

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Tuesday, 20 September 2022 commencing
at 10:00 am**

Present:

Chair
Vice Chair

Councillor R D East
Councillor G F Blackwell

and Councillors:

K Berliner, R A Bird, M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason,
J P Mills, P W Ockelton, A S Reece, J K Smith, P E Smith, R J G Smith, P D Surman,
R J E Vines, M J Williams and P N Workman

PL.22 ANNOUNCEMENTS

- 22.1 The evacuation procedure, as noted on the Agenda, was advised to those present.
22.2 The Chair gave a brief outline of the procedure for Planning Committee meetings.

PL.23 DECLARATIONS OF INTEREST

- 23.1 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.
23.2 The following declaration was made:

Councillor	Application No./Agenda Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
P E Smith	Agenda Item 5b – 22/00774/PIP – Land off Ash Lane, Down Hatherley.	The applicant is a family member.	Would not speak or vote and would leave the room for the consideration of this item.

- 23.3 There were no further declarations made on this occasion.

PL.24 MINUTES

- 24.1 The Minutes of the meeting held on 16 August 2022, copies of which had been circulated, were approved as a correct record and signed by the Chair.

PL.25 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL

- 25.1 The objections to, support for, and observations upon the various applications as

referred to in Appendix 1 attached to these Minutes were presented to the Committee and duly taken into consideration by Members prior to decisions being made on those applications.

22/00416/APP - Land off Rectory Close, Ashleworth

- 25.2 This was a reserved matters application for 42 dwellings including access, layout, scale, appearance and landscaping, pursuant to application 19/01227/OUT.
- 25.3 The Development Management Team Leader advised that the application site was located immediately adjacent to the recently completed housing development at Rectory Close which was accessed from Nup End/Lawn Road in Ashleworth. The site presently comprised agricultural field and outline planning permission for up to 42 dwellings was recently permitted. This application sought the approval of reserved matters pursuant to the outline consent. The proposal would provide 42 dwellings, broadly laid out in a horseshoe arrangement, which would connect to the eastern and western end of Rectory Close. The proposal would be read as a continuation of the existing development at Rectory Close, which would provide appropriate access, and was considered to be of an acceptable appearance, layout and scale with suitable landscaping. It was noted that the proposal would provide 17 affordable dwellings of which 70% would be social rented housing in accordance with the Section 106 agreed at the outline stage. The Officer recommendation was to permit the application, subject to the corrections set out in the Additional Representations Sheet, attached at Appendix 1, and amendments to conditions 1 and 2.
- 25.4 The Chair indicated that there were no public speakers for this item. The Officer recommendation was to approve the application and he invited a motion from the floor. It was proposed and seconded that the application be approved in accordance with the Officer recommendation. A Member questioned whether the 30% shared ownership housing would include any larger properties as there was a real shortage of three and four bedroom social housing. In response, the Development Management Team Leader advised that the precise mix and number of units had been set out in the Section 106 Agreement for the outline planning permission but his understanding was that the shared ownership properties would be two and three bedroom dwellings. Another Member noted that, in terms of the green agenda, social housing was not eligible for grants for solar panels and those who lived in social housing generally could not afford them whereas private developers could so he asked if that was something which could be considered at this stage. The Development Management Team Leader advised that this could not be required as part of the planning permission. From his experience, social housing providers did tend to put solar panels onto developments.
- 25.5 Upon being put to the vote, it was
- RESOLVED** That the application be **APPROVED** in accordance with the Officer recommendation.

22/00774/PIP - Land off Ash Lane, Down Hatherley

- 25.6 This was a Permission in Principle application for the erection of four dwellings.
- 25.7 The Senior Planning Officer advised that a Permission in Principle application was the first stage of the process and sought solely to establish whether the site was suitable in principle for the erection of up to four dwellings. The application related to a parcel of land to the south of Down Hatherley Lane and to the east of Ash Lane. The site was generally level, measuring 0.44 hectares in area, with access to the site proposed from Down Hatherley Lane to the north. The proposed site layout demonstrated how the quantum of development could be delivered on the site. The scheme sought to make use of, and share existing access to, The Bungalow onto

Down Hatherley Lane to the north. The site was not subject to any formal landscape designation but was in an area of safeguarded land. It was noted that the Planning Committee had approved a number of similar Permission in Principle applications within the immediate vicinity of the application site. Members were advised that the Government's guidance set out that the scope of the first stage of Permission in Principle was limited to the location, land use and amount of development. The site layout, design, access, landscaping, drainage and any other relevant technical matters would be considered at the technical details stage. Given the scale of the proposed development, the proximity and close relationship of the site to the existing properties, and the extant permissions, the Officer recommendation was to permit the application.

- 25.8 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 that the application be refused on the basis that it was a piecemeal approach. The proposer of the motion indicated that the main difference from when the previous Permission in Principle applications in this area had been considered was that the Council was now able to demonstrate a five year housing land supply. In his view, development of the site should be part of a wider project and not piecemeal as would be the case if this application was permitted. There was no seconder for this proposal.
- 25.9 A Member drew attention to Page No. 39, Paragraph 7.7 of the Committee report which referenced Policy RES4 of the Tewkesbury Borough Plan and she pointed out that its purpose was to allow a small amount of development within villages; however, given the amount of applications that had been approved in this area and the number of properties that could potentially come forward as a result, she questioned whether this has been fully assessed, particularly as regards "small amount" against RES4 requirements being met. In response, the Senior Planning Officer clarified that a full assessment against RES4 had not been taken into consideration due to the type of application submitted i.e. Permission in Principle.
- 25.10 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.

PL.26 CURRENT APPEALS AND APPEAL DECISIONS UPDATE

- 26.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 47-59. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.
- 26.2 A Member indicated that he was very interested to read about the result of the enforcement appeals in relation to Warren Fruit Farm which had been a problematic site for the authority historically and he asked what would happen going forward. The Legal Adviser explained that, as set out in the report, both agricultural buildings were seen to be unoccupied with straw on the floor and no residential paraphernalia evident so there may not be a current breach but there would be a watching brief on the area – the Inspector had agreed that the buildings were not being used for agriculture by trade therefore they could not be converted to dwellings. There were a number of plots with different circumstances so they would all be looked at again by the Enforcement team. Another Member felt it was very important to monitor the site as there was a lot going on, for instance, entrances being made etc. She also noted that the report normally included a list of appeals received but it was stated there were 'none' this month and she asked if that was correct. Similarly, a Member indicated that he was aware of an appeal decision in relation to School Lane, Shurdington which he understood had been

passed by the Inspector with costs awarded against the Council and he was surprised that was not included within the report. With regard to Warren Fruit Farm, the Development Manager provided assurance there would be regular compliance checks via a Compliance Officer. In terms of the appeal decision in relation to School Lane, he would need to look into this following the meeting as it was not included on the list of appeals which could be an error. The Legal Adviser clarified that it may be a question of timing as she was aware of other appeals which had come in over the last couple of weeks - although the report said 'none', it was likely there were some in progress which had not made it in time for inclusion within this report.

26.3 A Member understood there would be calculation change regarding the housing land supply on 17 December and he asked whether it would be possible for Members to have a briefing on the potential implications of that. The Development Manager undertook to ensure a briefing was arranged before 17 December.

26.4 It was

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

The meeting closed at 10:22 am

Appendix 1

ADDITIONAL REPRESENTATIONS SHEET

Date: 20 September 2022

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting. A general indication of the content is given but it may be necessary to elaborate at the meeting.

Item No	
5a	<p data-bbox="304 636 497 669">22/00416/APP</p> <p data-bbox="304 687 810 721">Land Off Rectory Close, Ashleworth</p> <p data-bbox="304 736 1315 801">Members' attention is drawn to a typographical error at Paragraph 7.28 which should read:</p> <p data-bbox="304 819 1382 1021"><i>'The application has been supported by an Acoustic Assessment to assess potential noise impacts upon the development from a nearby industrial enterprise as required by Condition 9 of the outline planning permission. The findings of the report have been assessed by the Council's Environmental Health Officer who has confirmed that there would be no demonstrable harm to the living conditions of future occupiers of the development from this potential noise source.'</i></p> <p data-bbox="304 1039 679 1072">Paragraph 7.73 should read:</p> <p data-bbox="304 1090 1362 1189"><i>'4 no. 1 bedroom maisonettes, 1 no. 2 bedroom bungalow, 6 no. 2 bedroom houses, 5 no. 3 bedroom houses and 1 no. 4 bedroom house. Of this, approximately 70% would be social rented and 30% would be shared ownership'.</i></p> <p data-bbox="304 1207 1382 1272">An amended drawing has also been received to correct this tenure split which now accords with the terms of the S.106 agreement.</p> <p data-bbox="304 1290 1382 1355">Condition 1 is amended to substitute Drawing no. 20379/5011 Rev G with Drawing no.20379/5011 Rev H - copy attached to this update.</p> <p data-bbox="304 1373 1366 1438">Condition 2 is amended to substitute Drawing no.499-PH2-3050-01 Rev P03 with Drawing no.499-PH2-3050-01 Rev P04.</p> <p data-bbox="304 1456 1353 1520">The recommendation remains to APPROVE subject to the above amendment to Condition 1.</p>

Item 5a – Substitute drawing 20379/5011 Rev H



Key

Application boundary

Affordable Strategy

- Social Rented - 70.6%
- Shared Ownership - 29.4%

Total = 40% of Overall Scheme (17 units)



- H Text amended - affordable rented updated to social rented. LG 12/9/22
 - G Base planning layout updated. LG 25/8/22
 - F Updated in line with planning layout. LG 23/8/22
 - E Gas utilities area removed and replaced with substitution. LG 14/10/21
 - D Updated in line with planning layout. LG 14/9/21
 - C Updated in line with planning layout. LG 19/8/21
 - B Revised as per client email received 20/07/21. PK 21/07/21
 - A Revised as per client email received 25/04/21. PK 20/07/21
- Amendments By Date

PLANNING

Job No/Drawing No	Job Title
20379/5011H	Ashleworth - Phase 2
Scale	Drawing Title
1:1000	Affordable Strategy
W A3	LG

All Dimensions to be checked on site. OS Licence No. -
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