

22/01196/FUL 18 Denmark Road Late Material

1. Amended list of Conditions

Condition 1 (commencement of development)

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 (approved plans)

The development hereby permitted shall be carried out in accordance with the application form, design and access statement, Energy Statement, tree survey, implications assessment and outline protection method statement TM/KS/14810/62556, waste minimisation statement and drawings:

- Site Location Plan DRG-BML- ERD- ZZ- DR- C- 0100
- Existing Site Plan and Location Plan 22112- 01
- Site Plan as proposed 22112/04 Rev F
- Proposed plans (new build) 22112/07 F
- Proposed Colour Elevations 22112-11 1D
- Proposed Colour Elevations 22112-12 2C
- Proposed Elevations (22112/08 F)
- Drainage Layout (22-0785-RAP-XX-XX-DR-C-2500 Rev P3)
- Proposed Conversion Plans (Existing Building) (22112/05 Rev F)
- Proposed Conversion Building Elevations (22112/06 Rev C)
- Proposed Elevations 1 (22112/11D)
- Proposed Elevations 2 (22112/12C)

Reason

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

Officer's note: two additional plans have been added that were missed from the original list of approved plans

Condition 3 (materials)

The development hereby permitted shall be carried out in accordance with the materials details as included on plan 'Proposed Elevations 1 22112/11D'.

Reason

To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

Officer's note: Requirement for submission of further material details removed. Materials details received and considered to be acceptable.

Condition 4 (drainage)

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Drainage Strategy [Drawing - 22-0785-RAP-XX-XX-DR-C-2500 Rev P3] has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility and viability of the proposed 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 lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational 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 reducing 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.

Condition 5(trees) Implementation of approved trees/ hedgerow protection measures

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details specified in an approved arboricultural method statement and tree protection plan before any development including demolition, site clearance, materials delivery or erection of site buildings, starts on the site. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within any area fenced, unless agreed in writing with the local planning authority

Reason

To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area. In accordance with the NPPF, Policy INF3 of the JCS and Policy E4 of the Gloucester City Plan.

Condition 6 (trees) Excavating or Surfacing within the Root Protection Area of Trees

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason

To prevent damage to or loss of trees. In accordance with the NPPF, policy INF3 of the JCS and policy E4 of the GCP.

Condition 7 (protection of habitats)

No removal of trees/ shrubs/ hedgerows shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the nature conservation interest of the site is protected. In accordance with the NPPF, policy INF3 of the JCs and policy E4 of the GCP.

Condition 8 (Landscaping)

Prior to the occupation of the development, a comprehensive scheme of landscaping, which shall include details of species and densities of proposed planting and should demonstrate that trees located within hard standing areas will have adequate root runs shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity.

Condition 9 (Implementation of Landscaping)

All planting, seeding, or turfing in the approved details of landscaping for the residential development shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of five 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.

Reason

In the interests of visual amenity.

Condition 10 (Pedestrian Visibility Splays)

The Development hereby approved shall not be [occupied/brought into use] until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the [back of footway / edge of carriageway] shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason

To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety.

Condition 11 (Bicycle Parking)

Notwithstanding the approved plans, the development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking comprising of 25 bicycle parking spaces has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason

To promote sustainable travel and healthy communities

Condition 12 (Parking Layout)

Notwithstanding the approved plans, prior to commencement of development, details of a parking layout (including details of parking, disabled parking and parking for powered two wheelers with ground anchors) shall be submitted to and approved by the Local Planning Authority. Prior to first occupation these will be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason

To ensure adequate parking facilities are provided for the proposed scheme

Condition 13 (Residents Parking Management Plan)

The development hereby approved shall not be occupied until details of a residents parking management plan (including details of a permit system and details of how spaces will remain unallocated) shall be submitted to and approved by the Local Planning Authority. Prior to first occupation management plan will be implemented in accordance with the approved details and retained and maintained for no other purpose for the life of the development.

Reason

To ensure adequate parking facilities

Condition 14 (Residential Welcome Pack)

The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of the first occupation of the dwelling.

Reason

To reduce vehicle movements and promote sustainable access.

Condition 15 (Construction Management Plan)

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan 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);
- Advisory 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;
- Highway Condition survey;
- 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 16 (obscure glazing to windows)

The building shall not be occupied until the following windows hereby permitted, have been 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).

- Unit 10 Side facing kitchen window
- Unit 14 side facing bedroom window
- Unit 20 rear facing windows serving kitchen and bedroom
- Unit 25 Rear facing kitchen and living room window
- Unit 13 side facing kitchen window
- Unit 16 side facing living/ dining room window

Reason

To protect the privacy of adjacent properties.

Condition 17 (Accessible and Adaptable dwellings M4(2))

Flats 1,2, 3, 5, 6 and 7 of the development hereby permitted shall be constructed in accordance with building regulations standards for M4(2) 'accessible and adaptable dwellings' and flat 4 shall be constructed in accordance with building regulations standards for M4(3).

Reason

In order to meet the needs of an aging population, frail and disabled persons in accordance with policy A6 of the Gloucester City Plan.

Condition 18 (ecology)

Notwithstanding the approved plans, prior to the occupation of the development hereby approved, full details of biodiversity net gain measures shall be submitted to the Local Planning Authority and approved in writing. The

approved details shall be implemented prior to the occupation of the development.

Reason

To ensure that the development contributes to the enhancement of biodiversity within the site and the wider area

Condition 19 (Contaminated Land) Tiered Investigation

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 7 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. A detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Condition 20 (Employment and Skills Plan)

Prior to the commencement of development, an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority which will identify opportunities for the employment and skills development of local people during the construction and operational stages of the proposal.

Reason

In order to provide opportunities for the employment and skills development of local people in accordance with policy B1 of the Gloucester City Plan.

Condition 21 (Water efficiency)

The consumption of wholesome water per dwelling shall not exceed 110 litres of water per person per day.

Reason

In order to reduce water use and provide benefits to the environment in accordance with policy G6 of the Gloucester City Plan.

Condition 22 (Broadband connectivity)

The proposed development shall be served by a high speed, reliable, full fibre broadband connection which shall reach each residential unit.

Reason

In the interests of digital connectivity and to be in accordance with policy G4 of the GCP.

Condition 23 (Solar Panels)

The development shall not be occupied until the development has been fitted with solar panels, full details of which shall first be submitted and approved in writing by the Local Planning Authority.

Reason

To provide sustainable development

Condition 24 (bin storage)

Notwithstanding the approved plans, the development hereby permitted shall not be occupied until bin storage facilities have been made available for use in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details shall include floor plans and elevations of the proposed bin storage areas and details of materials and location. Those facilities shall be maintained for the duration of the development.

Reason

To ensure adequate bin storage facilities are provided and to ensure the satisfactory appearance of the development

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

This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990

Note 5

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

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.

Note 6

If there are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so.

Care will be required to minimise damage to the trees through the development activities such as good compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on [Guide-to-Trees-and-the-Law](#).

Note 7

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.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

2. Clarification of affordable housing and lettings criteria for proposed 1 bed, 1 person units

The below provides some clarification of affordable housing as well as lettings criteria for the proposed 1 bed, 1 person units which will be further set out within the S106 agreement.

1. There will be a 20/80 split of 100% Affordable Housing for this scheme – This is split into 5 x homes as the 20% developer contribution and 20 x homes as 80% additionality
2. Lettings criteria for the proposed 1 bed, 1 person units - On 1st let, the 1-bed 1-person homes should be for Clapham Court decants in the first instance. In the event this is not possible (no suitable decants identified) they should be used on 1st let for 'short term accommodation use such as the homeless pathway or delayed discharge'. Then all 2nd lets should again be for 'short term accommodation use such as the homeless pathway or delayed discharge'

Agenda Item 9 - 23/00037/FUL & 23/00038/LBC – 2 Oxford St

In discovery of additional material the planning officer is seeking to defer consideration and determination of the applications in relation to 2 Oxford St as the additional material may impact upon their recommendation; and as such are seeking more time to properly consider the matter and

present all the relevant information to members; hence they would like to defer the agenda item to the next meeting.