

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

PERMISSION FOR DEVELOPMENT

Application number: 19/00594/FUL

Date application valid: 15th July 2019

Location: 1 Down Hatherley Lane, Down Hatherley, Gloucester, Gloucestershire, GL2 9PT,

Proposal: Variation of condition 2 (approved plan schedule) of application 19/00006/FUL for alterations to elevations and floor plans to allow for provision of a first floor and alterations to fenestration.

In pursuance of their powers under the above mentioned Act, the Borough Council as Local Planning Authority **HEREBY PERMITS** the development described hereunder in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

Condition(s) and reason(s) attached to permission

1. The development hereby permitted shall be begun before the expiration of five years from the 18th April 2019, the date of permission 19/00006/FUL.

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.

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

Location Plan

002 - Proposed Block Plan (Received 21.11.20)

002 - Proposed Elevation, Floor Plan & Roof Plan (Received 23.11.20)

001 - Visibility Plan

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

3. Prior to its/their installation as part of the development hereby approved, a specification of the materials and finish for the external walls and roofing proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.

Reason: To ensure that the new materials are in keeping with the surroundings and/or represent quality design.

4. Prior to the first occupation of the dwelling hereby permitted the roof lights on the east facing roof slope shall be fitted with obscure glass (at a minimum of Pilkington Level 4 or equivalent) and fitted with 'DGS Egree Friction Stays with inbuilt child restrictors' to restrict the opening of the windows to a maximum of 150mm unless the part of the roof light which opens would be above 1.7 metres from the floor of the room in which the roof light is installed. The roof lights shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason: To protect the amenities of adjoining/nearby properties from unacceptable overlooking.

5. The dwelling hereby permitted shall not be occupied until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided.

6. The development hereby permitted shall not be occupied until the car parking associated with the proposed dwelling and the host dwelling has been provided in accordance with the submitted plans and shall be maintained available for that purpose thereafter.

Reason: To ensure that sufficient off-road parking provision is provided for the occupiers of the new dwelling and the host dwelling.

7. Throughout the construction period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

8. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for the parking of cycles only.

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.

9. Before the first occupation of the dwelling hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected (or to be retained) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the first occupation of the development hereby permitted.

Reason: To protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

10. The construction work on the building hereby approved shall not be commenced until details of existing and proposed ground levels across the site and relative to the adjoining land, together with the finished floor levels of the dwelling relative to Ordnance Datum Newlyn has 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 protect the amenities of properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area.

11. Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the prior written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason: To prevent existing trees/hedges from being damaged during construction work.

12. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking, re-enacting, substituting, amending, extending, consolidating, replacing or modifying that Order, no addition or any other roof alteration shall be constructed/installed on the east facing roof slope. Further, no windows or openings shall be installed above ground floor level on the south facing side elevation of the dwelling hereby approved.

Reason: To protect the amenities of adjoining/nearby properties from unacceptable overlooking.

13. Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.

Reason: To preserve the amenities of the locality.

Informative:

1. 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.

2. There may be a public sewer located within the application site. 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 proposed dwelling.

Date of decision: 15.12.2020

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Development Manager
duly authorised in that behalf

PLEASE SEE NOTES OVERLEAF

NOTES

APPEALS TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG)

If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State, under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the appeals area on www.gov.uk/topic/planning-development/planning-permission-appeals Some personal information will be displayed on this website please contact the Planning Inspectorate on 0303 444 00 00 if you have any concerns

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under a Development Order.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is important that you ensure that the requirements of the CIL Regulations are met (including notification requirements and those that need to be met prior to commencement of development and/or following completion of development) to ensure that you avoid any unnecessary surcharges and that any relevant relief, exemption or instalment policy is applied. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at cil@tewkesbury.gov.uk.

PURCHASE NOTICES

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

PARTY WALL ACT & RIGHT TO ENTER

Your attention is drawn to the Party Wall Act 1996. Further information is available on [Party Wall Act](#)

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

ENFORCEMENT ACTION

Attention is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to consents constitutes a contravention of the provisions of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

CUSTOMER SATISFACTION QUESTIONNAIRE

The Development Management team want to continually improve the service we provide by reviewing what we do and your feedback about the service you have received is really important to us. We would appreciate if you could take part in our short online questionnaire, it should take around 5 minutes to complete. Please click on the following link to access the questionnaire:
<https://www.tewkesbury.gov.uk/forms/planning-application-service-questionnaire>

DISCHARGE OF PLANNING CONDITIONS

There are often conditions attached to planning permissions that need further details, for example, samples of materials. This additional information must be submitted to us for formal agreement - known as 'discharge of conditions'. Further details can be found on our website:
<https://www.tewkesbury.gov.uk/discharge-of-planning-conditions>.

OTHER INFORMATION

This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority. Building Regulations consent for the development may be necessary and you should approach the Building Control section on BuildingControl@cheltenham.gov.uk.

If the work authorised by this permission involves the alteration to an access or the crossing of the highway verge or kerb, you are requested to consult the County Highways Divisional Manager before commencing such work. The address of the Gloucestershire Highways, Imperial Gate Business Park, Corinium Avenue, Barnwood, Gloucester, GL4 3BW

If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of this decision. Failure to do so may result in a delay in the provision of these services.