

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Application number:	22/00109/FUL
Validated on:	13 th December 2021
Site address:	Sudbrook Pocket Garden, Land to the rear of 116-130 Melbourne Street East and to the north-west of Hatherley Road, Gloucester
Proposal:	Creation of 'pocket garden' on land to the rear of 116-130 Melbourne Street East and to the north-west of Hatherley Road

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

Condition 1

The development 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

Except where these may be modified by any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details of the application form, the Planning Design & Access Statement (dated: December 2021) and drawing numbers:

- D900 – Detail Landscape Plan;
- D01 – Site Location Plan.

Reason

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

Condition 3

All tree, shrub and hedgerow planting shall be carried out in the first planting season following the occupation/first use of the site or the completion of the development, whichever is the sooner. The site planting scheme shall be completed in accordance with the details of approved plan no. D900 – Detail Landscape Plan.

Any trees or hedgerows, which within a period of 5 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. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason

To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area in accordance with the aims of policies SD4, SD6 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and E2 and E5 of the Gloucester City Plan.

Condition 4

In the event that unexpected contamination is found at any time during construction of the approved development, all works must cease and it must be reported immediately to the local planning authority. The applicant shall subsequently seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works shall be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the local planning authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as 'Contaminated Land' under Part 2A of the Environmental Protection Act 1990 (as amended) in relation to the intended use of the land after remediation.

3. The approved remediation scheme must be carried out in accordance with its terms prior to the recommencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

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 the aims of the National Planning Policy Framework.

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 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. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 4

The planting scheme hereby approved should include native species trees and shrubs and species to encourage pollinators (where possible).

Note 5

In the event that unexpected archaeological remains are found at any time during construction of the approved development, all works must cease and it must be reported immediately to the City Archaeologist (Gloucester City Council) for further advice.

Note 6

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.

**Jon Bishop**

Planning and Development Control Manager

Decision date: 3rd May 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET