

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 30 August 2018 commencing at
10:00 am**

Present:

Chair
Vice Chair

Councillor J H Evetts
Councillor R D East

and Councillors:

R E Allen, P W Awford, R A Bird (Substitute for M A Gore), D M M Davies, D T Foyle,
J Greening, R M Hatton, A Hollaway, E J MacTiernan, J R Mason, A S Reece, P E Stokes,
P D Surman, M G Sztymiak (Substitute for P N Workman), H A E Turbyfield and R J E Vines

also present:

Councillor K J Cromwell

PL.23 ANNOUNCEMENTS

- 23.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
- 23.2 Members were reminded that, at its meeting on 17 May 2016, the Council had confirmed the Scheme for Public Speaking at Planning Committee as a permanent arrangement. The Chair gave a brief outline of the scheme and the procedure for Planning Committee meetings.

PL.24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 24.1 Apologies for absence were received from Councillors M A Gore, T A Spencer and P N Workman. Councillors R A Bird and M G Sztymiak would be acting as substitutes for the meeting.

PL.25 DECLARATIONS OF INTEREST

- 25.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

25.2 The following declarations were made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
J M Greening	18/00396/FUL – Aldi Stores, Gloucester Road, Tewkesbury.	Had received correspondence from the residents' association and the applicant, and had attended a meeting with representatives from both, but had not expressed an opinion.	Would speak and vote.
M G Sztymiak	18/00630/FUL 4 Abbey Court, Gloucester Road, Tewkesbury.	Is a Member of Tewkesbury Town Council but does not participate in planning matters.	Would speak and vote.
M G Sztymiak	18/00396/FUL Aldi Stores, Gloucester Road, Tewkesbury.	Is a Member of Tewkesbury Town Council but does not participate in planning matters. His daughter works at the Tewkesbury store.	Would not speak and would leave the room for consideration of this item.

25.3 With regard to Item 4 of the Planning Schedule – 18/00396/FUL – Aldi Stores, Gloucester Road, Tewkesbury – the Technical Planning Manager advised that Tewkesbury Borough Council was the landowner for the application and Members may have considered the sale of the land in another forum; however, Members must look solely at the planning merits of the application before them and determine it on that basis.

PL.26 MINUTES

26.1 The Minutes of the meeting held on 31 July 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.27 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**Schedule**

- 27.1 The Technical Planning Manager submitted a Schedule comprising planning applications and proposals with recommendations thereon. Copies of this had been circulated to Members as Appendix A to the Agenda for the meeting. 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.

18/00057/FUL – Land Near Wharf Office, The Wharf, Coombe Hill

- 27.2 It was noted that this application for the erection of a single detached dwellinghouse had been **WITHDRAWN**.

18/00630/FUL – 4 Abbey Court, Gloucester Road, Tewkesbury

- 27.3 This application was for the replacement of four timber-framed windows with aluminium at the front of the property.
- 27.4 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 and, upon being put to the vote, it was

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

18/00730/FUL – Crab Tree Cottage, Laverton

- 27.5 This was a retrospective planning application to change the garage doors to a window on the detached garage/annexe.
- 27.6 The Chair invited the applicant's agent to address the Committee. The applicant's agent welcomed the recommendation to permit the application and believed it was the correct one; however, he was mindful of some of the comments made by a few local residents, and the Parish Council, throughout the course of the application and felt it was necessary to provide some clarification and reassurance to Members. As could be seen from the Officer report, planning permission had originally been granted for a detached garage and annexe in March 2016. That permission had detailed a traditional barn-like outbuilding with single storey eave height and accommodation in the roof space. The accommodation had comprised a garage and studio on the ground floor and a bedroom and bathroom on the first floor. Externally, the only change proposed in this application was the replacement of the garage door with a four light timber casement window – other than this minor change, the building was exactly the same i.e. the same size, in the same location and with the other windows and doors in the same position. The overall character and appearance of the building had not changed and, in any event, the building was set far back within the site and the minor change to the front elevation was not apparent when viewed from the road. In terms of amenity, the first floor window in the side elevation serving the bedroom had been fitted with obscure window film and a window restrictor in accordance with the details agreed on the previous planning permission. A further condition would ensure that the window was retained in this manner. Perhaps the biggest concern that had been raised was that the building would be used as a separate dwelling and the applicant's agent stressed that was certainly not the case and was not what was being proposed. It was always intended that the building would be ancillary to the residential enjoyment of Crab Tree Cottage and, whilst the garage door had been replaced by a window, the use of the building remained as

ancillary living accommodation in association with the cottage. It should be borne in mind that, even if a garage door was provided, there was no requirement for the space behind it to be used for parking of a vehicle or for storage purposes – it could feasibly have been used as a guest sitting room, or for any other use, provided that it remained as ancillary accommodation. Notwithstanding this, to provide Members with some assurances on the matter, the applicant was happy for a condition to be attached to the planning permission to ensure that the building was not used as separate accommodation and a condition was recommended in the Officer report on that basis. In summary, the applicant's agent advised that the changes to the proposal were relatively minor in the context of what had previously been granted planning permission; the building was still of an acceptable size, scale and design and had an acceptable impact on neighbouring properties.

- 27.7 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. In response to a query, the Technical Planning Manager confirmed that a condition had been included on the previous planning permission - and was recommended for inclusion in relation to this application - that the development was only used in conjunction with, and ancillary to, the residential enjoyment of the adjoining cottage. In his view, it was highly unlikely separate residential use would occur given the layout of the scheme and its relationship with the driveway and the existing house; nevertheless, it was felt prudent to include the condition.

- 27.8 Upon being put to the vote, it was

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

18/00396/FUL – Aldi Stores, Gloucester Road, Tewkesbury

- 27.9 This application was for change of use of land to additional car parking and landscaping.
- 27.10 The Technical Planning Manager advised that discussions had been ongoing between Tewkesbury Borough Council, Gloucestershire County Council, the applicant and the residents' association in terms of the proposed off-site mitigation scheme and it was now necessary to get to a point where there was a properly costed mitigation scheme, and then securing Section 106 obligations to mitigate for the loss of green infrastructure resulting from the application.
- 27.11 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that, when the opportunity to purchase the land from Tewkesbury Borough Council arose, it was recognised that the proposed car park extension would only be supported by residents and Officers if all parties worked closely together. Prior to submitting the application, the applicant's representatives had met with residents and Officers to discuss their concerns and to identify ways to mitigate the inevitable loss of trees which was clearly a sensitive subject. Following comments from residents, the applicant had identified on-site planting and a financial contribution which would provide compensatory provision along Lincoln Green Lane; this included the possibility of public art. The applicant had agreed to enter into a legal agreement to secure this funding and that would commit the applicant to pay £10,000 prior to commencement of the development for the provision of trees and/or artwork which could be agreed between residents, Tewkesbury Borough Council and other stakeholders. The applicant was grateful to local residents, and the residents' association, for working with them to identify an acceptable solution for all parties and was pleased that Officers had recommended the application for approval. The applicant's agent pointed out that there was an article in the local press about the potential impact of the proposal on Tewkesbury Battlefield and he referred Members to the response from the County Archaeologist who had been consulted as part of the

application.

- 27.12 The Chair indicated that the Officer recommendation was that authority be delegated to the Technical Planning Manager to permit the application, subject to the completion of a Section 106 obligation to secure a scheme for the provision of additional off-site mitigation, and he sought a motion from the floor. It was proposed and seconded that authority be delegated to the Technical Planning Manager to permit the application in accordance with the Officer recommendation and, upon being taken to the vote, it was

RESOLVED That authority be **DELEGATED** to the Technical Planning Manager to **PERMIT** the application, subject to the completion of a Section 106 obligation to secure a scheme for the provision of additional off-site mitigation.

PL.28 18/00771/OUT - LAND EAST OF BREDON ROAD, MITTON

- 28.1 Attention was drawn to the report of the Head of Development Services, circulated at Pages No. 22-33, which set out a draft consultation response to Wychavon District Council in respect of application 18/00771/OUT – Land East of Bredon Road, Mitton. Members were asked to approve the draft response for submission on behalf of Tewkesbury Borough Council and to delegate authority to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes prior to the final submission.
- 28.2 A Member proposed that Tewkesbury Borough Council's draft response is not approved and that instead the response is that the application was premature and should be presented with other strategic sites in the review of the South Worcestershire Development Plan. There was no seconder for this proposal. It was subsequently proposed and seconded that the draft response, attached at Appendix 1 to the report, be approved for submission on behalf of Tewkesbury Borough Council and that authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes prior to the final submission, in accordance with the recommendation on the papers.
- 28.3 A Member indicated that he could not support a draft response when it undermined the planning process required for strategic development sites, particularly one with serious implications for the health and safety of local residents regarding flooding, traffic, medical care and educational provision. He felt that the applicant had sought to circumnavigate the need to provide an Environmental Impact Assessment by presenting a phased application of 500 houses - land under the applicant's control could result in 1,000 dwellings and, if this proposal was allowed, another 500 would surely follow. An application for 1,000 dwellings would have triggered the requirement for an Environmental Impact Assessment which would have further highlighted the extent of the issues that would affect Tewkesbury town. Whilst Tewkesbury Borough Council had a duty to co-operate across borders, this did not mean it should disregard strategic planning processes. The site was not named as a strategic planning site in the South Worcestershire Development Plan – Wychavon District Council's equivalent of the Joint Core Strategy – but it should be a strategic site and subject to the same investigation as those in the Joint Core Strategy otherwise it would be allowed to slip through without proper consideration or consultation. Furthermore, he felt that the draft response undermined the Bredon Parish Neighbourhood Plan which had been adopted in July 2017 with huge support from residents. The applicant had made the intention to build houses on the site known long ago so the Bredon Parish Neighbourhood Plan had been prepared with that knowledge. He questioned how

Tewkesbury Borough Council would feel if the situation were reversed and pointed out that the Joint Core Strategy was due for periodic review so the site should be considered as part of that process.

- 28.4 The Planning Policy Manager clarified that the South Worcestershire Development Plan had been developed prior to the Joint Core Strategy and the issues around the site at Mitton had been discussed as part of that examination process. Policy SWDP2 stated that due consideration would be given to the housing needs of other local planning authorities in circumstances where it had been clearly established through the local plan process that those needs must be met through provision in the South Worcestershire Development Plan area, and the footnote supporting the policy specifically referenced the Joint Core Strategy authorities and the land at Mitton. Subsequently, the site had been discussed at the Joint Core Strategy examination where the Inspector considered that its development would be suitable for meeting the needs of Tewkesbury Borough, and subsequently a planning statement was signed between Tewkesbury Borough Council and Wychavon District Council establishing an agreement to co-operate in respect of the site. On that basis, the site had been included in the Joint Core Strategy as part of the housing supply for Tewkesbury Borough. In terms of the Bredon Parish Neighbourhood Plan, Policy NP1 set out that development proposals on sites allocated under the strategic policies of an adopted local plan would be supported and references that the Joint Core Strategy policies could be considered as an adopted local plan. Whilst the site at Mitton was not an allocation in the Joint Core Strategy, as it was outside of Tewkesbury Borough, it was supported by strategic policy SPD2 which identified the site as making a contribution towards the housing supply of Tewkesbury Borough. The proposal would make a significant contribution towards Tewkesbury Borough's housing needs and would shortly contribute towards the five year housing land supply; this site was expected to come forward to help achieve that and any delay could have an impact on the ability to demonstrate a five year supply in the future.
- 28.5 A Member indicated that she had great sympathy with the concerns raised given that the site was not within Tewkesbury Borough Council's strategic development plan originally; whilst it would contribute towards the five year housing land supply, the New Homes Bonus money would go to Wychavon District Council and the issues of traffic, health provision and schools would all be foisted upon Tewkesbury Borough. She had real concerns about traffic, which was already at a standstill around Tewkesbury. Whilst she felt that this application could be the first of many for the site, she recognised that the Planning Committee must only take into consideration the current proposal. The proposer of the motion shared these concerns and indicated that there would always be difficulties with large settlements which crossed or abutted other local authority boundaries. He reminded Members that the application was to be determined by Wychavon District Council in accordance with its own planning processes - Tewkesbury Borough Council would not take kindly to another authority interfering with its own planning process and Members needed to accept the fundamental point that this site had been recommended by a Planning Inspector and that could not be overturned. His view was that Tewkesbury Borough Council should do its best to work sensibly to accommodate the inevitable infrastructure difficulties which would always accompany a strategic sized development such as this. He pointed out that the Inspector's view was that the infrastructure issues in this instance could be effectively mitigated. Whilst he took on board the points that had been made, and understood the reasoning behind them, he felt the draft response summed up what Tewkesbury Borough Council should be saying and he fully endorsed it.

28.6 In response to a Member query, the Planning Policy Manager confirmed that Bredon Hancock's Endowed First School was located within Bredon itself. The Member raised concern that this meant that children from the new development would be going to schools within Tewkesbury Borough. This was the first taste of the duty to co-operate and, whilst this was largely inevitable, he stressed the importance of securing appropriate Community Infrastructure Levy/Section 106 contributions given that Wychavon District Council would be the collecting authority. He felt that there should be something stronger on the duty to co-operate saying that this should be accompanied by a duty to put forward sustainable infrastructure improvements. The Planning Policy Manager confirmed that there was a Joint Planning Statement between the two authorities which included wording on infrastructure contributions and recognised the impact on Tewkesbury Borough. The two County Councils were in discussion about the best way to address the education provision - in an existing school or a new education facility. He agreed that it was crucial to get this right.

28.7 A Member questioned who would be responsible for securing a Strategic Flood Risk Assessment and overseeing the implementation of any drainage features. He was advised that this would fall to Wychavon District Council as the local planning authority; whilst the exact details were yet to be agreed, discussions would take place between Worcestershire County Council - as the Lead Local Flood Authority for the area - Gloucestershire County Council and the Environment Agency to ensure that an acceptable solution was delivered. The Member felt that the response should highlight Tewkesbury Borough Council's requirements in respect of flooding and land drainage and the Planning Policy Manager confirmed that the draft response stated that Wychavon District Council should take account of Tewkesbury Borough Council's Flood and Water Management Supplementary Planning Document. Another Member went on to point out that the sewerage system on the outskirts of Tewkesbury was gravity-fed and, when the Meadows were built, a pumping system had been installed to feed into that system. There had always been problems with this as the sewage system could not cope with the additional properties and she asked whether Severn Trent Water had commented in that regard. The Planning Policy Manager confirmed that Severn Trent Water was a consultee but had not yet responded; however, he could raise this, and the issues around drainage, as an additional point if Members felt it would be helpful. The proposer and seconder of the motion indicated that they would be happy to make this amendment and, upon being put to the vote, it was

RESOLVED

1. That the response to Wychavon District Council in respect of application 18/00771/OUT, set out at Appendix 1, be **APPROVED** for submission on behalf of Tewkesbury Borough Council, subject to the inclusion of additional points around drainage.
2. That authority be delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to make minor spelling, grammatical, cross-referencing or typographical errors and presentational changes prior to the final submission.

PL.29 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

29.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 34-38. Members were asked to consider the current planning and enforcement appeals received and the Ministry of Housing, Communities and Local Government appeal decisions issued.

29.2 It was

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

The meeting closed at 10:40 am

Appendix 1**SCHEDULE OF PLANNING APPLICATIONS**
ADDITIONAL REPRESENTATIONS

Date: 30 August 2018

The following is a list of the additional representations received since the schedule of applications was prepared and includes background papers received up to and including the Wednesday before the Meeting.

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

Page No	Item No	
185	1	18/00057/FUL Land near Wharf Office, The Wharf, Coombe Hill The applicant has decided to withdraw this application - email correspondence attached below.

ITEM 1 - 18/00057/FUL (withdrawal notification from Applicant page 1 of 3)

From: [REDACTED]
Sent: 28 August 2018 13:11
To: Emma Dee
Subject: RE: Re Planning Application Ref 18/00057/FUL
Importance: High

Good afternoon Emma,

After reading your email below, we have decided to withdraw the above application prior to the planning committee meeting this Thursday 30/8/18.

Could you please confirm by return that you will effect this change.

Thank you in anticipation,

[REDACTED]

From: Emma Dee [<mailto:Emma.Dee@tewkesbury.gov.uk>]
Sent: 28 August 2018 11:47
Subject: RE: Re Planning Application Ref 18/00057/FUL

Good morning [REDACTED]

If you would request that the application be deferred at this committee, we can set this out within late representations, and this can be reported to committee members at the meeting. Committee members would then have to determine if the application be deferred.

Given the timescale we are working to, if you would like the application to be deferred, please submit this in writing to this effect by tomorrow morning, as a reply to this email. Please also set out within this email the reason for requesting this deferral and the reason for requiring additional time.

If this deferral goes ahead, I would be grateful if you could agree to an extension of time accordingly, in order to allow the time for the submission of any additional/revised plans and details, and for this to be considered and then presented to the planning committee meeting.

Kind regards,

Emma Dee
Planning Officer
Tewkesbury Borough Council

Tel: 01684 272019
Email: Emma.Dee@tewkesbury.gov.uk

Please note, the advice within this email is the opinion of an Officer and is given without prejudice to any formal decision of the Council

ITEM 1 - 18/00057/FUL (withdrawal notification from Applicant page 2 of 3)

From: [REDACTED]
Sent: 24 August 2018 16:39
To: Emma Dee <Emma.De@teewkesbury.gov.uk>
Subject: RE: Re Planning Application Ref 18/00057/FUL

Hi Emma,

If we were to defer rather than withdraw how much extra time would you be willing to give us?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Emma Dee [<mailto:Emma.De@teewkesbury.gov.uk>]
Sent: 24 August 2018 16:26
Subject: RE: Re Planning Application Ref 18/00057/FUL

[REDACTED]

Thank you for your email. If the application is to be withdrawn this will be closed down and a new planning application would need to be submitted if you would like the proposed development to be considered and determined. Could you please confirm whether or not you wish this application to be withdrawn?

Kind regards,

Emma Dee
Planning Officer
Tewkesbury Borough Council

Tel: 01684 272019
Email: Emma.De@teewkesbury.gov.uk

Please note, the advice within this email is the opinion of an Officer and is given without prejudice to any formal decision of the Council

From: [REDACTED]
Sent: 24 August 2018 16:22
To: Emma Dee <Emma.De@teewkesbury.gov.uk>
Subject: RE: Re Planning Application Ref 18/00057/FUL
Importance: High

Dear Emma,

ITEM 1 - 18/00057/FUL (withdrawal notification from Applicant page 3 of 3)

In consideration of your report in respect of our planning application referenced above, we have decided that in order to give us more time to consider and respond to the key outstanding issues, we would at this point in time like to withdraw our application.

Could you please confirm this request and therefore that our application will not be discussed and ruled upon at next Thursday's Planning Committee meeting (30/8/18).

We would like to thank you for our efforts on our behalf.

Kind regards,

[REDACTED]
[REDACTED]