

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

<b>Application number:</b>	22/00668/FUL
<b>Validated on:</b>	4 <sup>th</sup> July 2022
<b>Site address:</b>	Land to the west of 79 to 65 Sandyleaze and to the north of 50-56 Meadowleaze
<b>Proposal:</b>	Redevelopment of garage blocks for the construction of 2 No.1 bedroom bungalows and associated parking and landscaping

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:

- 6614-P-01 Site Location Plan;
- 6614-P-100 – Proposed Site Layout;
- 6614-P-200 – Proposed Floor Plans;
- 6614-P-700 – Proposed Elevations;
- 101 – Drainage & External Works;
- 102 – Drainage Details;
- 201 – Drainage Areas.

**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;
- Areas for the parking and turning of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- 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**

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
4. 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.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation 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.
7. 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 in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is

subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are identified and minimised, together with those to controlled waters, property and ecological systems, 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 policies SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policy A1 of the Gloucester City Plan.

**Condition 5**

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 6**

The dwellings hereby permitted shall not be occupied or brought into use until the site access, car/vehicle parking and turning areas have been constructed/laid out in full in accordance with the details of approved plan 6614-P-100 – Proposed Site Layout and a schedule of surface materials that has first 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, turning 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 7**

The dwellings hereby permitted shall not be occupied or brought into use until a scheme of tree and shrub planting has been implemented in accordance with details that shall first be 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**

The dwellings hereby permitted shall not be occupied or brought into use until a minimum of one of the car parking spaces serving each 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 9**

The dwellings hereby permitted shall not be occupied or brought into use until areas for the storage and collection of refuse and recycling receptacles have been provided within the curtilage of the site in accordance with details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

**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 10**

The dwellings hereby permitted shall not be occupied or brought into use until boundary enclosures have been erected around the private rear garden areas of each plot in the locations shown on approved plan number 6614-P-100 – Proposed Site Layout and along the intervening site boundaries. The boundary enclosures shall have a height of between 1.8 and 2 metres and shall be maintained in that state thereafter.

**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 11**

The dwellings hereby permitted shall not be occupied or brought into use until the surface water drainage system has been installed within the site in accordance with the details of the approved plans and the Drainage & Maintenance Strategy (prepared by DavidsonWalsh – April 2022). Thereafter, the surface water drainage system shall be maintained in accordance with the approved details.

**Reason**

To ensure that future occupiers of the development are protected from surface water flooding and to prevent increased surface water flood risk to adjacent land and the public highway in the locality 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 12**

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 roof extensions as described within the Part 1, 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 the privacy of 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 construction/alteration of the site access may require the extension of a verge and/or footway crossing from 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](mailto:highways@gloucestershire.gov.uk) before commencing any works on the highway.

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

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.*



**Jon Bishop**

Planning and Development Control Manager

**Decision date: 9<sup>th</sup> September 2022**

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