardous.*

*I need not remind Members that the social responsibilities of ensuring the children arrive safely at this school, arterial road users are served, and the amenities of local residents are safeguarded should be given weight and it is this social dimension that adds value and legacy to your decision-making.*

*Furthermore, a recent amendment to the application by Gloucestershire Highways was to remove the metal barriers near the school entrances in favour of open verges, this will only encourage further illegal parking and drop-offs and will not protect a distracted young child from running out into fast moving and often heavy freight vehicle. The current Active Travel Plan just simply does not work other than to achieve a minimum spend and to put young children's lives at risk.*

*Were also concerned about flood risk and members need further clarity on the three ponds that are proposed, are they for ecology or are they for attenuating water.*

*Essentially there is a 35m diameter pond or lake is a better word to use. That sits along Deans brook and that attenuates and there is standing water in there at the moment. I think members need to be satisfied that flood risk is dealt with suitably as we're currently not satisfied. Also the nurse is located nearer the road than the school and the acoustic report makes no reference to that. Thank you."*

**County Councillor: Alex Hegenbarth**

*"The application being discussed today is a vital piece of community infrastructure for Bishop's Cleeve, and will support the thousands of new families that have, and will, and have settled in our village and the surrounding area over the next few years. To be clear, I support the application, but there are several issues that need to be addressed that I hope committee members will take under consideration when making your decision and that officers can provide answers for.*

*First, I want to give my thanks to the Parish Council for their detailed comments and to Hydrock for the Technical Design note that has been circulated - I hope members*

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*have had the opportunity to read them. I had a number of questions regarding flood management but feel they have now been addressed in the design note, so I will leave questions regarding that to others.*

*Second, I wanted to raise concerns around safety of travel for the children to and from the site that need to be included as part of the development of the school and not be seen as add-ons to be worked out at a later date. As obvious as it sounds, it is vital that appropriate land is secured for any cycle ways and footpaths that run alongside the A435, and where appropriate that both should be flanked by barriers to protect from the heavy traffic that uses that road.*

*With this, a Traffic Regulation Order must be put in place to extend the 40mph zone from its current location before the turning out from Evesham Road to well beyond the site, coupled with a 20mph School Zone, again to be in place ready for when the first pupils walk through the gates. I was glad to see in a letter written by the Highways Development Management Team Leader, dated 29<sup>th</sup> April that the Development Team have recognised the importance of this.*

*Third, the most important point is the desperate need to counter the complete lack of dropping-off facilities for a site situated in a semi-rural location and in a strategic gap between two villages. In the same letter just mentioned, the Highways Development Management Team Leader states in regard to drop-offs that, quote "these can be accepted on existing streets for the short duration that they occur and this is its own right does not lead to a safety or capacity issue that would conflict with paragraph 111 of the NPPF", I quote, paragraph 111 stating "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

*Now, suggesting that parking should just be pushed down into residential streets does not reduce the amount of people who are going to be driving and parking at the site, it just moves it to a different location. So all this suggests is that rather than having a managed system on site, we would have an unregulated drop off system, it would be made an unmanaged site and unmanaged system where parkers would have to battle through residential streets and estates at peak times during the day.*

*I support the application, the addition of hundreds of cars battling past resident's areas at the busiest parts of the day – would most certainly cause severe impacts on the existing road networks which are already being pushed to capacity due to continual local development.*

*Due to this many parents may potentially park on the A435 outside of the school for lack of options and potentially put motorists, themselves, and children, at risk. While the policy of restricting drop-off access in favour of promoting sustainable transport is a noble one, and one I do support in terms of promoting sustainable transport, the site location, the age of the children having to walk to school, and common sense, needs to be taken in to consideration by members.*

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*Bishop's Cleeve needs a new primary school and I welcome this application, but we need to make sure that any new piece of community infrastructure supports the local community rather than acting as an imposition upon it. The issues raised by residents, myself, and others, must be addressed, and members have it on their power to make sure that happens. Thank you"*

The Chairman advised the Committee he had requested a radial map in order to show the 2km walking distance of school children in the Bishops Cleeve and Gotherington local area to the school. He also referred to the planned housing developments in the local area, which were covered by the map.

The Chairman proceeded to invite questions from Members.

Councillor Williams asked a question relating to the catchment area, members were advised that catchment areas did not exist and if a school place was available a child could travel from any distance to attend the school.

Councillor Williams referred to the active travel plan in terms of walking and cycling to the school, however she felt in reality most parents would drop off their child by car. She wondered if was possible to make a recommendation that a drop off point be provided. The Principal Lawyer explained there was no drop off provision for any school within Gloucestershire. The Technical Adviser for Highways explained in his professional judgement it was not possible to condition it and the school was designed for the local community to walk, cycle or scoot to school.

Councillor Moseley wished to ask various questions, first she sought to clarify as to what was meant by the term 'Ghost Lane'. The Technical Adviser for Highways explained that it was a right turning lane in a hatched area on the road. Secondly, she wished to know the number of staff parking space allocated within the site, this was confirmed as 53 parking spaces. Thirdly, she questioned the reduction of the road speed from 40mph to 20mph. The Technical Adviser for Highways considered the 40mph speed limit to be suitable, with a 20mph advisory speed limit during peak times for vulnerable users and this was a condition of the application. It was noted that it would require a Traffic Regulation Order to amend the road speed.

Councillor Miller referred to the MSV and wondered where the drop off point for children with special educational needs/disabled would be. The Technical Adviser for Highways clarified that would be an issue for the school management and perhaps disabled access could be utilised via the staff car park if required.

Councillor Miller also questioned the disruption to the natural environment by the removal of the pond and the change to 3 attenuation ponds and the impact this would have on the great crested newt population. The County Ecologist explained that there was a raft of ecological reports contained within the papers and confirmed there were no newts in the onsite pond. In terms of the removal of vegetation this would be a gradual process, as the height of the vegetation would naturally encourage reptiles to move. The 3 ponds would be ecologically diverse and there was an ecology management plan in place. It was clarified there were no bats currently roosting on the site.

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Councillor Miller felt the application site was not that large and wondered how it compared to other 3 form entry primary schools. The Principal Lawyer explained that the size of the site was clear in the report and the site was big enough to accommodate a 3 form entry. The Chairman recapped that the officers report considered all the elements in detail.

Councillor Vines felt that the majority of children would walk to the school along the A435 and he wondered if there was any consideration by highways for a barrier to make it safer, given that large vehicles often travelled at speed. The Technical Adviser for Highways reiterated there was a pavement barrier of 5 metres provided. Highways had tried to introduce landscaping, in terms of grass verges and shrubs, thus reducing the need for galvanised railing. It was noted they tried to limit the use of metal railing where possible, but railings would be installed near the Evesham Road. Near the school entrance, landscaping barriers would be used as an alternative.

The Chair questioned why it was not possible to have a mix of railings and landscaping, he appreciated the need for soft landscaping but it could be used in conjunction with railings.

Councillor McFarling referred to the local visual assessment for the planting of trees, hedgerows, and replacement rates, he wondered if the application should be creating greater connectivity given the spatial constraints and not removing them from the natural landscape. The County Ecologist explained that the trees on site would be replaced and there would be more enhanced alternatives in order to manage the land. In terms of the application he was satisfied there were good ecological connections and he was mindful of the additional highways work that were beyond the school boundary, including the enhancement of verges.

Councillor McFarling questioned the biodiversity net gain should be regarded as a last result and not the first go to option, when all other options have been considered. The County Ecologist explained that the need for biodiversity net gain was in policy at the moment and the County Council would be looking at that for any application, as the Council was the applicant, overall the calculation was acceptable and the metric used would soon be a mandatory requirement. There was a 11% net gain on habitats and in excess 20% gain on hedgerows and it seemed reasonable. Any future developments would require 30 year plans, the key aspect was the landscape and ecology management plan.

Councillor McFarling asked if new apple trees would replace the habitats specific with ancient orchards. The County Ecologist explained there would be a delay while the trees matured, so there was a small impact but overall the small invertebrate interest would be enhanced overall given the full range of habitat proposals.

Councillor McFarling wished to know the distance of the pond that contained great crested newts (GCN's) from the application site and how far would the GCN's travel, it was explained the pond was approximately 100m to the south of the site

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and it was possible that the newts would travel that distance, therefore a licence would be required.

Councillor McFarling sought clarity as to the departure element, the Principal Lawyer advised the committee that officers considered that it was a departure from the local plan and it would require referral to the Secretary of State if the application were to be granted.

In response to a question regarding the calculation of carbon offsets, the County Ecologist confirmed Biodiversity Net Gain was a separate calculation for carbon.

Councillor McFarling wondered if there was direct access to the school site from the neighbouring greenacres housing development. The Technical Adviser for Highways clarified there was no access and users would have to walk to the main entrance.

Councillor McFarling continued to ask if the houses opposite the site had been subjected to flooding in the extreme weather events, the Technical Adviser for Flooding confirmed the LLFA had no records of flooding in the local area. The Chairman referred to the technical note from Hydrock, that referred to the new drainage proposals, the need for jetting the culvert and their opinion that there would be no flooding problems.

At this juncture, the Chairman adjourned the meeting (11:45am) for a comfort break, members were reminded that the Committee was still in session and they should not discuss the application during the comfort break.

The Committee reconvened at 11:55am

Councillor McFarling asked if 80 cycle spaces were sufficient for the 630 school pupil capacity, he continued to refer to the active travel plan and wondered if it would cause any congestion issues. The Technical Adviser for Highways explained that the number of cycle spaces were sufficient and it was based on national guidance. He confirmed that he didn't foresee the travel plan causing any congestion issues, the intention was to travel out of car by using cycles, push scooters or walking.

Councillor McFarling asked if the heavy clay soil would compromise the drainage on the site. The Technical Officer for Flooding explained that the site drainage would be managed through pipework and storage tanks under the staff car parking area.

Councillor McFarling questioned if the site allowed for future expansion from 2031 should demand increase, members were advised that it was only possible to consider the application before the Committee.

Councillor McFarling asked if there were bus stops on both sides of the road. The Technical Adviser for Highways replied that there were not. However bus usage



would be low and there were stops accessible within a reasonable walking distance.

Councillor Tracey enquired about the newts and the orchard, the County Ecologist explained fencing would be in place to protect the new habitat and there were some additional conditions, including a licence. The case officer advised that the traditional orchard would be lost but given the constraints of the site there would be some losses in terms of potential features.

Councillor Tracey raised concern for the safety of the nursery children, given the location of the attenuation ponds, it was explained that the ponds would be fenced off accordingly. The case officer confirmed there would be safety features in place.

Councillor Tracey wondered why was the drop off point was not included when the plans were originally drawn up. The Highways Adviser explained that the active travel plan strategy sought to discourage and reduce car journeys. The space on the site was limited and there was no capacity for a drop off point. It was noted the new school proposal was driven by the new housing development and children in the locality should be able to walk to the school, therefore reducing carbon emissions.

Councillor Tracey continued to ask if service vehicles would be accommodated on site and in terms of site maintenance who would be responsible for the upkeep. The Highways Adviser explained that service vehicles would be able to access the site and the maintenance of verges outside of the school boundary was an issue for the Highways Authority in the long term.

Councillor Tracey asked if the number of cars would be monitored, it was explained that it was not possible to monitor people's habits as some parents may drop their children at school on the way to work.

Councillor Tracey asked about the phased site development and the possible use of solar panels. The case officer explained that the proposal included solar panel and the glint and glare study formed part of the conditions. He continued to clarify that it was a phased two storey development and the additional part of the school and nursery would be built later on in the development.

Councillor Morgan questioned the proposed school safety zone and the need for flashing lights at peak times. The Technical Adviser for Highways confirmed that conditions had been proposed to the application for signs, safety lights and an advisory speed of 20 mph during peak times. Councillor Morgan added he would have preferred to see the inclusion of a road safety camera and the speed of the road reduced to 30mph, as a 20mph advisory was not enforceable.

Councillor Morgan questioned the flooding element as referred to in the Hydrock design note and the condition of the gully. The Technical Adviser for Highways explained that drainage on the A435 would be significantly realigned and the gully maintenance would be upgraded. The Technical Adviser for Flooding confirmed

that surface water would drain away in the attenuation ponds and the water would have a managed route through the SUDS provision into the watercourse.

Councillor Moseley asked what provision was there to stop parents from accessing the staff parking loop to drop off children. The case officer explained there was a school management plan and there may be a gate or barrier to prevent parents from accessing the loop. Councillor Moseley asked what would a drop off point look like, the Highways Adviser suggested that it could be a loop arrangement in order to minimise conflict.

Councillor Moseley wondered why if the properties had been flooded, had GCC not been notified. It was explained there were many reasons why flooding incidents were not reported to the Authority but it was down to the individual.

Councillor Moseley referred to flooding and the word 'maybe' in paragraph 8.78 of the report and the status of the pond. The Flooding Adviser explained that the existing pond was not a flood management feature, and the three new ponds would fulfil multiple purposes, primarily to control the greenfield run off rate. These ponds have been designed for biodiversity and the attenuation of water. It was noted the attenuation tanks would be installed under the staff car park, to control the surface water into the watercourse at a managed rate.

Councillor Moseley also questioned the low number of consultation responses, she wondered if this was typical response rate and was it adequate consultation. The case officer referred members to paragraph 8.118, which detailed the consultation exercises undertaken by the applicant.

The Committee entered into debate.

The Chairman reminded the Committee that it was a complex report and the specialist advisers had answered all the questions in detail. He urged members to be mindful of the report recommendation, when considering the benefits to the local community and the negative aspects.

The Chair referred to the radial map and felt parents who chose this school would be aware of the lack of provision for a drop off point. He noted the school would be of benefit to the large growing local community. Members were referred to the email submission from the Parish Council circulated prior to the meeting and was well thought out. It was recapped that there was no right of appeal for the Authority and an alternative site would need to be sought if the application were to be refused.

Councillor Fisher felt the planning element was more complex and he referred to paragraph 104 of the NPPF, and remarked that a car was a form of transport and should be considered. People will travel to take their child to school, he added many schools were now academies they could attract the pupils they wanted through a selective admissions policy.

He added many schools had drop off points and he used that facility at his grandchild's school when he was doing the school run. Nobody denied the need for a school and it was necessary but all forms of transport needed to be taken into account. Councillor Fisher remarked that the A435 was a very busy road and a drop off zone would be a sensible approach, as no-one who lived in Gotherington would walk a small child the distance to school, especially during winter. The reality was that parents would drive their child to school on their way to work. He felt he was unable to support the application without the proper provision of a drop off zone.

Councillor Fisher referred to Teddington Primary School, where a farmer allowed the school to use part of a field as a drop off point.

Councillor Miller felt the MSV was very constructive but it was unlikely that many parents would walk their children to school in a 50mph zone. He added he would drive if he had a child at the proposed school and that parking in the local streets would annoy the local residents and he didn't feel he could support the application in its current state. He accepted the need for a school but felt there was a definite need for a drop off zone. Councillor Miller felt the application needed rethinking and suggested that perhaps the staff parking could be moved and the current pond could be retained for nature lessons.

Councillor Morgan agreed with a lot of Councillor Fisher's comments and he felt the concept of not driving was unrealistic, especially in bad weather as people would choose to drive. He also felt that in the current climate both parents had to work, giving the cost of living crisis. There was no enforcement to make people walk to the school and the school active travel plan was a pointless concept. It was noted that he had experience of local schools in his ward on new housing developments that had the same issues. He felt that officers and members needed to witness schools at pick up and drop off times in order to understand the demands. Also in his opinion the school safety zone needed to be enforceable by a speed camera.

Councillor Moseley felt the MSV was a valuable way of assessing the site but she had some reservations about the application. The pavement walking route required safety barriers and she felt a more illustrative diagram would have been beneficial. Councillor Moseley accepted that parents worked and it often resulted in linked journeys by car and she accepted that the school drop off and pick up was often a chaotic experience and parking on the nearby estate would be inevitable. She also felt unable to support the application in its current form, and felt the school needed a drop off point given its location.

Councillor McFarling explained that he had experience as a school governor and Forest Dean Cabinet Member for Climate Emergency, he supported the transport decarbonisation plan, but he accepted this would take time to change people's attitudes. He accepted that a drop off point was required to begin with, as introducing the active travel plan from day one would cause difficulties and phasing out vehicle usage would take time. Councillor McFarling also felt meeting the needs of the wildlife should be met and he didn't think this was the right site for the school and would therefore proposed that the application be refused on the basis of

an irreplaceable loss of ancient orchard, a decrease in the natural land network and a departure from the TBC local plan, which would require it to be called in by the Secretary of State.

Councillor Williams appreciated the extensive work undertaken by officers in the preparation of the report but she couldn't accept the proposal in its current form. It was a fact that speed kills children, and that needed to be resolved to prevent serious injuries. It was also not possible to change people's attitudes and behaviour wouldn't change overnight and without the option of a drop off point it was not feasible. She accepted that parents and guardians needed to work longer hours to provide for their families in the current financial situation and people will drive as they don't have the time to walk and cars would park on local roads, causing issues for local residents.

Councillor Fisher remarked there was no evidence on link journeys and therefore should not be included in the report.

Councillor Tracey stated the school was for future generations and children needed schools. Most schools she was aware of were built on main roads, as more infrastructure required the appropriate facilities. She stated that school drop off times were only at peak times and dispersed quickly and she would support the application and conditions should be for safety.

Councillor Vines referred to the history of the proposal, he believed that originally a site was proposed at Kayte Lane to accommodate the school, however this was deemed to be at the wrong side of the village and far away from the new housing development. The application site was now at the right side of the village. He accepted that the parish was not against the application for a school but not on this site. It was never possible to tick all the boxes but it was a question of making do with the best available. No one had approached the adjacent land owners to ask for access and he felt nothing had been done to explore this possibility. Councillor Vines had concerns over the safety of the A435 and he appreciated the highways view but a barrier either metal or railway sleepers was far safer for children, there was never going to be a perfect scenario.

Councillor Vines suggested that a bridge could be installed over Deans brook/Valentine Road and Conway Drive so this could facilitate parking away from the A435. He remarked that all these new houses would require a school in the locality and he would not refuse the application.

Councillor Harman recapped that everyone recognised the need for a school and he was minded to be in favour of supporting the application. The bone of contention was the lack of drop off and wondered if the application could be approved with amendments to resolve this issue or deferred until the issues had been investigated.

The Principal Lawyer explained that it was possible to defer the application on the aspect of the drop off/pick up zone and for officers to look at that specific point in more detail to come back to Committee. It was not possible to approve the

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application with amendments, it was the application before committee that was subject to determination. If deferred the only issue for discussion when returned to committee would be that point alone, therefore members accept in principle all other aspects of the application.

Councillor Hale felt it was an ideal time to include the drop off zone, in order to make the school safer and he had experience in his local ward of school drop off zones. He was concerned about the 1.3m of standing water ponds to be acceptable for local wildlife, he felt the danger was that water also attracted children given the location of the nursery. Councillor Hale made reference to the MSV and the top soil onto clay, he didn't think given the condition of the ground the SUDS would be acceptable, as water will find its way out, especially if the top soil was removed.

The Chair explained that the issue of water on the site had been carefully thought through, as per the Hydrock note and there would be tanks to take the excess water under the staff car park and works to the highways would mean the water could be controlled.

Councillor Fisher moved for a deferral on the grounds of looking at the provision of a drop off zone. He sought clarification on the grounds of refusal at a later date. The Principal Lawyer advised if the Committee did not feel the additional information to be provided overcame members concerns then it was permissible to refuse the application. Councillors Fisher also asked if there was additional evidence on linked journeys and para 104 of the NPPF in terms of all forms of transport.

Councillor Moseley seconded Councillor Fisher's proposal for deferral.

Councillor Vines felt it was a sensible way forward but wanted clarity on the drop off zone and his original suggestion of a bridge over Deans brook.

The Chair recapped if a deferral were voted for a drop off zone and it was for officers to look at proposals to mitigate concerns. The Principal Lawyer confirmed this was the position.

Councillor Morgan added that he would never vote against a new school but it should be deferred and the school safety zone should be included.

Councillor McFarling felt given the constraints of the site, he accepted that it would take time for people to transition to the active travel plan. He also suggested a deferral to look at alternative sites or the use of neighbouring land for a drop off point. He also sought clarification on the referral to the Secretary of State.

The Principal Lawyer advised the Committee that departure from the TBC Local Plan, would automatically be referred to the Secretary of State.

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Councillor Miller proposed a small amendment to deferral, and referred to Councillor Vines additional request for a deferral on the basis of a bridge in addition to the drop off zone request. Councillor Miller seconded Councillor Vines proposal.

Councillor Awford suggested if the application was going to be deferred for the drop off zone, then the wider opportunities should be looked at in terms of the highway safety on the A road and safe route to school's principles. Councillor Morgan agreed with Councillor Vines.

The Principal Lawyer clarified that the deferral would be on the basis of highways safety, the drop off/pick up zone and the suggestion of an alternative arrangement in terms of the bridge be investigated. Councillor Fisher agreed to amend his proposal on this basis and this was seconded by Councillor Moseley. The Committee were reminded these were the only matters for discussion at a later meeting and they confirmed they were content with all other aspects of the application.

Councillor McFarling wished to reserve the right to refuse the application on the deferral information.

On being put to the vote for a deferral on the basis of further clarity for highways safety, including the drop off point and the alternative access to the site via a bridge, it was agreed 11 for and 1 against.

### **Resolved**

**That a deferral was sought on the basis of further clarity for highways safety, including the drop off/pick up point and the alternative access to the site via a bridge.**

## **25. ENFORCEMENT REPORT**

During the discussion, members suggested that Enforcement Team was under resourced, The Committee appreciated the work of the Enforcement Officer but felt more resources were required to cope with the increased demand. It was suggested that the Chair should write to the Cabinet Member requesting more resources for the team.

### **Resolved**

**That the Committee noted the report.**

## **26. DELEGATED DECISIONS REPORT**

The Committee noted the report.

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**CHAIRPERSON**

Meeting concluded at 1.32 pm