

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

Application number: 22/00755/FUL

Validated on: 12th September 2022

Site address: Land adjoining 19-21 Brunswick Road

Proposal: Resubmission of a previously approved scheme for the redevelopment of vacant land, formerly used as a car park, comprising the erection of 8 No. apartments and a maisonette on land at the rear of 19 & 21 Brunswick 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

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 10504-PL001A (existing elevations), PL003A (proposed floor plans), PL-004A – proposed street scene, 22M (proposed first floor), proposed external wall detail, P22 (proposed first floor), P21 (proposed ground floor), P26 (north-east elevation), P27 (north-west elevation), P23 (second and third floor plan), P20 (proposed site plan), P28 (south-east courtyard elevation), P25 (south-east elevation), P24 (south-west elevation), P30 (stair section), P29 (proposed street elevation), Design and Access statement, Daylight and sunlight report, heritage statement, tree impact assessment and tree protection plan received September 13th 2022, 10504-PL002 rev B (proposed site plan) received 20/12/2022 and drainage strategy received 11/01/2023 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.

Conditions 3

The development hereby permitted shall not be occupied until the cycle/bin storage facilities have been made available for use in accordance with the submitted plan drawing no. PL002 – rev B and those facilities shall be maintained for the duration of the development.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 110 of the National Planning Policy Framework.

Condition 4

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Condition 5

The development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access as shown on the submitted approved plan drawing number P21 REV P. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason

To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety

Condition 6

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Condition 7

No demolition below ground floor slab level or development shall start within the application site until a written scheme of investigation of archaeological remains, including a timetable for the investigation, has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording.
- The programme for post investigation assessment.
- Provision to be made for analysis of the site investigation and recording.
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 8

All demolition and development shall take place in accordance with the Written Scheme of Investigation of archaeological remains. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under [specify condition number requiring approval of details for the WSI], provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 9

No development other than demolition down to ground floor slab level shall commence within the application site until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including pile type and methodology, ground contamination remediation, drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

The site may contain significant heritage assets of archaeological interest. These details are required to ensure that disturbance or damage by foundations and related works are minimised, archaeological remains are, where possible, preserved in situ.

Condition 10

The glazing and ventilation products need to meet the recommended sound insulation detailed within the submitted noise assessment.

Reason

In the interest of the amenity of the residents in accordance with policy SD.14 of the JCS (2017)

Condition 11

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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works should 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 Environmental Protection Act 1990 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 commencement 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.

Condition 12

The tree works shall be carried out in accordance with section 6 and the tree protection plan contained within the BJ Unwin report (Arboricultural Method Statement)

Reason

To ensure adequate protection to existing trees which are to be retained, in the interest of the character and amenities of the area in accordance with policy SD.9 of the JCS (2017)

Condition 13

During the construction (including demolition and preparatory groundworks) phase no machinery shall be operated, no processed shall be carried out and no deliveries taken at or dispatched from the site outside the following times – Monday to Friday 8:00am 6:00pm, Saturday 8:00am-1:00pm nor at any time on Sundays, Bank or Public holidays.

Reason

To safeguard the amenities of the locality in accordance with policy SD.14 of the JCS (2017)

Condition 14

The development hereby permitted shall only be carried out in accordance with the 'Schedule of finishes' submitted with the application and in accordance with the roof slates, rainwater goods, lintels and cills, samples of which have first been made available on site and approved in writing by the Local Planning Authority

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

Condition 15

No work above ground floor level shall be carried out until a sample panel of the proposed new brickwork (measuring 1 square metre) has been constructed on site for inspection and approved in writing by the Local Planning Authority

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

Condition 16

All windows, doors or barge boards shall be installed in accordance with the drawings at a scale of 1:50 which have first been submitted to and approved in writing by the Local Planning Authority

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

Condition 17

All joinery shall be of painted timber in accordance with details of colours, which shall be selected from the specified palette for dwellings within St Michael's Square that are subject to the Article 4 direction, which have first been submitted to and approved in writing by the Local Planning Authority

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

Condition 18

All rainwater goods to be of black metal

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

Condition 19

Detailed drawings at a scale of 1:50 of all moulding profiles to stringcourse, window and door reveals shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The development hereby permitted shall only be carried out in accordance with the detailed drawing so approved.

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

Condition 20

All window lintels shall be of natural red sandstone to match those on adjacent buildings within St Michael's Square, samples of which shall be made available on site for inspection and approved in writing by the Local Planning Authority

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

Condition 21

The proposed new railings to the principle elevation shall be installed in accordance with details at a scale of 1:50 of which have first been submitted to and approved in writing by the Local Planning Authority

Reason

To safeguard the character of the locality in accordance with policies SD.4 and SD.8 of the JCS (2017)

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

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation

Note 4

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Note 5

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 Development Manager

Decision date: 18th January 2023**PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET**