

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.04.2019
Address/Location:	Lock Up Garages Colwell Avenue Gloucester
Application No:	19/00091/FUL
Ward:	Hucclecote
Expiry Date:	28.03.2019
Applicant:	Gloucester City Homes
Proposal:	Erection of 5no. affordable bungalows with associated parking and landscaping.
Report by:	Nigel Gould
Appendices:	Site location Plan   Site Layout Plan

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is on the east side of the city on land between Colwell Avenue to the south and the A417 to the north. The site is accessed via Deer Park Road, a small cul-de-sac off the north side of Colwell Avenue. From the end of Deer Park Road there is a large area of hardstanding with a row of old single storey flat roof garages on the northeast edge of the application site. Bordering the north-eastern boundary is copse of mature trees. Along the southwest boundary is a further row of garages of a similar age and design which back onto the rear gardens of dwellings on Colwell Avenue.
- 1.2 On the north side of Colwell Avenue is Hillview Evangelical Church. The property is 'L' shaped consisting of a single storey flat roof building attached to number 26, a two storey brick property. To the rear of the church is a car park. The boundary fence to the car park forms the south-western edge of the application site. The southern boundary of the site is open and allows access to the garages and the 11<sup>th</sup> Gloucester Scout hut at the northern end of the site. The Scout hut is a single storey building with a rectangular footprint sited close to the boundary fence on the northern edge of the site, with gated vehicular access to a hardstanding to the side and has a grassed area to the rear.
- 1.3 Permission is sought to demolish the 25 garages on site and replace them with five affordable bungalows and associated parking and landscaping. The development would have a footprint of 7.15m x 43.50m, with a height to eaves of 3.10m and ridge of 6.35m. The front roof elevation would be articulated with small pitched roofs above the unit entrances. The proposal would comprise 2 x 2 bed bungalows at either end with 3 x 1 bed bungalows in the middle. The development would have a mix of red brick, contrasting dark wood panels, engineering brick, grey concrete tiles and timber cladding. On the south west side of the site, where the line of 10 garages were sited, 8 parking spaces would be provided with two further parking spaces sited at the southern end of the site adjacent to the junction with Deer Park Road. On the northern end of the development between the side garden to unit 5 and boundary fence to the Scout hut would be a hard surfaced area of approximately 60m<sup>2</sup>, which would be set aside for additional parking for non-residents.

## 2.0 RELEVANT PLANNING HISTORY

No planning history

### 3.0 **RELEVANT PLANNING HISTORY**

3.1 The following planning guidance and policies are relevant to the consideration of this application:

#### 3.2 **National guidance**

National Planning Policy Framework (NPPF) and Planning Practice Guidance

#### 3.3 **Development Plan**

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

SD3 – Sustainable design and construction

SD4 – Design requirements

SD6 – Landscape

SD10 – Residential development

SD11 – Housing mix and standards

SD14 – Health and environmental quality

INF1 – Transport network

INF2 – Flood risk management

INF3 – Green Infrastructure

INF4 – Social and community Infrastructure

#### 3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

#### 3.5 **Emerging Development Plan**

##### **Gloucester City Plan**

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 216 of the NPPF.

#### 3.6 **Other Planning Policy Documents**

##### **Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following "day-to-day" development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

OS.2 – Public Open Space Standard for New Residential Development

OS.3 – New housing and open space

OS.7 – New areas of Public open space

#### 3.7 **Supplementary Planning Guidance/Documents**

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

## 4.0 CONSULTATIONS

### 4.1 Severn Trent

I can confirm that we have **no objections** to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is 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.

### 4.2 Highways Officer

Under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by you with the aid of our guidance.

Conditions relating to parking and a construction method statement are attached to the recommendation.

### 4.3 City Centre Improvement Officer (Environmental Protection)

Comments not received.

### 4.4 Drainage Advisor

The proposal does not meet the Council's requirements in terms of surface water attenuation or water quality.

The agent has confirmed that the applicants agree with the attenuation required and as such conditions are recommended.

## 5.0 PUBLICITY AND REPRESENTATIONS

5.1 Neighbouring properties were notified and press and site notices were published.

5.2 Six letters of objection have been received from the 11<sup>th</sup> Gloucester Scout Group, Hillview Evangelical Church, the ward member and three nearby residents. They raise the following issues:

Highways:

- How will traffic flows be affected by this application?
- Congestion will arise from the development and use of the scout hut. These issues need to be resolved.
- We object to the new view we will have onto the side of a bungalow and bin store.
- The development will affect our ability to reverse vehicles safely out of our driveway.
- There are a lot of cars that currently use the site for the scouts hut and church. Where will these vehicles now park?
- The vehicle survey is not an accurate portrayal. It is unrepresentative of the movements in and out of the site at busy times.
- On Sundays the Church park vehicles on their car park, the scout hut car park and the area between the garages. The proposal will remove most of the parking and therefore cause congestion.
- If these plans were passed there would likely be indiscriminate parking on the surrounding roadways posing a highways safety issue.
- I have concerns about the safety of dropping off and collecting my children from the scout

hut.

- The amount of parking for the bungalows is excessive.

Design and Amenity:

- How will bins be collected?
- What additional lighting will there be?
- The development and its use will devalue our property. Would there be compensation for home owners in Deer Park?
- The development is not appropriate for the site. The plot is very restricted.
- The style of housing is out of keeping with the surrounding properties.
- The dwellings have virtually no frontage.

Environmental:

- Loss of trees and wildlife habitat.
- What happens if the tree on our frontage is damaged during construction?
- What noise, mess and parking of lorries will occur during development?

Legal Right of Access

- For well over 40 years the Scout group and for over 20 years the Church have been able to park on the land between the garages and have gained the right to park multiple vehicles on the land as a an easement by prescription.
- Contrary to the comments in the supporting planning statement the Scout Group comment that they do have legal access across the site.

5.3 The full content of all correspondence on this application can be viewed on:  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design, layout and landscaping
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Economic considerations
- Other Matters

### 6.5 *Principle*

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply,

with an appropriate buffer, against the relevant housing requirement. Footnote 7 to paragraph 11 of the NPPF 2018 indicates that policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years.

- 6.6 The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review). Gloucester can demonstrate a five year supply of deliverable housing sites with a 5% buffer (which is appropriate as the Council can demonstrate that it passes the housing delivery test as set out at paragraph 215 of the NPPF). This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight.
- 6.7 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply.
- 6.8 It is important to note that the five proposed residential units will all be affordable housing units with Gloucester City Homes (GCH) as the applicant for this proposal and the affordable homes provider. Under Policy SD12 – Affordable Housing – of the JCS a proportion of affordable housing for residential development will be required for sites of 10 or more dwellings. As such there is no policy requirement to provide affordable housing but GCH seeks to better utilise its land and add to the growing need for its affordable housing stock. It is for these policy reasons that no legal agreement is required to secure the affordable housing proposed.
- 6.9 As the site is located within the built-up area of the city, the principle of development is considered to be acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.
- 6.10 ***Design, Layout and Landscaping***  
Part 12 of the NPPF attaches great importance on good design and seeks to promote development which is appropriate in terms of overall scale, massing, height, landscaping, layout, materials and access in relation to neighbouring buildings and the local area more generally. It further states that ‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...’ Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.
- 6.11 The properties on the north side of Colwell Avenue that back in to the site are red brick with grey roof tiles. The Evangelical church on the corner of Deer Park Road and Colwell Avenue has a flat roof with light brown bricks with an attached rectangular extension to the rear with the same bricks but with a raised lantern roof. The properties on Deer Park Road have a mix of dressed stone and light brown bricks, with concrete tiles. The remaining properties on the south side of Colwell Avenue are a mix of prefabricated properties and dark orange brick clad. Other than the church and the Scout hut the properties in the immediate area are two-storey.
- 6.12 The existing lock-up garages on site are in a poor condition with many of them boarded up. It does not appear that there is a demand for such facilities and as such the applicant seeks to provide some much-needed affordable housing. It is considered that there is some environmental benefit in the removal of the existing garages on site due to their appearance and condition.

- 6.13 The development proposed is modest in footprint and height. The materials take their influence from those of the surrounding properties with contrasting panels and materials. The development has been designed to minimize its impact on the surrounding area by its siting to the rear of the plot, the single storey design and low ridge height. With the small articulation to the front roof the proposal is considered to have an acceptable appearance. It is noted that the three central (1 bed) units have a smaller than normal amenity space to the rear. Although members will be aware that there are no specified minimum standards for space about dwellings in the JCS, the stated policies above do seek to ensure good quality development. The 1 bed units are themselves small and the amenity space proportionate to that and taking the development as a whole the design is considered acceptable.
- 6.14 Therefore, having had regard to Policies SD3, SD4 and SD10 of the JCS and the appropriate sections of the NPPF it is considered that the proposal would be acceptable in respect to its impact on the character and form of the area.
- 6.15 **Traffic and transport**  
Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.
- 6.16 The Local Highway Authority do not raise any concerns and state that the proposal can be dealt with by the Planning Authority in accordance with the Standing Advice for residential development of 5 dwellings or less. The highways conditions listed in section 7 of this report are from the standing order.
- 6.17 The comments from the residents are noted but it is considered that the parking for the development is appropriate and the additional parking for non-residents is supported. The concerns expressed by the Scout Group, Church and residents in relation to the current practice of visitor parking on the garage forecourts and the displacement of these vehicles if the development is built are also noted. Similarly the comments expressed by both community groups that due to the period of time that vehicles associated with both groups have used this area for parking then they have by default retained the rights to do so.
- 6.18 The planning system relates to the use of the land and its impact and does not get drawn into third party issues, in particular land ownership. Provided that the applicant has followed due process in notifying any land owners that sit within the application boundary then the planning application is valid. The applicant is the sole owner of the planning application site and as such the application is valid in this respect. Advice given to officers is that the two community groups do not have an established use – an easement by prescription – for parking on this area and that the Scout Group do have a right of access across the land to their hut.
- 6.19 It is considered that alternative arrangements for visitor parking and drop off can be made that would allow the two uses to co-exist. On taking further advice from the Local Highway Authority it is considered that the report, survey and conclusions are robust. The current practice of parking visitor vehicles on this site appears to have been accepted by the landowner as there is no conflict with the existing use – the lock up garages – however there is no explicit right to do so.
- 6.20 Fundamentally there is no justified planning reason that would warrant refusal and as a consequence of the proposed development in accordance with JCS Policy INF1 and Part 9 of the NPPF.
- 6.21 **Residential amenity**  
Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 127 (f) of the NPPF seeks to achieve well designed places "...with a high standard of amenity for existing and future users". This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

- 6.22 The nearest residential property (6 Deer Park Road) would be 22.80m southeast of the proposed development. The Scout hut would be 11.40m northwest of the proposed development with the nearest part of the Church being 18.50m southwest. The proposed development is single storey and set to the back of the plot and as such it is not considered that the development would cause harm to the amenity of neighbouring properties.
- 6.23 The distance to the rear boundary for the proposed units is short and they would back onto the small wood that borders the small lane to the north – Larkhay Road. Whilst it is recognised that Policy SP2 requires the delivery of housing and a balanced housing market in the Gloucester City Council district this does not mean that proposals should be approved that are sub-optimal. The resulting garden space would be very limited and well below normal expected standards.
- 6.24 The applicant has proposed a development that does not necessarily maximise the development potential of the site but does pay due regard to the amenity of nearby residents. When taken in this wider context, when considering the undeveloped copse of trees to the rear and when considering the amenity space in proportion to the units the design is considered acceptable.
- 6.25 In conclusion on this matter the proposal would have an acceptable impact on the living conditions of existing properties however the amenity space for the proposed dwellings would be very limited. This is a matter to be weighed in the overall planning balance.
- 6.26 ***Drainage and flood risk***  
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.27 The application forms detail soakaways for surface drainage but does not detail foul water drainage. Similarly no details on percolation tests or the type of surface water drainage have been submitted. That said the site is not in Flood Zones 2 or 3 and is surrounded by established residential properties with existing foul and surface water connections. For these reasons conditions are attached requiring details of foul and surface water drainage.
- 6.28 The comments from the Drainage Advisor are noted. In particular the requirements to provide on-site attenuation for surface water and to improve water quality. The applicant has agreed in principle to this and as such conditions relating to this are appended in the recommendation.
- 6.29 For the reasons given, and subject to appropriate conditions, it is considered that the proposal accords with the requirements of Policy INF2 of the JCS and the relevant sections of the NPPS and is acceptable in this regard.
- 6.31 ***Economic considerations***  
The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

6.32 **Other Matters**

The objections raised have largely been considered within the above report. In terms of loss in value to existing property, this concern has not been held to be a material planning consideration, as it cannot be evidenced.

6.33 It is considered that the application, if approved, would not set a precedent for further development within the area, given that each application must be considered on its own merits.

6.34 The bins would be collected via the normal collection route on Colwell Avenue/Deer Park Avenue. The submitted tree report details trees to be removed as part of the development and is considered acceptable with the attached conditions requiring replacement trees and the quality of the small copse itself. Details for protection of the remaining trees are also conditioned.

6.35 **Conclusion**

Paragraph 47 of the NPPF states: "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise." The City Council can prove a 5 year housing supply with the appropriate buffer and the site is within a sustainable and established residential area with the City Council boundary. For the reasons the comments on the principle of development stand.

6.36 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area. The sub-optimal amenity space for three of the units is a valid design concern but, on balance, and for the reasons discussed above the proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is GRANTED subject to the following conditions;

7.2 **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, and drawing numbers except where these may be modified by any other conditions attached to this permission:

- 5692-P-01 Site Location Plan
- 5692-P-10 Existing Site Layout
- 5692-P-11D Proposed Site Layout
- 5692-P-20C Proposed Floor Plans Plots 1- 3
- 5692-P-21C Proposed Floor Plans Plots 4 - 5
- 5692-P-70C Proposed Elevations
- 5692-P-4000 Design and Access Statement

**Reason**

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



**Condition 3**

No development shall take place above ground level until details or samples of materials to be used externally 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 ensure that the materials harmonise with the surroundings in accordance with policy SD4 of the Core Strategy.

**Condition 4**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission, shall be constructed in the gable end elevations of Units 1 and 5.

**Reason**

In order to protect the residential amenity of adjacent properties in accordance with policy SD4 of the Core Strategy.

**Condition 5**

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

**Reason**

To protect the amenity of local residents in accordance with policy SD4 of the Core Strategy.

**Condition 6**

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 5962-P-11 Rev D, and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35 and Core Strategy INF1.

**Condition 7**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify measures to control the emission of dust and dirt during construction

**Reason**

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

**Condition 8**

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan 5962-P-11 Rev D and those facilities shall be maintained for the duration of the development.

**Reason**

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework paragraph 35 and Core Strategy INF1.

**Condition 9**

Details of planting for the replacement trees, including species, sizes and pit planting specifications shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved.

**Reason**

To ensure the satisfactory appearance of the development in accordance with the requirements of Policies SD4 & SD6 of the Core Strategy.

**Condition 10**

No development including demolition or site clearance shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect the retained trees have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to commencement of development and retained for the full period of construction.

**Reason**

To ensure the satisfactory appearance of the development in accordance with the requirements of Policies SD4 & SD6 of the Core Strategy.

**Condition 11**

Prior to the commencement of the development details for the disposal of foul and surface water shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**Reason**

To ensure satisfactory drainage arrangements are provided in accordance with Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

**Condition 12.**

No development hereby permitted shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS) presented in the Flood Risk Assessment/Drainage Strategy [INSERT document name or reference number and revision] has been submitted to and

approved in writing by the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility/viability of the 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 life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details 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 preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

### **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**

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based

on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

**Person to Contact:** Nigel Gould (01452 396967)

Planning Application: | 19/00091/FUL

Address: | Lock Up Garages Colwell  
| Avenue Gloucester

Committee Date: |