

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

Application number:	22/00113/FUL
Validated on:	21 st February 2022
Site address:	121 Elmleaze
Proposal:	Proposed 4 bedroom detached dwelling with associated access and parking

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, SUDS statement (received on 05.08.2022), drainage maintenance strategy(received on 18.08.2022), and drawings:

- Site location and block plan 01
- Proposed dwelling elevations Drawing 04, revision A 210322
- Proposed dwelling floor plans Drawing 03 revision A2 10322
- Proposed site plan drawing 02 revision A 210322
- Drainage construction details 22-OP-1217 A2/002 Revision A

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.

Condition 3

No work above floor plate level shall be carried out until details of the proposed materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To provide for high quality design

Condition 4

The proposed landing, bathroom and en suite window on the first floor north side facing elevation of the dwelling hereby permitted shall be constructed so that no part of the framework less than 1.7 metres above finished floor level shall be openable. Any part of the window below that level shall be fitted with, and retained in, obscure glazing (Pilkington Level 4 or equivalent)

Reason

To protect the privacy of adjacent properties.

Condition 5

No development shall be occupied until boundary fences have been installed in accordance with the details indicated on the approved site plan.

Reason

To ensure adequate provision for privacy and in the interests of visual amenity.

Condition 6

No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect retained trees on and adjacent to the site have been installed.

These measures shall include:

1. Temporary fencing for the protection of retained trees 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).
2. Construction Exclusion Zone (CEZ): The area around the retained trees on site shall be enclosed 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 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 to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with para 131 of the NPPF, Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, and Policy E4 of the Gloucester City Plan, pre-Submission version 2019

Condition 7

The 5no. trees to be removed shall be replaced during the first planting season following removal, by trees of species and that are agreed in writing with the local planning authority and in the locations that are agreed in writing with the local planning authority. Any replacement trees 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 plants 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 measures are in place to mitigate for the loss of the 5no. trees that are proposed to be felled. In accordance with para 131 of the NPPF, Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017, and Policy E4 of the Gloucester City Plan, pre-Submission version 2019

Condition 8

The development hereby permitted shall not be first occupied until the proposed development has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of

the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason

To promote sustainable travel and healthy communities with paragraph 112 of the National Planning Policy Framework.

Condition 9

Notwithstanding the submitted details, the vehicular access hereby permitted shall not be brought into first use until the vehicular access and vehicle crossover has been installed at the carriageway edge and constructed across the footway fronting the site broadly in accordance with the approved drawing 02 revision A 210322 and with the area of driveway surfaced in a bound permeable material, and shall be maintained thereafter.

Reason

To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 110 and 112 of the National Planning Policy Framework.

Condition 10

The development hereby permitted shall not be brought into first use until the frontage boundaries have been retained in accordance with the submitted approved Block plan drawing 02 revision A 210322 and the height of the boundary vegetation shall not exceed a height of 600mm in height and thereafter maintained so as to provide clear visibility.

Reason

To avoid an unacceptable impact on highway safety by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 110 and 112 the National Planning Policy Framework.

Condition 11

The development hereby approved shall not be brought into first use until the parking and turning facilities for the proposed and existing dwelling has been provided as shown on drawing number 02 revision A 210322

Reason

To ensure conformity with submitted details.

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 Local Highway Authority has no objection to the application subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing the carriageway under the Highways Act 1980 – Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk

**Jon Bishop**

Planning and Development Control Manager

Decision date: 9th September 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET