



## TEWKESBURY TOWN COUNCIL PLANNING COMMITTEE

**Wednesday 9<sup>th</sup> September 2020**

To: Councillors Joanne Raywood, Simon Raywood and Hilarie Bowman

You are summoned to a meeting of the Planning Committee, to be held by video conferencing  
**Wednesday 9<sup>th</sup> September 2020 at 7.00 pm.**

**Members of the public and press are welcome to attend.**

Zoom meeting id: 934 3373 4961

Zoom meeting password: **343192**

Debbie Hill  
Town Clerk  
2<sup>nd</sup> September 2020

## AGENDA

1. **Welcome and a reminder of how the meeting will be conducted.**
2. **To receive apologies for absence**
3. **To receive declarations of interest**
4. **To receive and consider requests for dispensations**
5. **Public participation** *(to provide members of the public/press with the opportunity to comment on items on the agenda or raise items for future consideration. In accordance with Standing Orders this will not exceed 12 minutes in total and 3 minutes per person)*
6. **To approve the minutes of the Planning Committee meeting held on 19<sup>th</sup> August 2020**
7. **To receive updates on matters arising from the minutes – for information only**
8. **To note correspondence**



**9. Demolition of existing conservatory, erection of side extension and replacement garden fence**

Planning Application

121 Canterbury Leys Newtown Tewkesbury Gloucestershire GL20 8BP

Ref. No: 20/00704/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QEBKRGQDJPD0H	Mon 17 Aug 2020	Mon 07 Sep 2020
Observations:		

**10. Erection of an annexe.**

Planning Application

15 Wellfield Newtown Tewkesbury Gloucestershire GL20 8BY

Ref. No: 20/00673/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QDWRCUQDJLW11	Tue 18 Aug 2020	Tue 08 Sep 2020
Observations:		

**11. Crown reduction to 3 x Hornbeam trees up to 2-3m to give an overall rounded shape.**

Planning Application

Tesco Stores Ltd Bishops Walk Tewkesbury Gloucestershire GL20 5LS

Ref. No: 20/00788/TCA

Letter reference	Date requested	Expiry date
DC/E07000083/QFKBUJQDJYX05	Wed 26 Aug 2020	Wed 09 Sep 2020
Observations:		

**12. Reinstatement of Moorings to the West of Priors Court**

Planning Application

Moorings West Of Priors Court Back Of Avon Tewkesbury Gloucestershire GL20 5US

Ref. No: 19/00144/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/PMR884QD0IU00	Thu 20 Aug 2020	Thu 10 Sep 2020
Observations:		



**13. Installation of a dropped kerb creation of parking area**

Planning Application  
21 Barton Road Tewkesbury Gloucestershire GL20 5QJ  
Ref. No: 20/00717/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QEJ4Y1QDJQV09	Mon 24 Aug 2020	Mon 14 Sep 2020
Observations:		

**14. Retrospective external alterations to main building and erection of perimeter fencing and access gates. Proposed external works to main building including insertion of 5no. louvre grilles, plus installation of cycle storage. Proposed repositioning of the replacement external temporary shed unit and the reconfiguration of the car park and other associated works (as permitted in application 18/01205/FUL).**

Planning Application  
Unit 1 Plot 5500 Shannon Way Tewkesbury Business Park Tewkesbury Gloucestershire GL20 8SF  
Ref. No: 19/00859/FUL

(Reconsultation - previous response given 26/11/2019)

Letter reference	Date requested	Expiry date
DC/E07000083/QF9IPPQD0IL00	Tue 18 Aug 2020	Tue 15 Sep 2020
Observations:		

**15. Land at Bow Farm, Bow Lane, Ripple, Worcestershire**

Proposed extraction of sand and gravel with restoration using site derived and imported inert material to wetland, nature conservation and agriculture (**cross-boundary application**)  
Further Information (Regulation 25)  
**Application Ref:** 19/000048/CM

(Reconsultation - previous response given 11/12/2019)

Observations:
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**16. To note any additional information on the Planning Portal regarding applications to which this committee has already responded, and agree further actions**

**17. To note any additional applications on the Planning Portal which will expire before 23<sup>rd</sup> September 2020 and agree further actions**



18. To discuss progress in responding to the Government’s proposed white papers: Changes to the Planning System, Planning for the Future, Transparency and Competition, and agree further actions
19. To note the decisions made in July and August, in respect of planning applications to Tewkesbury Borough Council
20. To receive an update on recent email correspondence to MP Lawrence Robertson and to agree further actions

NB: All information relating to the Planning Applications listed above can be obtained in a digital format through the Planning Portal. Access to these can be gained by holding the cursor over the Application’s title within the agenda, and following the instructions in the dialogue box that appears on the screen, as shown, right.

Letter reference	Date requested	Expiry date
DC/E/070000	2018	Fri 15 Jun 2018
<b>Observations:</b> <a href="http://publicaccess.tewkesbury.gov.uk/online-applications/applicationsdetails.do?activeTab=summary&amp;keyval=p8prvgqdhnc000gprepage=intray">http://publicaccess.tewkesbury.gov.uk/online-applications/applicationsdetails.do?activeTab=summary&amp;keyval=p8prvgqdhnc000gprepage=intray</a> Ctrl+Click to follow link		
<b>8. Single storey front and rear extension.</b> Planning Application 10 Abbey Meadow Tewkesbury Gloucestershire GL20 5FF Ref. No: 18/00480/FUL   Received: Mon 14 May 2018   Validated: Mon 21 May 2018   Status: Pending Consideration		
<b>Requests for consultation</b>		
Letter reference	Date requested	Expiry date
DC/E/07000083/P9J7ODQD01P00	Wed 30 May 2018	Wed 20 Jun 2018
<b>Observations:</b>		



## TEWKESBURY TOWN COUNCIL PLANNING COMMITTEE

**Wednesday 19<sup>th</sup> August 2020**

Present: Councillors J Raywood, S Raywood, H Bowman and H Davis

In attendance: Mrs J King, Assistant Town Clerk

Also present: 1 observer and 1 member of the public

# MINUTES

The meeting commenced at 7.02pm

**P.20.091 Welcome and a reminder of how the meeting will be conducted.**

After it was established that everyone present could hear everyone else, the chairman welcomed everyone to the meeting. It was explained that, in the event of a loss of connection, everyone should try to reconnect as soon as possible. If this could not be achieved within 10 minutes then the meeting would be deemed to have been adjourned and would be reconvened on another occasion.

**P.20.092 To receive apologies for absence**

None

**P.20.093 To receive declarations of interest**

Item 21 – The Town Council owns a neighbouring property.  
Item 25 – Cllr. S Raywood is a licentiate member of the Royal Town Planning Institute

**P.20.094 To receive and consider requests for dispensations**

None



**P.20.095 Public participation** (to provide members of the public/press with the opportunity to comment on items on the agenda or raise items for future consideration. In accordance with Standing Orders this will not exceed 12 minutes in total and 3 minutes per person)

None

**P.20.096 To approve the minutes of the Planning Committee meeting held on 29<sup>th</sup> July 2020**

Proposed by Cllr. H Bowman , Seconded by Cllr. H Davis  
It was **resolved** to **approve** the minutes

**P.20.097 To receive updates on matters arising from the minutes – for information only**

None

**P.20.098 To note correspondence**

An email has been received from Tewkesbury Borough Council, cancelling the TTRP meeting that was scheduled to take place today.

The Town Council has been informed that there is an ongoing enforcement investigation into an unauthorised extension in Feltham Way. No further information is known, but it is worth noting that these things do happen and that people ought to be encouraged to seek planning advice prior to making alterations to their houses.

NALC has requested that Local Councils respond to three consultations that are they are circulating at the moment. We will look at one of these this evening. Of the other two, which not to urgent, both are relevant to this committee but one also has relevance for the Finance Committee. It may be appropriate for the two committees to consider that one together.

The Town Council has received positive and encouraging feedback to its response to Gloucestershire County Council's Local Transport Plan consultation in March.

**P.20.099 Erection of a single storey front extension, two storey side extension and single storey rear extension.**

Planning Application

32 Bramley Road Mitton Tewkesbury Gloucestershire GL20 8AQ

Ref. No: 20/00674/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QDXB35QDJM20D	Tue 28 Jul 2020	Tue 18 Aug 2020
Observations:		
No objection		



**P.20.100 Siting of a former BT Red Telephone Box**

Planning Application

23 Twixtbears Bredon Road Tewkesbury Gloucestershire GL20 5BT

Ref. No: 20/00629/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QDE8PTQDJH20C	Wed 29 Jul 2020	Wed 19 Aug 2020
Observations:  The Town Council, while sympathetic to the applicant's wishes, would like to have confirmation that such an installation would not contravene the deeds of the property and would also be interested to understand the Conservation Officer's opinion of the appropriateness of such a request within the Twixtbears area with its own particular character.		

**P.20.101 Change of use of existing offices into 7 apartments, including internal alterations, part demolition and proposed single storey extension.**

Planning Application

Thomson And Banks 27 Church Street Tewkesbury Gloucestershire

Ref. No: 20/00011/LBC

Letter reference	Date requested	Expiry date
DC/E07000083/QEN7A0QD0GF00	Thu 06 Aug 2020	Thu 20 Aug 2020
Observations:  The Town Council is pleased to see a potential resolution to the bin storage problem so that each occupant will be responsible for their bin area. It is the Town Council's opinion that the applicant has now responded satisfactorily to the Conservation Officer's concerns.		

**P.20.102 Change of use of existing offices into 7 apartments, including internal alterations, part demolition and proposed single storey extension**

Planning Application

Thomson And Banks 27 Church Street Tewkesbury Gloucestershire

Ref. No: 20/00010/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QEN6USQD0GF00	Thu 06 Aug 2020	Thu 20 Aug 2020
Observations:  The Town Council is pleased to see a potential resolution to the bin storage problem so that each occupant will be responsible for their bin area. It is the Town Council's opinion that the applicant has now responded satisfactorily to the Conservation Officer's concerns.		



**P.20.103 Demolition of existing storage shed. Erection of a garden wall and gate and internal and external alterations. (Re-submission of applications 19/01223/FUL & 19/01224/LBC)**

Planning Application

Lucia House Trinity Street Tewkesbury Gloucestershire GL20 5LH

Ref. No: 20/00648/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QDXHVDQD0IP03	Thu 23 Jul 2020	Thu 20 Aug 2020
Observations:  No objection		

**P.20.104 Demolition of existing storage shed. Erection of a garden wall and gate and internal and external alterations. (Re-submission of applications 19/01223/FUL & 19/01224/LBC)**

Planning Application

Lucia House Trinity Street Tewkesbury Gloucestershire GL20 5LH

Ref. No: 20/00649/LBC

Letter reference	Date requested	Expiry date
DC/E07000083/QDXHXNQD0IP03	Thu 23 Jul 2020	Thu 20 Aug 2020
Observations:  No objection		

**P.20.105 Change of ground floor shop (A1 Use) to residential use (C3 Use) and alteration of staircase to provide access and incorporation with dwelling above.**

Planning Application

81 Church Street Tewkesbury Gloucestershire GL20 5RX

Ref. No: 20/00560/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QCFR4LQDJ9U1M	Fri 31 Jul 2020	Fri 21 Aug 2020
Observations:  No objection		



**P.20.106 Proposed change of ground floor shop (A1 Use) to residential use (C3 Use) and alteration of staircase to provide access and incorporation with dwelling above.**

Planning Application  
81 Church Street Tewkesbury Gloucestershire GL20 5RX  
Ref. No: 20/00561/LBC

Letter reference	Date requested	Expiry date
DC/E07000083/QEC7MDQD0IP00	Fri 31 Jul 2020	Fri 28 Aug 2020
Observations:		
No objection		

**P.20.107 Variation of Conditions 2 (Approved Plans), 8 (Parking layout) and 13 (boundary treatment positions) to planning permission no.18/00968/FUL for Demolition of Existing Doctors Surgery and Erection of 3 No. 3 bedroom dwellings, associated landscaping and parking.**

Planning Application  
Doctors Surgery Chance Street Tewkesbury Gloucestershire GL20 5RF  
Ref. No: 20/00678/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QE6N89QD0K000	Tue 28 Jul 2020	Tue 25 Aug 2020
Observations:		
<p>The Town Council considers the proposed amendment to the parking arrangement to be an improvement because the view from the street will no longer be dominated by cars. This should also be a safer solution as it reduces the need for cars to reverse out of the site in an area where there are likely to be high numbers of school children and cyclists. The Council, therefore, has no objection.</p>		

**P.20.108 Variation of condition 2 (approved plans) for approved planning application 18/00927/FUL to allow for the change in the external appearance**

Planning Application  
Edgwick's Ltd Northway Lane Newtown Tewkesbury Gloucestershire GL20 8JG  
Ref. No: 20/00607/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QDIH2TQD0IU00	Wed 29 Jul 2020	Wed 26 Aug 2020
Observations:		
<p>The Town Council has no objection to the proposed change to the external wall treatment. The Town Council would be interested to know how long it is anticipated that the temporary building will be on site.</p>		



**P.20.109 Erection of an extension to existing industrial unit to provide additional storage**

Planning Application

Unit 7 Gannaway Lane Newtown Tewkesbury Gloucestershire GL20 8FD

Ref. No: 20/00652/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QDINB2QDJJ60Y	Tue 11 Aug 2020	Tue 01 Sep 2020
Observations:		
No objection, subject to the approval of Gloucestershire County Highways, Severn Trent Water and Land Drainage Advice		

**P.20.110 Erection of a single storey front extension and single storey rear extension.**

Planning Application

The Orchard 20 Spa Gardens Tewkesbury Gloucestershire GL20 8DR

Ref. No: 20/00681/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QE461RQDJMZ0F	Tue 11 Aug 2020	Tue 01 Sep 2020
Observations:		
No objection		

**P.20.111 Reform ground floor front openings & internal alterations for disabled person lift/access**

Planning Application

Calico House Back Of Avon Tewkesbury Gloucestershire GL20 5BA

Ref. No: 20/00614/FUL

Letter reference	Date requested	Expiry date
DC/E07000083/QEOY8UQD0M602	Fri 07 Aug 2020	Fri 04 Sep 2020
Observations:		
No objection		

**P.20.112 To note any additional information on the Planning Portal regarding applications to which this committee has already responded, and agree further actions**

None

In accordance with Standing Order (3y), which says that a remote meeting shall not exceed one and a half hours, it was unanimously agreed at this stage, to extend the length of the meeting by 20 minutes, at the end of which, it was unanimously agreed to extend the meeting by a further 10 minutes, making a total extension time of 30 minutes.



**P.20.113 To note any additional applications on the Planning Portal which will expire before 9th September 2020 and agree further actions**

There are two applications, which will expire on the 7<sup>th</sup> and 8<sup>th</sup> September. Given the heavy workload of this evening's meeting, the Chairman will contact the Planning Authority to request a short extension of time for these, so that they can be considered when this committee next meets.

**P.20.114 To agree a response to the emerging Ashchurch Rural Parish Council's Neighbourhood Development Plan [ashchurchruralpc.org.uk](http://ashchurchruralpc.org.uk)**

The committee agreed the essence of their proposed answers to the thirteen questions in the ARNDP consultations. The wording of these will be reviewed and improved further through email correspondence, prior to distribution amongst all councillors and then submission to ARCP.

**P.20.115 To discuss a response to proposed Changes to the Planning System, and agree further actions**

It was agreed to set up a working party to meet next week in the Mayor's Parlour, in order to draft a response, which will be presented for discussion and amendment at the next Planning Committee meeting and then to Full Council. Working party members will be Cllrs. J Raywood, S Raywood, H Bowman and H Davis

**P.20.116 To note the decisions made in July, in respect of planning applications to Tewkesbury Borough Council**

Item deferred until 9<sup>th</sup> September

**P.20.117 To receive an update on recent email correspondence to MP Lawrence Robertson and to agree further actions**

Item deferred until 9<sup>th</sup> September

The meeting closed at 9.02pm.

**Signature of Chairman**

**Date**

10 AUGUST 2020

## PC10-20 | CHANGES TO THE CURRENT PLANNING SYSTEM

### Summary

The Ministry of Housing, Communities and Local Government has issued a new consultation on changes to the planning system. This consultation seeks views on a range of proposed changes to the current planning system including: changes to the standard method for assessing local housing need, securing of First Homes through developer contributions, temporarily lifting the small sites threshold and extending the current Permission in Principle to major development. The main consultation document can be found [here](#).

### Consultation questions

NALC will be responding to the consultation questions as follows:

1. Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?
2. In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why
3. Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.
4. Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.
5. Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

6. Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

7. Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

If not, please explain why. Are there particular circumstances which need to be catered for?

8. The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

- i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.
- ii) Negotiation between a local authority and developer.
- iii) Other (please specify)

With regards to current exemptions from delivery of affordable home ownership products:

9. Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

10. Are any existing exemptions not required? If not, please set out which exemptions and why.

11. Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

12. Do you agree with the proposed approach to transitional arrangements set out above?

13. Do you agree with the proposed approach to different levels of discount?

14. Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

15. Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

16. Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

17. Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

18. What is the appropriate level of small sites threshold? i) Up to 40 homes ii) Up to 50 homes iii) Other (please specify)
19. Do you agree with the proposed approach to the site size threshold?
20. Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?
21. Do you agree with the proposed approach to minimising threshold effects?
22. Do you agree with the Government's proposed approach to setting thresholds in rural areas?
23. Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?
24. Do you agree that the new Permission in Principle should remove the restriction on major development?
25. Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.
26. Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?
27. Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.
28. Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:
- i) required to publish a notice in a local newspaper?
  - ii) subject to a general requirement to publicise the application or
  - iii) both?
  - iv) Disagree
29. Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?
30. What level of flat fee do you consider appropriate, and why?

31. Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

32. What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

33. What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

34. To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

35. In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

Your evidence

Please email your responses to this consultation to [policycomms@nalc.gov.uk](mailto:policycomms@nalc.gov.uk) by 17.00 on 17 September 2020. County associations are asked to forward this briefing onto all member councils in their area.

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10 AUGUST 2020

## PC11-20 | WHITE PAPER: PLANNING FOR THE FUTURE

### Summary

The Ministry of Housing, Communities and Local Government has issued a new consultation on planning for the future. This consultation seeks any views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed. The main consultation document can be found [here](#).

First, we will streamline the planning process with more democracy taking place more effectively at the plan-making stage, and will replace the entire corpus of plan-making law in England to achieve this:

- Simplifying the role of Local Plans, to focus on identifying land under three categories
- Growth areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan
- Renewal areas suitable for some development, such as gentle densification; and Protected areas where – as the name suggests – development is restricted. This could halve the time it takes to secure planning permission on larger sites identified in plans. We also want to allow local planning authorities to identify sub-areas in their Growth areas for self- and custom-build homes, so that more people can build their own homes.

Local Plans should set clear rules rather than general policies for development. We will set out general development management policies nationally, with a more focused role for Local Plans in identifying site- and area-specific requirements, alongside locally produced design codes. This would scale back the detail and duplication contained in Local Plans, while encouraging a much greater focus on design quality at the local level. Plans will be significantly shorter in length (we expect a reduction in size of at least two thirds), as they will no longer contain a long list of “policies” of varying specificity – just a core set of standards and requirements for development.

Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities as they consult on Local Plans. Our reforms will democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and

often some not, to shape outcomes. We want to hear the views of a wide range of people and groups through this consultation on our proposed reforms.

- Local Plans should be subject to a single statutory “sustainable development” test, and unnecessary assessments and requirements that cause delay and challenge in the current system should be abolished. This would mean replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate.
- Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template. Plans should be significantly shorter in length, and limited to no more than setting out site- or area-specific parameters and opportunities.
- Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total) for key stages of the process, and there will be sanctions for those who fail to do so. • Decision-making should be faster and more certain, within firm deadlines, and should make greater use of data and digital technology.

We will seek to strengthen enforcement powers and sanctions so that as we move towards a rules-based system, communities can have confidence those rules will be upheld.

- We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms – so that, as we bring in our reforms, local planning authorities are equipped to create great communities through world-class civic engagement and proactive plan-making.

Second, we will take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data. We will:

- Support local planning authorities to use digital tools to support a new civic engagement process for Local Plans and decision-making, making it easier for people to understand what is being proposed and its likely impact on them through visualisations and other digital approaches. We will make it much easier for people to feed in their views into the system through social networks and via their phones.
- Insist local plans are built on standardised, digitally consumable rules and data, enabling accessible interactive maps that show what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector.
- Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on, including planning decisions and developer contributions. Approaches for fixing the

underlying data are already being tested and developed by innovative local planning authorities and we are exploring options for how these could be scaled nationally.

- Work with tech companies and local authorities to modernise the software used for making and case-managing a planning application, improving the user-experience for those applying and reducing the errors and costs currently experienced by planning authorities. A new more modular software landscape will encourage digital innovation and will consume and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, making decision-making faster and more certain.

- Engage with the UK PropTech sector through a PropTech Innovation Council to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

Third, to bring a new focus on design and sustainability, we will:

- Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits, by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.

- Facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

- Ask for beauty and be far more ambitious for the places we create, expecting new development to be beautiful, and to create a 'net gain' not just 'no net harm', with a greater focus on 'placemaking' and 'the creation of beautiful places' within the National Planning Policy Framework.

Make it easier for those who want to build beautifully through the introduction of a fast-track for beauty through changes to national policy and legislation, to automatically permit proposals for high-quality developments where they reflect local character and preferences.

- Introduce a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing England's unique ecosystems.

- Expect design guidance and codes – which will set the rules for the design of new development – to be prepared locally and to be based on genuine community involvement rather than meaningless consultation, so that local residents have a genuine say in the design of new development, and ensure that codes have real 'bite' by making them more binding on planning decisions.

- Establish a new body to support the delivery of design codes in every part of the country, and give permanence to the campaigning work of the Building Better, Building Beautiful Commission and the life of its co-chairman the late Sir Roger Scruton.
- Ensure that each local planning authority has a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
- Lead by example by updating Homes England's strategic objectives to give greater emphasis to delivering beautiful places.
- Protect our historic buildings and areas while ensuring the consent framework is fit for the 21st century.

Fourth, we will improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions. We propose:

- The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally set, value-based flat rate charge (the 'Infrastructure Levy'). A single rate or varied rates could be set. We will aim for the new Levy to raise more revenue than under the current system of developer contributions, and deliver at least as much – if not more – on-site affordable housing as at present. This reform will enable us to sweep away months of negotiation of Section 106 agreements and the need to consider site viability. We will deliver more of the infrastructure existing and new communities require by capturing a greater share of the uplift in land value that comes with development.
- We will be more ambitious for affordable housing provided through planning gain, and we will ensure that the new Infrastructure Levy allows local planning authorities to secure more on-site housing provision.
- We will give local authorities greater powers to determine how developer contributions are used, including by expanding the scope of the Levy to cover affordable housing provision to allow local planning authorities to drive up the provision of affordable homes. We will ensure that affordable housing provision supported through developer contributions is kept at least at current levels, and that it is still delivered on-site to ensure that new development continues to support mixed communities. Local authorities will have the flexibility to use this funding to support both existing communities as well as new communities.
- We will also look to extend the scope of the consolidated Infrastructure Levy and remove exemptions from it to capture changes of use through permitted development rights, so that additional homes delivered through this route bring with them support for new infrastructure

Fifth, to ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres, we propose:

- A new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.
- To speed up construction where development has been permitted, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.
- To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, we will consult on options for improving the data held on contractual arrangements used to control land.
- To make sure publicly owned land and public investment in development supports thriving places, we will: – ensure decisions on the locations of new public buildings – such as government offices and further education colleges – support renewal and regeneration of town centres; and – explore how publicly owned land disposal can support the SME and self-build sectors.

#### Proposal 9:

Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools. Since statutory Neighbourhood Plans became part of the system in 2011, over 2,600 communities have started the process of neighbourhood planning to take advantage of the opportunity to prepare a plan for their own areas – and over 1,000 plans have been successfully passed at referendum. They have become an important tool in helping to ‘bring the democracy forward’ in planning, by allowing communities to think proactively about how they would like their areas to develop. Therefore, we think Neighbourhood Plans should be retained in the reformed planning system, but we will want to consider whether their content should become more focused to reflect our proposals for Local Plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users. By making it easier to develop Neighbourhood Plans we wish to encourage their continued use and indeed to help spread their use further, particularly in towns and cities.

We are also interested in whether there is scope to extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they

are happy to see. Digital tools have significant potential to assist the process of Neighbourhood Plan production, including through new digital co-creation platforms and 3D visualisation technologies to explore proposals within the local context. We will develop pilot projects and data standards which help neighbourhood planning groups make the most of this potential.

#### Consultation questions

NALC will be responding to the consultation questions as follows:

1. What three words do you associate most with the planning system in England?
2. Do you get involved with planning decisions in your local area? [Yes / No]  
  
(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]
3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]
4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]
5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]
7. Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]
  - (b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?
8. (a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]
  - (b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]
9. (a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]
  - (b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]
  - (c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]
10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]
11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]
12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

13. (a) Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]
- (b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?
14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]
15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]
16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]
17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]
18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]
19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]
20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]
21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

22. (a) Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]
- (b) Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]
- (c) Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]
- (d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]
23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]
24. (a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]
- (b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]
- 24 (c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]
- 24 (d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]
- 25 Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

(a) If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Your evidence

Please email your responses to this consultation to [policycomms@nalc.gov.uk](mailto:policycomms@nalc.gov.uk) by 17.00 on 15 October 2020. County associations are asked to forward this briefing on to all member councils in their area.

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10 AUGUST 2020

## PC12-20 | TRANSPARENCY AND COMPETITION: DATA AND LAND CONTROL

### Summary

The Ministry of Housing, Communities and Local Government has issued a call for evidence on data and land control. This call for evidence seeks views on proposals to require additional data from the beneficiaries of certain types of interests in land—rights of pre-emption, options and estate contracts. It also seeks views on the design of the policy and additional evidence on the impacts of the policy. The main document can be found [here](#).

### Consultation questions

NALC will be responding to the consultation questions as follows:

#### 1. The Public Interest

Do you think there is a public interest in collating and publishing additional data on contractual controls over land?

#### 2. Rights of pre-emption and options

(a) Do you think that the definition of rights of pre-emption and land options in the Finance Act 2003, s. 4616 is a suitable basis for defining rights of pre-emption and options that will be subject to additional data requirements? Please give reasons.

(b) Is the exemption for options and rights of pre-emption for the purchase or lease of residential property for use as a domestic residence sufficient to cover: • options relating to the provision of occupational housing and • shared ownership schemes? Please give reasons.

(c) Are there any types of rights of pre-emption or options that do not fall under the scope of the definition in the Finance Act 2003, s. 46? Please give reasons

#### 3. Estate contracts

Are the tests set out above sufficient to avoid inadvertently capturing transactions not related to the development of land? If not, please give examples.

#### 4. Other contractual controls

(a) Are there any contractual arrangements by which control can be exercised over the purchase or sale of land, which should be included within this regime and which are not rights of pre-emption, options or estate contracts? Please give examples.

(b) If so, do you consider them (i) an interest in land (interests that are capable of being protected by way of a notice on the land register); or (ii) not an interest in land? Please give reasons.

#### 5: Data requirements

(a) Are there any data fields that (i) should; or (ii) should not be subject to additional data requirements? Please give reasons.

(b) Are there any data fields that (i) should; or (ii) should not be placed on the land register? Please give reasons.

(c) Are there any data fields that (i) should; or (ii) should not be included in a contractual control interest dataset? Please give reasons.

(d) Are there other data fields that should be collected? Please give reasons.

(e) Do any of the data fields give rise to privacy risks? Please give reasons.

#### 6. Contractual conditions

(a) Are there any data fields that (i) should; or (ii) should not be subject to additional data requirements? Please give reasons.

(b) Are there any data fields that (i) should; or (ii) should not be placed on the land register? Please give reasons.

(c) Are there any data fields that (i) should; or (ii) should not be included in a contractual control interest dataset? Please give reasons.

#### 7. Legal Entity Identifiers

Should legal entities that are beneficiaries of contractual arrangements be asked to provide a Legal Entity Identifier? Please give reasons

#### 8. Data currency

(a) Should beneficiaries be required to provide updated information on: • variation • termination, or • assignment or novation? Please give reasons.

(b) Are there other ways in which data currency could be maintained?

#### 9. Accounting treatment

If your organisation is required to produce annual accounts, when are: (i) rights of preemption; (ii) options; and (iii) estate contracts recognised on the balance sheet? Please give reasons and state the accounting standard used.

#### 10. Existing contractual control interests

(a) Should the requirement to supply additional data be limited to: (i) new contractual control interests only; or (ii) all extant interests? Please give reasons.

(b) How long should beneficiaries of an extant contractual control interests that is varied, assigned or novated be given to provide additional data before losing protection: (i) three months; or six months?

#### 11. Current beneficiaries

What are the best ways of informing current beneficiaries of the need to provide additional data? Please give reasons.

#### 12. A digital process?

Should the provision of additional data prior to the application process for an agreed notice be exclusively digital (with assisted digital support if required)? Please give reasons.

#### 13. Certification

Should beneficiaries of contractual control interests with a duty to produce annual accounts be required to certify that all relevant interests have been noted? Please give reasons.

#### 14. Restrictions

(a) Should beneficiaries of contractual control interests be required to obtain an agreed notice before they could apply for a restriction? Please give reasons.

(b) Should the protections of restrictions placed on an un-noted contractual control interest be (i) limited; or (ii) removed? Please give reasons.

c) If the Government accepts the Law Commission's recommendation on restrictions, should contractual control interest fall into the category of interest that cannot be capable of protection by way of a restriction? Please give reasons.

#### 15. Alternative options

(a) Should a mandatory system be introduced whereby the beneficiary of a contractual control interest would, where it is possible to do so, be required to note their interest with HMLR? Please give reasons.

(b) If so, how should the system be enforced? Please give reasons.

#### 16. Current practice

(a) If you are a beneficiary of a right of pre-emption, option or estate contract, please indicate how you protect your interest.

	Notice		Restriction	Other	Do not protect
	Agreed	Unilateral			
Right of pre-emption					
Option					
Estate contract					

(b) What factors influence your choice? Please give reasons.

#### 17. Data collation and provision

(a) Are there any data fields in Annex A that contracting parties would not have readily to hand? Please list them.

(b) What is your estimate of the time needed to provide the additional data?

(c) Does your entity hold a Legal Entity Identifier?

#### 18. Data currency

What additional work (over and above the time and cost of preparing annual accounts) would your organisation need to undertake to identify contractual control interests that needed to be updated?

#### 19. Certification

What additional work (over and above the time and cost of preparing annual accounts) would your organisation need to undertake to certify in your organisation's annual accounts that all relevant contractual control interests had been noted on the land register where the land is registered?

#### 20. Economic impact

What impact, if any, do you think that these proposals will have on the English land market (residential and commercial)? Please describe the effects and provide evidence.

#### 21. Costs

What impact, if any, do you think that these proposals will have on the costs incurred by participants in the English land market (residential and commercial)? Please describe the effects and provide evidence.

#### 22. Identifying and understanding contractual control interests

(a) Can you estimate the amount of (i) time and (ii) money that you have spent on identifying land affected by a contractual control interest?

(b) What is the source of your information?

(c) Can you estimate the amount of (i) time and (ii) money that you have spent on seeking professional advice on exactly how a contractual control interest affects a piece of land?

#### 23. Market impact

(a) If you are a small or medium enterprise (SME) builder or developer, do contractual controls hinder your ability to assess the viability of a local market? Please give reasons.

(b) If you are an SME builder or developer, does a lack of freely accessible and understandable data act as a barrier to you entering the market? Please give reasons.

#### 24. Trust in the planning system

(a) Do you think that a lack of accessible and understandable data on contractual controls makes it more difficult for local communities to understand the likely pattern of development? Please give reasons.

(b) If so, to what extent does it undermine trust and confidence in the planning system: (i) not much; (ii) somewhat; (ii) a great deal? Please give reasons.

#### 25. Public Sector Equality Duty

What impact, if any, do you think that these proposals will have on people who share protected characteristics<sup>20</sup>? Please describe the effects and provide evidence.

Your evidence

Please email your responses to this consultation to [policycomms@nalc.gov.uk](mailto:policycomms@nalc.gov.uk) by 17.00 on 16 October 2020. County associations are asked to forward this briefing onto all member councils in their area.

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### Planning outcomes in July 2020 for applications made to Tewkesbury Borough Council.

Planning Reference	Description	Location	Decision
20/00512/PDE	Erection of a single storey rear extension	4 Derwent Drive Mitton Tewkesbury Gloucestershire GL20 8AZ	PD/Prior Approval - no objections
20/00377/OUT	Outline application for 1 dwelling including access and associated works (layout, scale, appearance and landscaping to be reserved for future consideration)	52 Churchill Grove Newtown Tewkesbury Gloucestershire GL20 8EL	Application Withdrawn
20/00291/LBC	Retention of wall mounted external heater.	Berkeley Arms Church Street Tewkesbury Gloucestershire GL20 5PA	Consent
20/00293/FUL	Change of use from use class A1 to tattoo parlour (Sui Generis)	16 Barton Street Tewkesbury Gloucestershire GL20 5PP	Permit
20/00260/FUL	Erection of a single storey front extension and two storey rear extension	The Orchard 20 Spa Gardens Tewkesbury Gloucestershire GL20 8DR	Refuse
20/00269/LBC	Removal of stud partition wall and installation of 1no. hanging sign and 2no. window signs	7 Barton Street Tewkesbury Gloucestershire GL20 5PP	Consent
20/00037/FUL	Change of use from financial premises (Use Class A2) to dental surgery (Use Class D1)	7 Barton Street Tewkesbury Gloucestershire GL20 5PP	Permit

<b>Planning Reference</b>	<b>Description</b>	<b>Location</b>	<b>Decision</b>
20/00038/ADV	Installation of 1no. hanging sign and 2no. window signs	7 Barton Street Tewkesbury Gloucestershire GL20 5PP	Consent

### **Recommendation**

The planning committee note the outcome in July 2020 of Planning Applications submitted to Tewkesbury Borough Council within the Parish of Tewkesbury Town.



**Planning outcomes in August 2020 for applications to Tewkesbury Borough Council.**

Planning Reference	Description	Location	Decision
20/00590/PDE	Erection of a single storey rear extension	6 Elmbury Drive Newtown Tewkesbury Gloucestershire GL20 8DQ	PD/Prior Approval - no objections
20/00511/FUL	Erection of a timber balcony	18 King Johns Court Tewkesbury Gloucestershire GL20 6EG	Permit
20/00157/FUL	Alterations and re-roofing of existing outbuilding	22 Barton Street Tewkesbury Gloucestershire GL20 5PR	Permit
20/00158/LBC	Alterations and re-roofing of existing outbuilding	22 Barton Street Tewkesbury Gloucestershire GL20 5PR	Consent
19/01141/FUL	Erection of a fence	34 Abbots Road Tewkesbury Gloucestershire GL20 5TF	Permit

**Recommendation**

The planning committee note the outcome in August 2020 of Planning Applications submitted to Tewkesbury Borough Council within the Parish of Tewkesbury Town.