

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

PERMISSION

PERMISSION FOR DEVELOPMENT

Application number: 21/00007/FUL

Date application valid: 29th January 2021

Location: Henley Bank Kennels, Mill Lane, Brockworth, Gloucester, Gloucestershire, GL3 4QE

Proposal: Demolition of existing buildings and erection of 16 No. affordable homes and associated infrastructure.

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 works hereby permitted shall be begun before the expiration of five years from the date of this consent.

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. The development hereby permitted shall be carried out in accordance with the following approved documents:

- CS-20029 003 Rev PL3 Proposed Block Plan
- CS-20029 006 Rev PL3 Plots 9-14 Floor Plans
- CS-20029-007 Rev PL3 Plots 9-14 Elevations Front and Side
- CS-20029 008 Rev PL4 Plots 9-14 Elevations Rear and Side
- CS-20029 009 Rev PL2 Plots 15-16 Floor Plans
- CS-20029-010 Rev PL3 Plots 15-16 Elevations
- CS-20029-011 Rev PL2 Plots 5,6,7 and 8 Floor Plans
- CS-20029-012 Rev PL3 Plots 5-6 Elevations
- CS-20029-013 Rev PL3 Plots 7-8 Elevations
- CS-20029-014 Rev PL3 Plots 1-2 Floor Plans
- CS-20029-015 Rev PL3 Plots 1-2 Elevations
- CS-20029-016 Rev PL2 Plots 3-4 Floor Plans
- CS-20029-017 Rev PL3 Plots 3-4 Elevations
- CS-20029-018 Rev PL3 Plots 1-14 and 16 Street Scene
- CS-20029-019 Rev PL3 Street Scene Plot 1
- 20198.101 Rev A Landscape Strategy
- CZ0016-ATP-DR-TP-001 Rev P01 General Arrangement Site Access

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.

3. Notwithstanding the submitted details, no development shall be undertaken above DPC level until the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels and ridge levels of the proposed dwelling hereby approved have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of residential and visual amenity

4. Notwithstanding the submitted details, no works above DPC level shall take place until samples of the external building and external surface materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure a satisfactory appearance to the development.

5. All planting comprised in the approved 20198.101 Rev A Landscape Strategy shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. Any trees or hedgerows, which within a period of 5 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. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: In the interests of visual amenity and biodiversity.

6. Prior to the occupation of the dwellings hereby permitted, details of all walls, fencing and other means of enclosure shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

Reason: To provide adequate privacy and an acceptable external appearance.

7. The side facing first floor windows in plots 3-8 which serve stairways and the first floor side facing window in plot 2 which serves an en-suite shall be fitted with obscure glazing (minimum Pilkington Level 4 or equivalent) prior to occupation of the dwelling. The window shall thereafter be retained as such and not altered without the prior consent of the Local Planning Authority.

Reason: In the interests of privacy and residential amenity.

8. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 4 hour emergency contact number;
- Hours of operation;
- 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);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- 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.

9. No building or use hereby permitted shall be occupied or use commenced until details of arrangements for the future management and maintenance of proposed highway not put forward for adoption within the site has been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.

10. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking spaces (and turning space) including bin collection points shown on the approved plans drawing number 003 rev PL3, 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

11. No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access including tactile crossing points have been broadly constructed and completed in accordance with the approved plan CZ0016-ATP-DR-TP-001 Rev P01 and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the vehicular access point is safe.

12. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 2 bicycles per dwelling 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 the National Planning Policy Framework.

13. The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points 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.

14. Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of the land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

15. The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with the approved plan C20016-ATP-DR-TP-001 rev P01.

Reason: In the interests of highway safety.

16. No development shall take place above DPC level until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing 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 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.

17. Prior to occupation of each dwelling hereby permitted, a Homeowner Information Pack setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation and Cotswold Commons & Beechwoods Site of Special Scientific Interest shall be submitted to and approved in writing by the Local Planning Authority and thereafter two copies of the approved information pack shall be issued to each new residential occupier prior to the occupation of each respective new dwelling hereby permitted. The Homeowner Information Pack shall include reference to the sensitivities of these sites, messages to help the new homeowners and their families enjoy informal recreation at these sites and how to avoid negatively affecting them, alternative locations for recreational activities and off road cycling, and recommendations to dog owners for times of the year dogs should be kept on lead when using sensitive sites (i.e. to avoid disturbance to nesting birds).

Reason: To ensure no adverse effects on the integrity of the Cotswold Beechwoods Special Area of Conservation and Cotswold Commons & Beechwoods Site of Special Scientific Interest as a result of the development.

18. Work shall not start on the development hereby permitted until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall expand on the mitigation measures outlined and recommended in the Preliminary Ecological Appraisal with Preliminary Bat Roost Assessment prepared by Focus Environmental Consultants dated November 2020. The CEMP shall include, but will not limited to, precautionary measures to protect bats, birds, Great Crested Newts, hedgehogs and nesting birds. The development shall be implemented fully in accordance with the approved CEMP.

Reason: To protect biodiversity and protected species. This condition is required to be pre-commencement as there is potential for impact on wildlife upon completion of development.

19. Work shall not start on the development hereby permitted until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall expand on the mitigation measures outlined and recommended in the Preliminary Ecological Appraisal with Preliminary Bat Roost Assessment prepared by Focus Environmental Consultants dated November 2020 prepared by Focus Environmental Consultants dated November 2020. The LEMP must be applicable for a minimum period of five years and include a monitoring regime to ensure habitats establish well and animal shelters remain in good state. The development shall be implemented fully in accordance with the approved LEMP.

Reason: To protect biodiversity and protected species. This condition is required to be pre-commencement as there is potential for impact on wildlife upon completion of development

20. Prior to the commencement of development, a full specification for the protection of retained trees to the north of the application site shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the tree roots and their canopies will be protected during construction. This condition is required to be pre-commencement as there is potential for impact on trees upon commencement of development.

21. Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted to and approved by the local planning authority. This lighting scheme shall show contour plans highlighting lux levels, to demonstrate that all bat foraging corridors and roosting features are kept dark. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: To protect biodiversity and protected species and in the interests of residential amenity.

22. No demolition/development of the existing cottage shall take place until a programme of archaeological building recording work including a Written Scheme of Investigation followed by a final report has been submitted to and approved in writing by the local planning authority. The scheme shall consist of an assessment of the affected cottage which is to be recorded to a standard equivalent to a Level 2 (descriptive record) as specified by Historic England in its publication Understanding Historic Buildings: A Guide to Good Recording Practice (2016).

Reason: In the interests of the historic environment. This condition is required to be pre-commencement as archaeological building recording work is required prior to the loss of the non-designated heritage asset.

23. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, 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.

24. No below or above ground development shall commence until a detailed site waste management plan has been submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount waste materials expected to be generated from the development during site preparation and construction phases and set out what specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the amount sent to landfill. In addition, the site waste management plan must clearly set out the proportion of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2-Waste Reduction; adopted Minerals Local Plan for Gloucestershire Policy SR01 and paragraph 8 of the National Planning Policy for Waste

25. No above-ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation in accordance with Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction; and paragraph 8 of the National Planning Policy for Waste.

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. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

3. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylcalagrecmcnts@glouccstcrshirc.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

4. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- i. Drafting the Agreement
- ii. Set up costs
- iii. Approving the highway details
- iv. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

5. 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 principle 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.

CEMP can include but is not limited to:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
- Deliveries, waste, cranes, equipment, plant, works, visitors;
- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
- Waste management;
- Construction methodology;
- Shared deliveries;
- Car sharing;
- Travel planning;
- Local workforce;
- Parking facilities for staff and visitors;
- On-site facilities;
- A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;

- Location for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Highway Condition survey;
- Method of preventing mud being carried onto the highway; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Date of decision: 28.07.2022

A handwritten signature in black ink that reads "Sandra Ford". The signature is written in a cursive style with a long horizontal line extending to the left of the name.

Head of Development Services
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.