

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

Application number:	22/00332/FUL
Validated on:	21 st April 2022
Site address:	Paget Cottage, The Wheatridge
Proposal:	Proposed construction of 1 no. dwelling including access and associated works

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, and drawing numbers:

Site Location & Block Plan. Plan No. 3005-001
Proposed Floor Plans. Plan No. 3005-200
Proposed Elevations. Plan No. 3005-201
Proposed Site Layout. Plan No. 3005-202

Reason

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

Condition 3

The development hereby approved shall not commence until details of a Construction Traffic and Environmental Management Plan (CTEMP) have been submitted to and approved in writing by the local planning authority. As a minimum, the CTEMP shall include the following details:

- 24 hour emergency contact number;
- Hours of construction;
- Method of preventing mud being carried onto the highway;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods to mitigate against construction noise, odour and dust emissions;
- Methods of communicating the CEMP 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 in accordance with the aims of policies SD14 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policies A1 and G1 of the Gloucester City Plan.

Condition 4

Throughout the construction period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following: i. parking of vehicles of site operatives and visitors; ii. loading and unloading of plant and materials; iii. storage of plant and materials used in constructing the development;

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with the aims of policies SD14 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policies A1 and G1 of the Gloucester City Plan.

Condition 5

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding in accordance with the aims of policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and the planning policy advice of the National Planning Policy Framework.

Condition 6

Construction of the dwellings hereby approved shall not proceed beyond finished floor/slab level until a schedule of external materials and finishes has been submitted to and approved in writing by the local planning authority. As a minimum, the written details shall include the manufacturer/material name, a photographic example and details of any relevant finish/colour.

Thereafter, the development shall be completed and maintained in accordance with the approved details.

Reason

To ensure the development is compatible with its surroundings in the interests of the visual amenities of the area in accordance with the aims of policies SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policies A1 and F1 of the Gloucester City Plan.

Condition 7

The dwelling hereby permitted shall not be occupied or brought into use until a landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

As a minimum, the written details shall include the locations, numbers, species and sizes of all trees and shrubs forming the planting scheme, along with planting and maintenance specifications. Thereafter, the development shall be completed and maintained in accordance with the approved details.

Reason

To ensure the development delivers biodiversity net gains and in the interests of the visual amenities of the area in accordance with the aims of policies SD4 and SD6 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policies A1 and F2 of the Gloucester City Plan.

Condition 8

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority.

These measures shall include:

I. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

II. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority.

The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 9

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details

Reason

To prevent damage to or loss of trees. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the emerging Gloucester City Plan.

Condition 10

No removal of trees/scrub/hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason

To protect wildlife habitats in accordance with the NPPF, Policies SD9 and INF3 of the JCS and Policy E2 of the emerging Gloucester City Plan

Condition 11

The dwelling hereby permitted shall not be occupied or brought into use until the site access, car/vehicle parking areas (including cycle storage facilities) have been constructed/laid out in full in accordance with the details of approved plan 3005-202 (Proposed Site Layout) and a schedule of surface materials has that been submitted to and approved in writing by the local planning authority. As a minimum, the written details shall include the manufacturer/material name, a photographic example and details of any relevant finish/colour. Thereafter, the access and parking areas shall be kept free of obstruction and available for the intended use(s).

Reason

To ensure that there is safe access and adequate parking facilities to serve the development constructed to an acceptable standard in compliance with NPPF paragraphs 108 and 110 and policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policy A1 of the Gloucester City Plan.

Condition 12

The dwelling hereby permitted shall not be occupied or brought into use until a minimum of one of the car parking spaces serving the dwelling has been equipped with an electric vehicle charging point. The development shall be maintained in that state thereafter.

Reason

To ensure the development promotes the use of sustainable modes of transport and to benefit healthy communities in accordance with the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and emerging policies G1 and G2 of the Gloucester City Plan.

Condition 13

The dwellings hereby permitted shall not be occupied or brought into use until areas for the storage / collection of refuse and recycling receptacles have been provided within the curtilage of the site.

Reason

To ensure that areas for the storage and collection of waste and recycling are made available for use in accordance with the aims of policies SD10 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policy A1 of the Gloucester City Plan.

Condition 14

The dwelling hereby permitted shall not be occupied or brought into use until boundary enclosures have been erected on site in the locations and to the height shown on approved plan number 3005-202 (Proposed Site Layout).

Reason

To ensure that the privacy of future occupiers of the dwellings and neighbouring residential properties is protected in accordance with the aims of policies SD4, SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policy A1 of the Gloucester City Plan.

Condition 15

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions or roof extensions as described within the Part 1, Class A and Class B of Schedule 2 of the order shall be constructed without planning permission first being sought from and granted by the local planning authority.

Reason

To ensure suitable protection is secured over the impact of the development on neighbouring occupiers and to ensure control over the visual impact of the development is maintained in accordance with the aims of policies SD4, SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policies A1 and F1 of the Gloucester City Plan.

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.

Note 4

The applicant should note the following in connection with the details required for the detailed design, maintenance & management strategy for surface water drainage required under condition 5 above:

- The proposed discharge to the watercourse will require consent from the Environment Agency for works on main river;
- The crossing of the land will need the owners permission;
- The headwall and pipe work will need to be included in the maintenance schedule (Gloucester City Council will not adopt or maintain these apparatus or assets);
- The headwall will need aligning to the flow of the river to reduce the potential of scour and/ or erosion;
- The design needs to account for the void space available by the material to be used for storage – for example a crate system has 95% voids available making the 11m³ sizing approx. 12m³ in the ground
- There will be a need to see evidence of the construction detail – the storage would be expected to be tanked;
- There will be a need to see evidence of the flow control device – either calculations to prove sizing of any attenuation or certificate/ model number of any bespoke flow control device (such as a Hydro-brake); a. Failure to demonstrate the agreed 0.7 l/s flow rate will be achieved will delay approval;
- Any driveway or parking is assumed to be of permeable make-up and not contribute to the surface water drainage system.

Note 5

There are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so.

Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on [Guide-to-Trees-and-the-Law](#)



Jon Bishop

Planning Development Manager

Decision date: 16th December 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET