

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

Application number: | 22/00565/FUL

Validated on: | 31st May 2022

Site address: | 18 Denmark Road

Proposal: | Variation of condition 2 (approved plans) and removal of condition 15 (use Class 3B restriction) of planning permission 20/00300/FUL (for the change of use of site from a health clinic/office to 20no. apartments involving conversion of the existing main building - No. 18Denmark Road - and the provision of a new three-storey detached building to the rear, including associated landscaping, access and parking, following demolition of an existing single storey outbuilding)

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 approved shall be begun before 12th March 2024.

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, the Arboriculture Survey, Impact Assessment and Protection Plan and drawing numbers;

- PL001 Rev A –Site Location Block Plan;
- PL005 Rev M –Proposed Site Plan;
- PL101 Rev G –Proposed Basement Floor Plan;
- PL102 Rev L –Proposed Ground Floor Plan;
- PL103 Rev K –Proposed First Floor Plan;
- PL104 Rev J –Proposed Second Floor Plan;
- PL105 –Proposed Roof Plan;
- PL111 –Rev A –Proposed Bin Cycle Store;
- PL201 Rev E – Proposed Elevations (1);
- PL202 Rev H – Proposed Elevations (2);
- PL301 Rev E – Proposed Street Scenes;
- PL501 – Shading Analysis;
- L201 Rev D –Detailed Landscape Proposals;
- Design & Access Statement –Rev E.

Reason

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

Condition 3

The development hereby permitted shall not be occupied until the drainage works have been completed in accordance with the approved plan numbers, DRG-BML-ERD-ZZ-DR-C-0 P-01, DRG-BML-ERD-ZZ-DR-C-05 P-01, DRG-BML-ERD-ZZ-DR-C-05 P-01, DRG-BML-ERD-ZZ-DR-C-0 P-01 and Operation & Maintenance Manual DRG-BML-ERD-ZZ-RP-C-050.1.

Reason

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 in accordance with the aims of policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 4

No development shall take place until details or samples of materials to be used externally have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials harmonise with the surroundings in accordance the National Planning Policy Framework and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 5

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 6

Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with the National Planning Policy Framework and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 7

No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before before the building(s) is/are occupied Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to ensure dwellings have satisfactory privacy in accordance with the National Planning Policy Framework and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 8

No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment

Condition 9

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants 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 defects period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment

Condition 10

Implementation of any development shall be undertaken in accordance with the tree protection measures set out in the Arboricultural Method Statement of approved planning permission 20/00300/FUL, and those measures shall be retained for the duration of the demolition and construction period for that phase.

Reason

To protect trees that are to be retained in the scheme.

Condition 11

The buildings hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason

In the interest of highway safety.

Condition 12

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the approved plans and those facilities shall be maintained for the duration of the development.

Reason

To ensure the provision and availability of adequate cycle parking.

Condition 13

Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement 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);
- 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; and
- 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 14

The living room windows in the north west elevation of apartments G.07 and 1.07 hereby permitted, shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing.

Reason

In order to protect the residential amenity of adjacent properties.

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: 28th September 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET