

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	8 th June 2021
Address/Location:	7 Kimberley Close Gloucester GL2 0LH
Application No:	21/00247/FUL
Ward:	Elmbridge
Expiry Date:	27.04.2021
Applicant:	FW Homes LTD
Proposal:	Demolition of existing garage and erection of a two storey detached dwelling
Report by:	Piotr Kulik
Appendices:	site location and site layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site consist of a semi-detached two storey property set in a corner plot at the end of cul-de-sac Kimberley Close. The existing property had a rear conservatory, side canopy and a detached single storey flat roofed garage. Access is provided from Kimberley Close set eastwards.
- 1.2 The local area is residential in nature. Kimberly Close is characterised by either detached or semi-detached two storey properties of similar appearance, built of red brick, concrete tiles and UPVC windows. The adjacent neighbours set to the south and west/ north-west of the site are mainly generous two storey semi-detached properties set in fairly rectangular plots with occasional detached properties set westwards.
- 1.3 This application seeks full planning permission for the proposed demolition of the existing detached garage and the subdivision of the existing garden at 7 Kimberley Close to allow the introduction of a new dwelling at the site. The proposed dwelling would be detached two storey property of matching design and style of properties along Kimberley Close. The external facing materials would include red brick, concrete tiles and UPVC windows. Both the new development and host dwelling would benefit from dedicated 2no. parking spaces set to the front, as well as a shared pedestrian rear access set between the host dwelling and a new house.
- 1.4 The proposed dwelling would be 5 metres to the eaves and 8 metres to the ridge. It would provide 122.4sq. metres of floorspace. The ground floor would compromise kitchen, WC and an open space dining living area. The first floor level would include 3no. of bedrooms one of each would be en-suite, as well as a separate bathroom.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
44/27169/HIST	P/32/66:- (OUTLINE) ERECTION OF 21 HOUSES AND 12 GARAGES	Z45ASC	05.04.1966
44/27170/HIST	P/422/66:- LAYOUT OF ROADS AND SEWERS FOR 21 HOUSES AND 9	Z45ASC	18.08.1966

	GARAGES AND DETAILED PLANS OF 3 HOUSES ON PLOTS 1, 2 AND 3.		
44/27592/HIST	P/23/65:- (OUTLINE) ERECTION OF TWO DWELLINGHOUSES	Z45REF	23.02.1965
44/27602/HIST	P/24/65:- (OUTLINE) ERECTION OF ONE DETACHED DWELLINGHOUSE	Z45REF	23.02.1965
44/27616/HIST	P/695/66:- ERECTION OF 10 HOUSES (PLOTS 4-13)	Z45ASC	03.11.1966
44/27619/HIST	23450 P/150/69:- ERECTION OF PRIVATE CAR GARAGE	Z45ASC	13.03.1969
44/27620/HIST	23450 03/EDP/706/79:- CAR PORT AT SIDE	Z45APP	11.07.1979
94/05116/FUL	Erection of conservatory at rear.	GP	15.12.1994
21/00247/FUL	Demolition of existing garage and erection of a two storey detached dwelling		

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)

Relevant policies from the JCS include:

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

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 Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging

policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

- A1 – Effective and efficient use of land and buildings
- A6 – Accessible and adaptable homes
- C1 – Active design and accessibility
- E6 – Flooding, sustainable drainage, and wastewater
- F1 – Materials and finishes
- F2 – Landscape and planting
- F6 – Nationally described space standards
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles

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. None of the development management policies are relevant to the consideration of this application.

3.7 **Supplementary Planning Guidance/Documents**

- *SUDS Design Guide 2013*

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:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Page/s/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

No objection subject to conditions.

4.2 **Worcestershire Regulatory Services (WRS) – Contamination**

No objection.

4.3 **Worcestershire Regulatory Services (WRS) – Noise**

No objection

4.4 **Local Member**

One member requested the application to be determined by the Planning Committee in the event that the Officers' recommendation is to approve the application.

5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified and press and site notices were published.
- 5.2 2no. neighbours objected the proposed works. The grounds for objection are:
- The design being out of character;
 - Overdevelopment of the site;
 - Plans not to scale;
 - Loss of light;
 - Loss of privacy and harmful overlooking;
 - Loss of view (none material planning consideration);
 - Garden grabbing/ back land development;
 - Loss of the sense of open space;
 - The development does not respect the existing estate street pattern and established layout;
 - Concerns that the property may be not built in accordance with the approved details;
 - The proposed shared access may cause neighbour disputes in the future;
 - Parking and access concerns including manoeuvring space;
 - Flood risk concerns;
 - No need for the proposed development;
 - Noise nuisance during construction of the proposed dwelling;
 - Concerns about the wildlife in neighbours' garden;
 - Overshadowing of the host dwelling;
 - The Title Deeds of '7a' have a number of unclear requirements regarding sewage and access.

5.3 2no. neutral no objection letters were received.

5.4 3no. letters in support were received.

5.5 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

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. 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)

The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF (2019) clarifies that: ‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’

6.6 At the time of writing, the Council is not able to demonstrate a 5 year housing land supply.

6.7 For the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the ‘tilted balance’ is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The assessment of this and the wider balancing exercise is set out in the conclusion of the report.

6.8 **Design, Layout and Landscaping**

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. 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.

6.9 Policy A1 of the emerging Gloucester City Plan requires development proposals to make efficient and effective use of land and buildings. Policy F1 requires proposals to achieve high quality architectural detailing and external materials and finishes that are locally distinctive.

6.10 Paragraphs 124 and 127 of the NPPF state that good design is a key aspect of sustainable development, and that planning decisions should ensure that developments are sympathetic to local character and establish or maintain a strong sense of place. The National Design Guide continues that well-designed development should be integrated into their surroundings creating a coherent pattern of development.

- 6.11 The proposed 3-bedroom two storey detached house will mimic the style and appearance of existing properties along the cul-de-sac. The property would be set to the far end of Kimberley Close although would maintain a sufficient visual gap between other residential dwelling set southwards and westwards. The design of the proposed works with matching materials would complement this of the host dwelling. Sufficient outdoor amenity space would be provided for a modern 3-bedroom property and the speciousness of the site and its layout would not differ from this which can be found along 7 Kimberley Close.
- 6.12 It is officer's view that the proposed two storey detached property would maintain the existing coherent pattern of the close and would maintain sufficient gaps between properties set along Elmleaze (over 22 meters) and Cheltenham Road (over 36 metres) set southwards and eastwards respectively.
- 6.13 For clarification in response to some of the objectors' comments regarding not to scale plans, the case officer visited the site on 21st April 2021 and physically measured the site. All measurements as shown on provided plans to be correct. Concerns that the property may be not built in accordance with the approved details is a separate matter. Any planning approval is required to follow approved plans and dimensions and any departure from such details would be considered as a breach of planning permission.
- 6.14 It is therefore considered that the proposed development would not result in any detrimental visual impact upon the area. The proposed development would respect the character of the site and its surroundings in accordance with policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and policy A9 of the Pre-submission version of the Gloucester City Plan.
- 6.15 **Traffic and transport**
The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network
- 6.16 Policy G2 of the emerging Gloucester City Plan refers to charging infrastructure for electric vehicles and states '*an electric vehicle charging point/ socket will be provided at every new residential property which has a garage or dedicated car parking space within its curtilage*'.
- 6.17 The proposal would retain 2no. parking spaces at the front of 7 Kimberley Close and 2no. parking space would be introduced to the front of the proposed dwelling. Cycle storage has not been identified on the proposed site plans to encourage the use of more sustainable forms of travel. However, such details can be conditioned. The highways authority have been notified of the proposal and raised no objection subject to conditioning car and cycle parking, as well as fitting an electric vehicle charging point. Officers consider that the proposed number of parking spaces would sufficient to satisfy needs of the host and new dwelling's occupiers.
- 6.18 The application is therefore considered to be acceptable on highways grounds in accordance with the NPPF and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).
- 6.19 **Residential amenity**
Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Policy SD4 of the JCS relates to Design Requirements and, in terms of amenity and space, specifies that new development should enhance comfort, convenience and enjoyment

through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.20 Impact of the proposal on future residents of the proposal

Consideration needs to be given to the living environment which would be provided for any future occupiers of the proposed residential unit. Paragraph 17 of the NPPF and policies SD4 and SD14 of the JCS, as referred to above, are relevant in this regard, as is Policy SD11 of the JCS which relates to "Housing Mix and Standards". In terms of housing standards, Policy SD11 specifies that:

1. New housing should meet and where possible exceed appropriate minimum space standards.
2. Housing should be designed to be accessible and adaptable as far as is compatible with the local context and other policies, including Policy SD8

The "Delivery" section of Policy SD11 advises that the Government's Housing Standards Review was completed in 2015, which presents a single set of national space standards. The National Space Standards have been taken forward within the Gloucester City Plan. Policy F6 of the emerging plan provides that development proposals for new residential development (including change of use or conversions) must meet Nationally Described Space Standards. On the basis of the stage of preparation the plan has reached, and the consistency of policy with the NPPF, and its reference to national standards, Policy F6 can be afforded moderate weight in accordance with paragraph 48 of the NPPF.

6.21 Furthermore, the City Plan pre- submission Housing Background Paper (September 2019), indicates the need for National space standards within the city. The data shows that the conversions sampled often fall below the NDSS. 66% of conversions were below the standard for internal floor area.

National space standards require the following gross internal floor area:

- 3 bedroom, 4 persons dwelling set over 2 storey (84 square metres)
- 3 bedroom, 5 persons dwelling set over 2 storey (93 square metres)
- 3 bedroom, 6 persons dwelling set over 2 storey (102 square metres)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

6.22 The proposed dwelling is a 3-bedroom set over 2 storey that would have an internal floorspace of 122.4 square metres. Therefore, exceeds the minimum requirements of national space standards.

All of the units habitable rooms would include windows which would provide an acceptable level of light and outlook. The property would be in line with the Council's adopted 45 degree rule. Also, given its location, it will not be unacceptably overlooked by neighbouring residents.

6.23 Taking all of the above into consideration, the proposal would not create unacceptable living conditions for future residents, and would follow guidance set within the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

6.24 Impact on the living conditions of neighbouring residents

It is noted that the construction phase may cause some disruption and congestion within

the close, however this would be a short term impact. The Council's Noise Officer raised no objection to the proposed works.

- 6.25 The only immediate property is the host dwelling at 7 Kimberly Close and the proposed dwelling would be set at the angle to No. 7. Nearest point of the side elevation of the host dwelling would be 4.2 metres, increasing to approximately 7.2 metres. The existing side canopy at No. 7 would be retained. Given the proposed separation distances and positioning of a new house, it is not considered that amenities at No. 7 Kimberley Close would be harmfully overshadowed. Also, given the position of the dwelling at the end of the cul-de-sac separated from further residential amenities, the proposed works would not harmfully overshadow any of adjacent neighbours.
- 6.26 No. 7 Kimberly Close has a side facing first floor windows serving a none habitable room. The proposed dwelling would only have side windows facing the host dwelling. This would be a ground and first floor narrow window. The first floor window would serve a none habitable room (bathroom). To avoid harmful overlooking, it is considered reasonable to condition obscured glazing of the bathroom window, as well as no additional side facing windows without written approval from a local authority. Such details would be conditioned.
- 6.27 The rear facing windows would provide angle views towards the rear garden amenities of the host dwelling and further properties along Elmleaze. There would be direct views towards some rear garden amenities of the properties along Cheltenham Road set towards the west and north-west of the site. Those would be Nos. 204A and 206 Cheltenham Road, which objected the proposed works.
- 6.28 Nos. 204A and 206 Cheltenham Road have their rear elevations set over 36 metres away from these of the proposed dwelling. Such separation distances exceed minimum requirements of 21 metres hence direct overlooking would not occur towards internal habitable rooms of the neighbours. Direct overlooking of neighbouring garden amenities is noted. However, given the existing compact urban setting, the level of overlooking caused by the proposed works would unlikely warrant planning refusal and would not differ from this, which can be found within the locality.
- 6.29 Taking all of the above into consideration, the proposal can be considered acceptable in terms of amenity in accordance with the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).
- 6.30 ***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.
- 6.31 Policy E6 of the emerging Gloucester City Plan refers to flooding, sustainable drainage, and wastewater and states applicants should demonstrate that all surface water discharge points have been selected in accordance with the principles laid out in the SUDS/ drainage hierarchy. That is, where possible, connections to the public sewerage systems, and in particular the combined sewer network, are to be avoided. Wherever possible, foul drainage from development shall connect to the mains public sewer.
- 6.32 The proposal is located within Flood Zone 1 and so is not at high risk of flooding. Severn Trent Water have been notified and raised no objection to the proposed works although confirmed a public water sewer located within the site. It should be noted that the public

sewers have statutory protection and may not be built close to, directly over or be diverted without consent. A close proximity to both a public sewer is not considered a material planning consideration and can be dealt through a separate legislation, as same as via Building Control regulations.

6.33 Some neighbours in response to the member's objection confirmed that Kimberly Close has never been flooded and flash flooding referred due to the amount of rain in a short time and there was standing water on Little Elmbridge. Nevertheless, to follow a good practice and principles set within the adopted SUDS Supplementary Planning Guidance, it would be reasonable to condition details of Sustainable Drainage Systems.

6.34 On balance, the proposal is considered to be acceptable and in accordance with policy INF2 of the JCS and policy E6 of the emerging Gloucester City Plan subject to the inclusion of planning conditions.

6.21 ***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.

6.22 ***Conclusion***

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 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 DF-010-01; DF-010-02 and DF-010-03; 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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no side windows [other than those expressly authorised by this permission]

shall be constructed in the northern and southern elevation of the property.

Reason

In order to protect the residential amenity of adjacent properties.

Condition 4

The bathroom window on the side north elevation of the building 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 above ground works shall take place until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Drainage Systems (SuDS) and shall be implemented prior to the first use or occupation of the development and maintained for the life of the development.

Reason

To ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

Condition 6

The development hereby permitted shall not be first occupied until the proposed dwelling 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(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason

To promote sustainable travel and healthy communities.

Condition 7

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

Condition 8

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area as shown on the approved plans drawing number 02 has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not

loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason

To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

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 above 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 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.

Note 5

Severn Trent Water advise that there is a public 525mm surface water 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.

Severn Trent Water advise that there may also be another public sewer located within the application site. Although our statutory sewer records do not show any other public sewers

within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with 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.

Person to Contact: Piotr Kulik (01452 396905)

Planning Application: | 21/00247/FUL

Address: | 7 Kimberley Close Gloucester
GL2 0LH

Committee Date: |

