

LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 6TH FEBRUARY 2018

ITEM 5 –LAND SOUTH OF RECTORY LANE – 17/00488/FUL

Correction to Report

Paragraph 6.14 should read:

The front elevation of the approved dwelling, (excluding the porch), was shown set back from the edge of Rectory Lane by between approximately 23 and 25 metres. The house as built and the subject of the current application is set more forward within the site by between **approximately 4 and 4.8 metres** and is set back from Rectory Lane by between approximately 19 and 22 metres.

Representations

An additional representation from a neighbour has been received together with an objection from the Hempsted Residents Association raising the following issues:

Neighbour – The original application was refused because the building was an eyesore and situated adjacent to the Landscape and Conservation Area of Hempsted. In this respect nothing has changed and the application should be rejected.

The application granted on appeal was for a modest cottage style 3 bedroom house. The house built is much larger in footprint and height. Confused and dismayed that the build had been allowed to progress.

The drawings originally submitted were incorrect and misleading and the Council authorised and recruited an independent surveyor to survey the site at the tax payer's expense.

The site drawing shows a 2 metre brick wall to be built adjacent to Chartwell Close and does not provide any space to allow the occupiers to maintain their retaining wall and fence.

When the site was cleared and flattened the pond was filled in destroying the land drainage system that runs through the gardens of 7, 8, 9 and 10 Chartwell Close. Pond should be reinstated to correct the flooding issues and provide mitigation measures for Great Crested Newts.

Concerned that anyone can build anything and submit a retrospective application which will be accepted. This should be corrected by rejecting the application.

Hempsted Residents Association – The Planning Inspector stated the main issues were the effect of the proposal on the local landscape and whether it would constitute a sustainable form of development.

He stated that the property is in a Landscape Conservation Area. Policy LCA.1 of the SDLP states that development will not be permitted where it would detract from the particular qualities and character of LCAs.

He also stated the public Footpaths to the West of the dwelling the property would be set lower than the Chartwell Close properties and consequently would not break the skyline. The modest proportions of the dwelling and additional landscaping proposed would help assimilate the development into its rural surroundings therefore there is no conflict with Policy LCA.1 of the SDLP.

The much enlarged build dominates the skyline from the Public Footpaths to the West and from the Hempsted Conservation Area to the North. It does not assimilate into its rural surroundings, it is intrusive and discordant in the local landscape, it creates a material loss of landscape quality and character so does not comply with Policy LCA.1 of the SDLP or SD6 and SD8 of the Joint Core Strategy as adopted on 11 December 2017.

It is not a sustainable development and should be rejected.

Amended Conditions

It is recommended that condition 5 in relation to boundary treatments be removed.

An additional condition is recommended withdrawing permitted development rights relating the ground floor windows in the west (side) elevation adjacent to the boundary with Foxleigh.

Amended Recommendation of the City Growth and Delivery Manager

That delegated authority is given to the City Growth and Delivery Manager to grant planning permission on receipt of an updated ecological report and landscaping plan as referred to in paragraph 6.58 subject to the following conditions:

Condition 1

The development hereby permitted shall be carried out in accordance with the approved drawings comprising:

- TV108 Rev 4.0 - Site / Block Plan received on 20th December 2017
- Location Plan – received on 15th December 2017
- TV100 Rev 1.5 – Elevations received 10th June 2017
- TV120 Rev 2.0 – Drainage Layout received 15th December 2017.

except where otherwise required by conditions of this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 2

The scheme for the surface water drainage shall be implemented in accordance with the approved details, comprising of the pond details and calculations submitted on

12th September 2017 and drawing no. TV120 Rev 2.0, before the first occupation of the development and maintained thereafter in accordance with the approved details for the life of the development.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding in accordance with Policy INF2 of the adopted Joint Core Strategy (2017).

Condition 3

The pond shall be constructed, and maintained, such that there is a free outfall from the land drain, and that any over spill from the pond would be diverted in a southerly direction away from the properties. The pond shall be maintained on an annual basis to ensure that at all least 50% of the surface area remains free of vegetation, and at least 75% of the pond depth remains free of silt and debris. The maintenance shall only be carried out between 1st November and 31st January. If any signs of newts are found prior to, or during maintenance, work shall stop immediately and a professional ecologist consulted.

Reason

To ensure that the pond does not become overrun with debris, silt and vegetation, and to ensure that maintenance is carried out in a manner which reduces the risk of harm to protected species. To ensure that the risk of flooding to neighbouring properties is reduced in accordance with policies SD9 and INF2 of the adopted Joint Core Strategy (2017).

Condition 4

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SD14 of the adopted Joint Core Strategy (2017).

Condition 5

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that

Order), no windows or other openings shall be constructed in the west (side) elevation of the dwelling hereby permitted.

Reason

In order to protect the residential amenity of adjacent property in accordance with Policies SD4 and SD14 of the adopted Joint Core Strategy (2017).

Condition 6

The mitigation measures identified in the Great Crested Newt Method Statement and Action Plan shall be implemented in full prior to the first occupation of the dwelling and shall be maintained in good condition on site thereafter for the life of the development.

Reason

To ensure that the nature conservation interest of the site is protected in accordance with Policy SD9 of the adopted Joint Core Strategy (2017).

Condition 8

The approved landscaping scheme shall be completed prior to the occupation of the dwelling. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policy SD4 of the adopted Joint Core Strategy (2017).

Condition 9

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. TV108 Rev 4.0 with any gates situated at least 5.0 metres back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained as such for the duration of the development.

Reason

To reduce potential highway impact by ensuring the access is suitably laid out and constructed in accordance with Policy INF1 of the adopted Joint Core Strategy (2017).

Condition 10

The building hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. TV108 Rev 4.0 and those facilities shall be retained available for that purpose 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 in accordance with Policy INF1 of the adopted Joint Core Strategy (2017).

Condition 11

During the construction (including demolition and preparatory groundworks) phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with Policy SD14 of the adopted Joint Core Strategy (2017).

Condition 12

The construction works shall be undertaken strictly in accordance with the submitted Method Statement (received on 24th May 2017).

Reason

To safeguard residential amenity and prevent pollution in accordance with policy SD14 of the adopted Joint Core Strategy (2017).

Condition 13

No materials or substances shall be burnt within the application site during the construction (including demolition and preparatory groundworks) phase.

Reason

To safeguard residential amenity and prevent pollution in accordance with Policy SD14 of the adopted Joint Core Strategy (2017).

Notes

1. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
2. Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:
 - Work on an existing wall or structure shared with another property
 - Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
 - Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act 1996. There are no requirements or duty on the part of the local

authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

3. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulation approval. There is a pumping station close to the planning application site. Furthermore, any new development must not restrict our access to the sewerage pumping station. Please note, due to the close proximity of the proposed new development the occupant may experience noise/smell pollution.

4. Wildlife and Countryside Act 1981 (as amended) - Birds

All birds, their nests and eggs are protected by law and it is thus an offence to:

Intentionally kill, injure or take any wild bird

Intentionally take damage or destroy the nest of any wild bird whilst it is in use or being built

Intentionally take or destroy the egg of any wild bird

Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to £5,000, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Local Planning Authority.

ITEM 6 LAND AT ST JAMES CITY FARM, ALBANY STREET – 17/00833/FUL

Additional Information from the Applicant

The applicant has provided a statement dated 1st February 2018 in relation to the management of horse muck as follows:

The muck is piled on a flatbed trailer which is located on the farm property itself, next to the storage container by the main gates, on Albany St.

The muck heap is removed by trailer and transported to the White City allotments once a week.

This has been the situation since April 2011.

These arrangements will continue in the future.

Additional Consultation Response

City Centre Improvement Officer

In terms of the proposed measures for dealing with the horse muck, the City Centre Improvement Officer notes that these arrangements have been in place for many years and the site has operated in this way without complaint. Concludes that these proposals are acceptable in terms of amenity.

Amended Recommendation

That planning permission be granted with the following conditions which includes changes to the wording of conditions 1, 3 and 4 as detailed within the original report.

Condition 1

The floodlights hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the submitted application form, location plan, block plan, proposed site plan, proposed elevations and lora luminaire detail sheet except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 3

The floodlights hereby permitted shall not be operated after 19:00 hours on any day.

Reason

To protect the amenity of neighbouring occupants in accordance with Policy SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Condition 4

The measures as detailed in the email dated 1st February 2018 for the storage and disposal of horse manure at/from the site, shall be implemented and adhered to for the duration of the development.

Reason

To protect the amenity of neighbouring occupants in accordance with Policy SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Note 1

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.