

# TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Planning Committee held at the Council Offices,  
Gloucester Road, Tewkesbury on Tuesday, 18 April 2023 commencing at  
10:00 am**

**Present:**

Chair

Councillor R D East

**and Councillors:**

K Berliner, R A Bird, M A Gore, D J Harwood, M L Jordan, E J MacTiernan, J R Mason,  
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.58 ANNOUNCEMENTS**

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

**PL.59 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

- 59.1 Apologies for absence were received from Councillors G F Blackwell (Vice-Chair)  
and J P Mills. There were no substitutes for the meeting.

**PL.60 DECLARATIONS OF INTEREST**

- 60.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct  
which was adopted by the Council on 24 January 2023 and took effect on 1  
February 2023.  
60.2 The following declaration was made:

<b>Councillor</b>	<b>Application No./Agenda Item</b>	<b>Nature of Interest (where disclosed)</b>	<b>Declared Action in respect of Disclosure</b>
J K Smith	Agenda Item 5c – 22/00893/FUL – Astmans Farm Poultry Unit, Maisemore.	This is the business of the Councillor's husband and son.	Would not speak or vote and would leave the meeting for the consideration of the item.

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

**PL.61 MINUTES**

- 61.1 The Minutes of the meeting held on 21 March 2023, copies of which had been circulated, were approved as a correct record and signed by the Chair.

**PL.62 DEVELOPMENT CONTROL - APPLICATIONS TO THE BOROUGH COUNCIL**

- 62.1 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.

**22/00986/FUL - Land Opposite Village Hall, Main Road, Tirley**

- 62.2 This was an application for the erection of a single storey self-build dwelling and associated works.
- 62.3 The Planning Officer advised that the application was for a self-build detached bungalow on an area of land opposite the Village Hall in Tirley which also included the formation/alteration of an access onto the main B4213. The application had been called in for a Committee decision by a Member in order to fully assess the impact of the proposal on the area, the impact on the main road and the overall design. She explained that the area itself was an existing paddock bound by mature vegetation / trees along the front boundary and was an undeveloped parcel of land which contributed to the semi-rural character of Tirley. The site was located outside of any defined settlement boundary and the built up area of Tirley with the core of the built up part of the village lying to the northern side of the B4213; the application site was located on the south side where development was sparse. It was considered that the proposal would not constitute infill development as the nearest dwelling on that side of the road was over 70 metres to the north-east and therefore would fail to comply with the relevant policies. Referring to the design of the bungalow, the Planning Officer explained that it would be utilitarian and would lack character and design quality – the appearance and fenestration on the front elevation in particular would be poor with an elongated design and no real focal point. As set out in the report, there were no concerns with regards to residential amenity and the County Highways Officer had indicated that a ‘grampian style’ condition would address his concerns in terms of visibility. Further drainage details had been submitted and the Flood Risk Management Engineer was now generally happy with the proposals. It was considered the development of the site would result in an unacceptable encroachment into the rural landscape which would harm the character of the area by virtue of the urbanising effects of a new dwelling, enlarged access, driveway and hardstanding. Overall, it was considered that the application site was not an appropriate location for new residential development and would conflict with the relevant policies, therefore, the application was recommended for refusal.
- 62.4 The Chair invited the applicant’s agent to address the Committee. The agent explained that the applicants were long term residents of Tirley, one of whom had lived in the village since her birth in 1957. They resided at a property to the south west of the application site and currently cared for an elderly relative who jointly owned the property. The current property was in Flood Zone 2 and therefore was vulnerable to flooding with the risk having become much more apparent in recent years due to the number of flood events which caused extreme worry and mental strain because of the number of times water had entered the house. The application had been submitted through a desire to build a more sustainable, energy efficient home for themselves on an underutilised plot at the heart of the village and, importantly, the proposed bungalow was on higher ground than their current

property and not within a flood zone. The new property would allow the applicant to stay in the village and provide a 'bolt hole refuge' for the elderly relative should a flood event occur – this would remove a lot of worry and stress for all concerned. The agent explained that the Committee report confirmed that the Parish Council fully supported the scheme; there was resident support for the scheme; Gloucestershire County Highways had confirmed the proposed vehicle access to the site was safe and suitable; there were no impacts on adjoining neighbours; and the proposals were for a self-build dwelling which was a benefit to the scheme and was supported by Officers. He advised that the proposed bungalow was adjacent to Tirley Village Hall and at the centre of the village with Tirley being a sustainable location for new housing where small-scale development had been seen in recent years. The village had a church, public house and bus stops serving Gloucester and Tewkesbury. The proposed dwelling would be in character with the wider village, which did include development on that side of the main road, as such, the development would accord with Policies SD10 and RES4 of the Tewkesbury Borough Plan with no policy conflict. Notwithstanding this, the recent appeal at Hill End Road had confirmed the Council did not have a five-year housing land supply with the housing shortfall in the borough being significant according to the Planning Inspector. In addition, the tilted balance set out in the National Planning Policy Framework was engaged adding further weight to the fact that the proposals should be granted planning permission. The applicant's agent indicated that national and local planning policy recognised that small scale housing development was vital in villages such as Tirley if they were to maintain a good level of services and thrive so, in light of significant material circumstances and additional information, he asked Members to take a different view to Officers and grant planning permission.

- 62.5 The Chair indicated that the Officer recommendation was to refuse the application and he sought a motion from the floor. It was proposed and seconded that the application be deferred for a Planning Committee Site Visit. A Member questioned whether a site visit was necessary as he felt that Policy RES4 had been included within the Tewkesbury Borough Plan for precisely this type of application for organic growth. He could not see what a site visit would add to this seemingly straightforward policy issue and felt that the application should be permitted. The Chair questioned what the site visit would be looking at and, in response, the proposer of the motion for deferral advised that the Committee report had stated that flooding did not occur, but Tirley was well known to flood so she felt this was something that should be considered. Upon being put to the vote, the proposal for a site visit was lost with two votes in favour and 10 against.
- 62.6 A Member proposed, and it was seconded, that the application be permitted because Policy RES4 was worded to deliver precisely this type of development. A Member questioned how many self-builds had been completed last year against the Council's target and the Development Management Manager advised that the Council had a significant stock of permissions over a number of years with around 42 permissions for self-build in the last six years and 121 permissions for single dwelling plots which could be used for self-build – in the last year, there had been 31 permissions for self-build. A Member expressed the view that self-build was a grey area– he could not understand why people would not just seek a straight planning permission rather than self-build and he felt it put local planning authorities in an uneasy position to judge the validity of an application. In response, the Development Management Team Leader South advised that Policy RES4 supported growth at rural settings but, in this instance, the proposal did not comply with paragraph c) as it did not complement the form of the existing settlement, it was not within the continuous built up area of the village but jumped the road and would not relate well to the existing buildings within the settlement of Tirley. In addition, he explained that the definition of self-build was loose - the applicant did not have to build themselves and could instead enlist a builder but it was not an excuse to build somewhere that was not acceptable.

- 62.7 In response to a query regarding the Council's five year housing land supply, the Development Management Manager advised that the Council's stated position was set out at Page No. 34 of the Committee report. There had been a recent appeal decision but that was not binding and the Council was clear that it did have a five year housing land supply. In response to a query regarding the proposed living arrangements for the new property, the Development Management Team Leader South explained his understanding was there were currently two households living in one property but, if permission was granted, the family would move to the new home and the elderly relative would remain in the existing home but would be able to use the new property as a bolt hole in times of flood. A Member could see quite a few conflicts and understood the Officer's reasoning for a refusal; however this was slightly subjective as the Parish Council felt the proposal would enhance the area. She questioned whether the design could be addressed if the proposal was permitted as it was currently uninspiring. Another Member expressed concern that the Planning Inspector had recently concluded the Council did not have a five year housing land supply yet the Council said it did. In response, the Legal Adviser explained that the appeal decision was not binding; the Council had been in a similar position previously on another aspect of five year housing land supply with some appeal decisions on that agreeing with the Council's stated position and some not – the Council's position remained clear and was being robustly defended in ongoing appeals. In terms of the Council's duty regarding self-build, the Development Management Manager advised that the Council had a duty to keep a register of self-build permissions and have regard to this, as well as a duty to keep enough suitable development permissions to meet the identified need. A number of suitable sites had been identified in the last few years, so the Council was meeting that duty and took concerns about delivery seriously. 20% of planning authorities in the country had permitted no self builds at all but Tewkesbury Borough Council was permitting suitable permissions regularly. As set out in the Committee report, being a self-build was a benefit but did not outweigh the policy conflict. He also reiterated that there were concerns on the design. In addition, the Legal Adviser explained that the duty to permit was a rolling duty, and each base year monitoring report showed the Council was meeting its duty.
- 62.8 The Planning Officer advised that conditions in respect of commencement of development, plans, samples of building materials, landscaping, drainage, a Grampian condition on highways and the condition recommended by the Environmental Health Officer should be included in the planning permission, and the proposer and seconder confirmed they were happy to amend the motion on that basis. Another Member expressed concern about the design and asked that Officers work with the applicant to improve it; in response, the Planning Officer indicated that could be achieved through a delegated permit should the Committee be so minded. The proposer of the motion continued to be of the view that the application should be permitted in principle but took the point on design and if it could be dealt with as a delegated permit he would be happy to support that and this was agreed by the seconder of the motion.
- 62.9 Upon being put to the vote, it was
- RESOLVED** That authority be **DELEGATED** to the Development Management Manager to **PERMIT** the application subject to addressing concerns over design and conditions in respect of commencement of development, plans, samples of building materials, landscaping, drainage, a Grampian condition on highways and the condition recommended by the Environmental Health Officer.

**22/00446/FUL - Land on the West Side of Willow Bank Road, Alderton**

- 62.10 This was an application for the creation of new access to paddock (to allow field access whilst Severn Trent re-laid the existing sewage pipe and associated works using existing access).
- 62.11 The Planning Officer advised that the application related to a field which was currently used as a paddock to the southeast of Willow Bank Farm and adjacent to Willow Bank Road in Alderton. The existing access would be stopped up and a hedgerow replanted across the existing access points with the new access constructed from tarmac and stone chippings. A Committee determination was required as Alderton Parish Council had objected on the grounds that the proposed access required significant engineering works to land levels and would be harmful to the landscape. She advised that whilst the Parish Council's concerns were appreciated, the applicant had confirmed there would be no change in levels. Whilst the loss of the part of the hedgerow was regrettable, the ecology report had shown that it was of poor quality and did not qualify as an 'important hedgerow'; however, in order to compensate for the loss of the hedgerow, the retained sections would be enhanced and new hedgerow planted behind the line of the visibility splay. The Additional Representations Sheet, attached at Appendix 1, provided an update in terms of drainage and explained that the Flood Risk Management Engineer had no objections to the proposal. Overall, there had been no objections received from consultees and it was the view of the Planning Officer that the proposal would not result in any undue harm, therefore it was recommended for permit.
- 62.12 The Chair invited the applicant's agent to address the Committee. The applicant's agent explained that the purpose of the new field gate was two-fold as it allowed the applicant safe access to the site whilst Severn Trent re-laid the sewage pipe and reinstated the land as well as stopping up the existing sub-standard access to provide a new agricultural access. Three points had been raised by objectors in relation to highway safety; flood risk; and ecology and biodiversity net gain. In terms of highways, she noted there had been no objection to the scheme from County Highways and, in fact, the closing of the existing sub-standard access represented betterment. Severn Trent was now well advanced with the works and the new pipe had been re-laid some 10 metres closer to Willow Bank Road which would make it difficult to manoeuvre onto the site between the pipe and the trees on site especially with larger tractors and agricultural machinery. Severn Trent was reinstating the land and the applicant was working with them to provide some tree planting along the brook as well as meadowfield sowing – whilst that was being established the applicant would not be able to cross the replanted area – hence the need for a new access. Referring to flood risk, the applicant's agent advised that the existing access lay within Flood Zone 3 and the Council's own policies stated that proposals must avoid areas at risk of flooding – if an improvement to the existing access was being suggested it would be rightly turned down on the grounds of flood risk whereas moving it to the south allowed the provision of a new, safe access outside of the floodplain. Whilst there had been some representations which stated that the access did not flood much, with climate change this would only get worse. In respect of biodiversity net gain, the existing hedge had grown like topsy and encroached onto highways land meaning, for highway safety under the Highways Act, it needed to be removed and the agent was working to agree this with the County Council under licence. There had also been some suggestion of extensive earthworks; however, this was not what was proposed as the access would come into the site by a short distance and then follow the existing contours, as shown on the plans. There was no policy or other objection to the scheme which would improve a substandard highways situation, reduce flood risk and provide considerable biodiversity and ecological improvements as well as allowing continued agricultural use of the land.

- 62.13 The Chair indicated that the Officer recommendation was to permit the application and he sought a motion from the floor. A Member noted there was a brick bridge and gate to the right so she questioned whether the photograph shown to the Committee was correct. In response the Development Management Manager confirmed which slide in the presentation was of the existing access. The Member also referred to bird nesting season and asked if the removal of the hedge could be delayed until after that as well as whether the Council could ask for mature planting for the new hedgerow. Another Member questioned whether the ecological report had been done by Officers or by the applicant. In response, the Planning Officer explained that the ecological report had been submitted by the applicant but Officers had fully assessed it and spoken to Ecology Officers who had recommended suitable conditions. The Development Management Manager stated that part of that was to do with the timing of the works. A Member raised concerns that it had been stated that the hedge would need to be removed regardless of the application rather than just being cut back. The Development Management Team Leader South stated that the hedge had lost a lot of its form and was currently hanging over the highway. Another Member indicated that he knew the area well and he had taken note of the concerns raised by the Parish Council. He felt that the hedge was particularly important and should be protected. Another Member agreed with those concerns and also noted there had been a large amount of development in Alderton in recent years with other hedges having been removed affecting the setting of the village and the approach to it, with visibility issues and the look of the tarmac and stone which was proposed also being of concern. She reminded the Committee that this was a Special Landscape Area and, as the application did not comply with Policy LAN1 or LC1 of the Alderton Neighbourhood Development Plan, it should be refused. It was proposed and seconded that the application be refused on the grounds of landscape harm and the impact on the character of the area and, upon being put to the vote, it was

**RESOLVED** That the application be **REFUSED** on the grounds of landscape harm and the impact on the character of the area.

### **22/00893/FUL - Astmans Farm Poultry Unit, Maisemore**

- 62.14 This was an application for the erection of a general purpose agricultural storage building.
- 62.15 The Development Management Team Leader South advised that the application site comprised an existing poultry unit approximately 700 metres to the north of Maisemore and sought permission for a general purpose agricultural storage building which would be sited adjacent to an existing biomass building and would be of a similar design and scale. The building would be finished in green profiled sheeting to match the existing buildings at the site. The proposal would accord with the requirements of Policy ARG1 and ARG2 of the Tewkesbury Borough Plan in respect of agricultural development and would have an acceptable impact on the landscape, highway safety and drainage and would not result in any identified harms. It was therefore recommended that the application be permitted.
- 62.16 The Chair indicated that the Officer recommendation was to permit the application and he sought a Motion from the floor. A Member suggested that, being the third application on the site, this was creeping development and proposed that it be refused - the proposal did not gain a seconder. Another Member noted that there had been no objections from statutory consultees and no other objections and proposed that the application be permitted in line with the Officer recommendation - the proposal was seconded. In response to a Member question, the Legal Adviser confirmed that if the agricultural storage building was to be used for any other purpose in the future that would be a material change of use that would require planning permission or would be an enforcement matter.

62.17 Upon being put to the vote, it was

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

**PL.63 CURRENT APPEALS AND APPEAL DECISIONS UPDATE**

63.1 Attention was drawn to the current appeals and appeal decisions update, circulated at Pages No. 68-69. Members were asked to consider the current planning and enforcement appeals received and the Department for Levelling Up, Housing and Communities appeal decisions issued.

63.2 A Member noted that the Hillend appeal had been dismissed and he felt this was heartening for the Committee. He offered his congratulations to Officers for their work on it – he felt the Council had a good team of Officers who were committed to fighting for the borough and he was grateful for that.

63.3 It was

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

The meeting closed at 11:25 am

## Appendix 1

**ADDITIONAL REPRESENTATIONS SHEET**

Date: 18 April 2023

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

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

<b>Item No</b>	
5a	<p><b>22/00986/FUL</b></p> <p><b>Land Opposite Village Hall, Main Road, Tirley</b></p> <p><b>Drainage Update</b> - following the submission of further drainage information, the Drainage Officer is generally now happy with the scheme.</p> <p><b>Environmental Health Update</b> - the site is near to a small-scale water treatment facility. The Environmental Health Officer has looked through the history of the site and cannot see any reports of issues with regards to noise or smells within the last five years. If approved, a suitable condition should be attached to the permission similar to the following:</p> <p>"Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the assessment and mitigation to be made for the control of noise and odour emanating from the nearby sewage treatment work. The assessment and scheme shall be implemented prior to use of the site. The scheme should be maintained and shall not be altered without the prior written approval of the local planning authority."</p>
5b	<p><b>22/00446/FUL</b></p> <p><b>Land on the West Side of Willow Bank Road, Alderton</b></p> <p><b>The Drainage Engineer</b> has confirmed that there is nothing here of concern and the scheme is acceptable in terms of drainage, subject to an informative to explain that works over the watercourse may require consent under the Land Drainage Act, but that this is separate to the planning process. The applicant should contact floodriskmanagement@gloucestershire.gov.uk with details of the work for further advice.</p> <p>It is noted that the planning history for the site as shown in the report is in relation to the property known as 'Corner Cottage'. This was because the site was not plotted correctly on the system. This has since been rectified and Members should be aware there is no previous planning history associated with this site.</p> <p><b>Submission from Alderton Parish Council:</b></p> <p><i>Firstly, the Committee report is misleading and inaccurate.</i></p> <p><i>At 1.2 the officer claims the need for the new access is for carrying out works by Severn Trent.</i></p> <p><i>Wrong, Severn Trent have replaced the sewerage pipe which serves the village</i></p>



*and crosses the land. They have been using the existing access and have now completed their works and vacated the site. So, this is not a justifiable reason for this new access.*

*The justifications put forward by the applicant change each time a valid objection is raised.*

- 1. It is needed because of pipe replacement works. These are finished.*
- 2. It is in the flood plain. This area rarely floods badly enough to prevent access through existing access.*
- 3. The pipe relocation means they cannot get modern agricultural machinery on site. The field is an undulating scrubby field with 2 horses in it.*

*The Sewerage pipe running across it makes it difficult to be a viable agricultural field. Large machinery would not be required because of the size of the field and could use the existing access which could be widened if necessary.*

*Contrary to Policy LAN 1 - the visual attractiveness of this rural approach to the village will be destroyed by removing 60 metres of hedgerow.*

*Whilst we accept new hedge planting will be undertaken, this will take many years to mature.*

*Given the significant harm caused when there is NO need for the new access and no demonstrable benefit, the balance of harm far outweighs the benefits.*

*We strongly urge members to consider the location of this hedge and how any loss will greatly impact upon its principal characteristic of this rural location.*

*Therefore, we feel this application should be rejected. Thank you.*