

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

Application number:	22/00607/FUL
Validated on:	20 th June 2022
Site address:	38 Birchall Avenue
Proposal:	Proposed erection of a pair of semi detached dwellings 2 no. two bedroom houses with associated car 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:

Location Plan. Plan No. MYT22.01-01
Proposed Site Layout. Plan No. MYT22.01-03
Proposed Street Elevation. Plan No. MYT22.01-04
Proposed Floor Plans. Plan No. MYT.01-05
Proposed Elevations. Plan No. MYT22.01-06

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 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

The development hereby permitted shall not commence until full details of a surface water storage and disposal system, to be installed within the curtilage of the site, has been submitted to and approved in writing by the local planning authority. As a minimum, the written details shall include the following information:

- How the sustainable drainage systems (SuDS) hierarchy has been applied to inform the chosen method over others;
- where an infiltration method (soakaway) is proposed, BRE 365 infiltration test results and soakaway sizing calculations must be submitted (for the 100yr +40% climate change allowance design rainfall event);
- details of natural SuDS attenuation measures and rainwater harvesting (impermeable surfaces, raingardens, SuDS ponds, open swales, use of waterbutts etc.);
- where connection into a watercourse or the highway surface water drainage system is proposed, details must demonstrate that onsite storage can be provided for the 100yr +40% climate change allowance design rainfall event and that outflow from the system will be managed at greenfield rates (0.2l/s);
- layout plans of the proposed system (to a recognised scale);
- management/maintenance details to ensure the drainage system operates as intended for the lifetime of the development.

The development shall be completed in accordance with the approved details prior to the first occupation/use of the dwelling and maintained in accordance with the approved details thereafter.

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 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 dwellings 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 MYT22.01-03 (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 8

The dwellings 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. This shall include details of planting proposed as well as any protection measures to protect any existing trees or shrubs to be retained. 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 9

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 10

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. MYT22.01-03, but with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in 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 11

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 12

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 MYT22.01-03 (Proposed Site Layout). 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 13

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 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 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 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 Development Manager

Decision date: 11th November 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET