

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	20 April 2021
Site Location:	Bell House Farm Old Road Maisemore Gloucester Gloucestershire GL2 8HT
Application No:	20/01074/FUL
Ward:	Highnam With Haw Bridge
Parish:	Maisemore
Proposal:	Variation of condition 2 (drawing schedule) attached to planning permission 14/00965/FUL (residential development comprising of 15 dwellings) to allow for minor alterations to plots 6, 7, 12, 13 & 14 and revised drainage arrangements.
Report by:	Adam White
Appendices:	Site layout plan. Elevations and floorplans (plots 13 & 14). Plot 12 garage plans. Revised drainage plans.
Recommendation:	Delegated Permit.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The application relates to a site formally known as Bell House Farm, located adjacent to the A417 on the western edge of Maisemore village (**see attached location plan**). Planning permission was granted in 2015 for the demolition of curtilage listed outbuildings and the erection of 15 dwellings (Ref: 14/00965/FUL). Those works have commenced on site and are now well advanced.
- 1.2. The current application seeks to vary condition 2 (drawing schedule) attached to the planning permission to allow for minor alterations to plots 6, 7, 12, 13 & 14 (**see attached plans**). Those changes are summarised as follows:
 - Removal of garages from plot 13 & 14 and replacement with tandem parking spaces.
 - House type G (plot 13) – amendments to internal layout and first floor windows on side elevation.
 - House type H (plot 14) – amendments to internal layout and first floor windows on side elevation removed.
 - Garage design to plot 12 amended.
 - Plots 6 & 7 repositioned closer to plots 8 & 9 due to levels adjacent to the boundary with the neighbouring properties.
- 1.3. The proposal also includes revised drainage arrangements.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
14/00965/FUL	Demolition of existing curtilage listed outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (Revised scheme further to Ref: - 14/00089/FUL)	PER	19.10.2015
14/00966/LBC	Demolition of existing curtilage listed outbuildings and proposed residential development comprising of 15 dwellings and associated landscaping, parking and garaging (Revised scheme further to Ref: 14/00090/LBC)	CONSEN	22.04.2015
20/00509/FUL	Proposed erection of a pair of semi-detached dwellings and associated car parking	PCO	

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

3.3. Policies: SD4, SD7, SD8, SD10, SD12, SD14, INF1, INF2, INF7.

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

3.4. Policies: RES5, ENV2, TRAC9.

3.5. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).

3.6. The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

4.1. Maisemore Parish Council – Object to the revised drainage details.

4.2. Conservation Officer – No objections.

4.3. Lead Local Flood Authority – No objections.

4.4. Drainage Consultant – No objections.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days. However, no representations have been received at the time of writing this report.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination and hearing sessions commenced on the 16th February 2021. Whilst not currently forming part of the development plan, policies contained in the emerging Borough Plan can be given weight in determining applications. The weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1. The principle of this development has been established by the previous planning permission that has been implemented on site. The consideration of this application is therefore restricted to the proposed amendments to the scheme.

Proposed amendments

- 7.2. The application proposes the removal of the garages from plots 13 and 14 to be replaced with tandem parking. Due to the loss of the garage to plot 13, a single garage is now proposed to plot 12. These changes would not materially affect the parking arrangements on the site and is considered to be acceptable.
- 7.3. Amendments to the internal layout of plots 13 and 14 are proposed, which would also include an amendment to the first-floor windows on the side elevation of plot 13 and the removal of the first floor windows on the side elevation of plot 14. It is considered that the internal changes are inconsequential and the amended window arrangements do not raise any issues in terms of overlooking. These changes are considered to be acceptable.
- 7.4. It is proposed to reposition plots 6 & 7 closer to plots 8 & 9 due to the levels adjacent to the boundary with the neighbouring properties. This change is minor and would not materially affect the streetscene and would have a negligible impact on neighbouring property. This change is considered to be acceptable.

Drainage

- 7.5. In addition to the changes set out above, the application seeks to amend the drainage details that were approved under the previous application (Ref: 14/00965/FUL). The most significant change is that the foul drainage is now shown connecting directly into the existing sewer network. It is understood that this connection has already been made.
- 7.6. The Parish Council has raised strong objections to the revised drainage details due to the historical problems with the drainage network in the village. It is stated that Severn Trent Water have not undertaken any improvement works to the sewer system since the original application was permitted. The Parish Council and residents originally raised these concerns on the initial application. In response to those concerns, a condition was attached to secure surface water and foul drainage details prior to the commencement of development. The conditions states that foul sewage disposal shall be via a package treatment plan only. Drainage details were subsequently submitted and approved by the Council.
- 7.7. The applicant states that the previously approved drainage scheme was flawed as a sewage treatment plant located under the road would preclude most types of treatment plant, such as a Biodisc for example. In addition, the location of the sewage treatment plant would not comply with Building Regulations and there is no other suitable location within the site.
- 7.8. Whilst the Parish Council's concerns are noted, it is evident that Severn Trent Water have already approved a connection into the existing system. In a letter to the developer, Severn Trent Water confirms that the foul flows from the development should not have an adverse hydraulic impact on the existing network. They note reported incidences of flooding in the area but they state that the proposed development would not exacerbate the situation. Moreover, following consultation with the Lead Local Flood Authority and the Council's drainage consultant, no objections are raised in respect of the revised drainage details. In light of this, it is considered that it would be very difficult to reasonably sustain an objection on this basis.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1. It is considered that the proposed changes to plots 6, 7, 12, 13 & 14 are minor in the context of the previously permitted scheme and are acceptable. In terms of the drainage, whilst the Parish Council's concerns are noted, for the reasons set out in the report, it is considered that the proposed revised drainage details are also acceptable. The application is therefore recommended for **Delegated Permit subject to the completion of a Deed of Variation to ensure that the provisions on the original S106 Agreement are carried forward.**

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Layout (AQC20.01-102)
 - Boundary Treatment Plan (AQC20.01-103)
 - Garage - Floor Plans & Elevations (BZL13.08-115)
 - Site Levels (BZL13.08-118)
 - Type A - Floor Plans & Elevations (BZL13.08-104)
 - Type B - Floor Plans & Elevations (BZL13.08-105)
 - Type C - Floor Plans & Elevations (BZL13.08-106 Rev A)
 - Type D - Floor Plans & Elevations (BZL13.08-107)
 - Type E - Floor Plans & Elevations (BZL13.08-108)
 - Type F - Floor Plans & Elevations (BZL13.08-109 Rev A)

- Type G – Floor Plans & Elevations (AQC20.01-104)
- Type H – Floor Plans & Elevations (AQC20.01-105)
- Type J - Floor Plans & Elevations (BZL13.08-112)
- Type K – Floor Plans (BZL13.08-113)
- Type K - Elevations (BZL13.08-114)
- P12 Garage – Floor Plans and Elevations (AQC20.01-106)
- Soft Landscaping Plan – 6425/W/100
- Landscaping Implementation Strategy - dated 26.10.2020
- Planting Schedule Info - 6425-W-3500
- Drainage Layout – C00
- Manhole Schedule – C05 Rev B
- Drainage Design Statement – dated September 2020

Reason: To ensure that the development permitted is carried out in accordance with the approved plans.

2. No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

3. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity.

4. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4 m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 80 m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained.

5. No dwelling on the development shall be occupied until the carriageway (including surface water drainage/disposal, vehicular turning head and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway to surface course level.

Reason: In the interest of highway safety and to ensure safe and suitable access has been provided for all people.

6. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan AQC20.01-102 (Site Layout) and those facilities shall be maintained available for those purposes for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

7. No external lighting shall be erected on any part of the site without the prior express permission of the approval of the Local Planning Authority.

Reason: To protect the amenities of nearby residential property and in the interests of visual amenity.

8. The development hereby permitted shall be in accordance with the Ecological Working Method Statement previously approved under application reference 14/00965/FUL.

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

9. The development hereby permitted shall be implemented in accordance with the approved drainage details before the development is first brought into use and maintained as such thereafter.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

10. The development hereby approved shall be constructed in accordance with the details contained in the STROMA Tech SAP Input Report received 10.08.2018 and previously approved under application reference 14/00965/FUL.

Reason: To minimise emissions and to ensure a high level of energy efficiency.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating amendments to the material and external colour of the proposal.