

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED**  
**DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) – SCHEDULE 2, PART 3, CLASS O**

<b>Application number:</b>	21/00622/JPA
<b>Validated on:</b>	20 <sup>th</sup> May 2021
<b>Site address:</b>	Britannia Warehouse, The Docks, Gloucester, GL1 2EH
<b>Proposal:</b>	Prior approval for the conversion of existing B1a office building to No.36 C3 dwellings - Option B

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority hereby determine for the development described above in accordance with the terms of the application and the plan/s submitted therewith, that **prior approval is not required** for matters relating to Contamination Risk and Flood Risk, **PRIOR APPROVAL IS REQUIRED AND IS GRANTED** for matters relating to the Transport and Highways impacts, Noise impacts and provision of Natural Light, subject to the following conditions:

**Condition 1**

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, and drawing numbers:

21GDD-P-EL-GA-101-3 – Transport Site Layout;  
21GDD-P-SL-PL-101-3 -Rev.A - Site Plan Layout – Option B;  
21GDD-P-GA-EL-101-3 - West East Elevations - Existing and Proposed – Option B;  
21GDD-P-GA-EL-102-3 - South Elevation - Existing and Proposed – Option B;  
21GDD-P-GA-EL-103-3 - North Elevation - Existing and Proposed – Option B;  
21GDD-P-GA-PL-101-3 - Ground Floor - Existing and Proposed – Option B;  
21GDD-P-GA-PL-102-3 - First Floor - Existing and Proposed – Option B;  
21GDD-P-GA-PL-103-3 - Second Floor - Existing and Proposed – Option B;  
21GDD-P-GA-PL-104-3 – Third Floor - Existing and Proposed – Option B;  
21GDD-P-GA-PL-105-3 - Fourth Floor - Existing and Proposed – Option B;  
21GDD-P-GA-PL-106-3 - Fifth Floor - Existing and Proposed – Option B;  
21GDD-P-GA-PL-107-3 - Sixth Floor - Existing and Proposed – Option B.

**Reason**

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

**Condition 2**

The apartments/dwellings hereby approved shall not be occupied or brought into use until the cycle storage/parking has been installed and made available for use in accordance with the details of approved plan no. 21GDD-P-EL-GA-101-3. Thereafter, the cycle parking shall be maintained in accordance with the approved details and kept available for use by occupiers of the development.

**Reason**

To ensure the development promotes sustainable modes of transport and to reduce the demand for off-street car parking in accordance with the aims of Chapter 6 of the National Planning Policy Framework.

**Condition 3**

The apartments/dwellings hereby permitted shall not be occupied or brought into use until the car/vehicle parking and turning areas (including electric vehicle charging facilities and accessible spaces) have been constructed/laid out in accordance with the details of approved plan number 21GDD-P-EL-GA-101-3. Thereafter, the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development.

**Reason**

To ensure the development promotes sustainable modes of transport and to reduce the demand for off-street car parking in accordance with the aims of Chapter 6 of the National Planning Policy Framework.

**Condition 4**

The apartments/dwellings hereby permitted shall not be occupied or brought into use until 3 secure motorcycle parking spaces have been constructed/laid out in accordance with details that shall first be submitted to and agreed in writing by the local planning authority. Thereafter, the spaces shall be maintained in accordance with the approved details and kept available for motorcycle parking in association with the development.

**Reason**

To provide safe and suitable access for all users in accordance with the aims of Chapter 6 of the National Planning Policy Framework.

**Condition 5**

The apartments hereby approved shall not be occupied or brought into use until the acoustic mitigation/noise insulation measures detailed within the approved Noise Impact Assessment (prepared by ParkerJones Acoustics – dated: 19th August 2021) have been completed in full in accordance with the recommendations of that report. Thereafter, the development shall be maintained in accordance with the approved details.

**Reason**

To ensure that future occupiers of the development are not exposed to noise from the use/operations of neighbouring properties that could give rise to significant adverse impacts on their health and the quality of life in accordance with the aims of paragraphs 174 and 186 of the National Planning Policy Framework.

**Condition 6**

The apartments/dwellings hereby permitted shall not be occupied or brought into use until the bin storage area has been constructed/laid out and made available for use in accordance with the details of approved plan no. 21GDD-P-EL-GA-101-3 and in accordance with details of external materials and finishes that shall first be submitted to and agreed in writing by the local planning authority.

Thereafter, the bin storage area shall be maintained in accordance with the approved details and kept available for use by occupiers of the development.

**Reason**

To ensure that future occupiers of the development have safe and secure access to refuse storage areas in accordance with the policy advice of the National Planning Policy Framework.

**Condition 7**

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 3**

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: 28<sup>th</sup> April 2022**

**PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET**