



Jason Hayes <jason.hayes.bex@gmail.com>

19/00617/FUL - High Street, Tredworth

7 messages

Adam Smith <Adam.Smith@gloucester.gov.uk>
To: "Jason.hayes@buildexuk.com" <Jason.hayes@buildexuk.com>

10 June 2021 at 12:44

Mr Hayes,

I write in relation to Conditions 1, 2, 3, 5 and 10 of permission ref. 19/00617/FUL. None of these conditions require a submission for approval.

Condition 1 is an absolute requirement about commencing development.

Condition 2 is an absolute requirement setting out approved plans.

Condition 3 is an absolute requirement for the flood measures to be implemented.

Condition 5 is an absolute requirement for the cycle storage on plan PL003 F to be implemented.

Condition 10 is an absolute requirement for the bin storage and boundary treatments on Plan PL003 F to be implemented.

I understand that only the High Street frontage conversion has been implemented, not yet the new build to rear, and is therefore being implemented in phases. The conditions do not provide for the phasing of the scheme, and therefore, while the 'conversion' element of the conditions may have been satisfied, the conditions remain in relation to the remainder of the site. The conditions would not therefore be satisfied fully, at this stage.

You have advised that all relevant parts for the conversion of conditions 3, 5 and 10 have been satisfied as per the conditions.

In that case I would consider it highly unlikely that enforcement action would be taken against a breach of condition by not having satisfied the condition for the whole site, on the basis of the conversion element, because there would not currently be any harm caused – the mitigation for the conversion element having taken place.

Any breach goes with the land and the person who is responsible for that land.

The requirements of conditions for the new build element to the rear would still need to be satisfied.

An option to detach the phases from each other would be a new full planning application solely for the new build element which, if granted permission, would stand alone, and have conditions relating to it.

Regards

Adam Smith

Principal Planning Officer

Place +441452396702
Gloucester City Council
Shire Hall adam.smith@gloucester.gov.uk
Westgate Street www.gloucester.gov.uk
Gloucester, GL1 2TG

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Adam Smith <Adam.Smith@gloucester.gov.uk>
To: "Jason.hayes@buildexuk.com" <Jason.hayes@buildexuk.com>

10 June 2021 at 12:47

Mr Hayes,

Further to our conversation – I hope the below is of use to your client and prospective purchaser.

As discussed if you could let me know on the back of this if the discharge of conditions application can be withdrawn, I would be grateful.

I will hold it as invalid for the moment, as we agreed, so as not to incur cost to you client if unnecessary.

[Quoted text hidden]

Jason Hayes <jason.hayes@buildexuk.com>
To: Imdaad Sulaiman <imdaad.sulaiman@converselaw.com>

10 June 2021 at 14:12

Cc: Jason Folley <jason.folley@buildexuk.com>, Craig Folley <craig.folley@buildexuk.com>

Hi Imdaad

I have been in touch and spoke with Adam Smith at Planning Development today.

He has said, these types of conditions cannot be discharged as they are absolute requirements. Planning don't attend to inspect these types of conditions, unless something is reported to be a problem at the property/Land. Any breach of the conditions found at that point would have consequences. The application fee will now be returned to me, always a silver lining!

To assure our buyer you will note Adam refers to any breach potentially found is the responsibility of the individual owner of their property. Our buyer would not be responsible for any breach of Conditions for 64-68 High Street, though the new owner of the land for the 'new build' is still responsible for all of the absolute conditions relating to the new build only (excluding conditions 1&2 - These have already been met). Some of the conditions cross over to both properties, for example completion of 'Boundary Treatments'. Whilst John Williams has new fences, our buyer will also need to install fencing to the new build properties. This item is part of the new development and conditions laid out by planning.

Can you kindly make our buyer aware of this and forward to them any of the relevant information below from Adam Smith please. Adam Smith also said this circumstance is quite unique, and he has never been faced with anything quite like it...typical for us for the whole duration of this project 😂.

Hope this all makes sense?

Has there been any recent response from our buyer from your last correspondence to them? Hopefully we have now answered all of their queries and can push swiftly on to the sale.

Kind regards,

Jason Hayes

Director

buildex Construction Ltd

t 01452 731426

m 07721 508364

www.buildexuk.com

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===== Forwarded message =====

From: Adam Smith <Adam.Smith@gloucester.gov.uk>

To: "Jason.hayes@buildexuk.com"<Jason.hayes@buildexuk.com>

Date: Thu, 10 Jun 2021 12:44:45 +0100

Subject: 19/00617/FUL - High Street, Tredworth

===== Forwarded message =====

[Quoted text hidden]

Jason Hayes <jason.hayes@buildexuk.com>

10 June 2021 at 15:11

To: Adam Smith <Adam.Smith@gloucester.gov.uk>

Hi Adam

Thanks for the information, it has been very helpful. I will forward it all to my solicitor to convey to our buyer for the land.

Kind regards,

Jason Hayes

Director

buildex Construction Ltd

t 01452 731426

m 07721 508364

www.buildexuk.com

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---- On Thu, 10 Jun 2021 12:47:19 +0100 **Adam Smith** <Adam.Smith@gloucester.gov.uk> wrote ----

[Quoted text hidden]

Jason Hayes <jason.hayes@buildexuk.com>

15 June 2021 at 15:04

To: Adam Smith <Adam.Smith@gloucester.gov.uk>

Cc: Jason Folley <jason.folley@buildexuk.com>

Hi Adam

I have previously submitted your information to our solicitor, and has now been passed on to our buyers solicitor. I have not heard anything back from them so I presume all will be well, and there will be no need to carry on with the application I made to Development Control. Can you kindly cancel the application I previously submitted along with the impending charge for the application fee.

Can you confirm when all is done please?

Many thanks.

Kind regards,

Jason Hayes

Director

buildex Construction Ltd

t 01452 731426

m 07721 508364

www.buildexuk.com

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---- On Thu, 10 Jun 2021 12:47:19 +0100 **Adam Smith** <Adam.Smith@gloucester.gov.uk> wrote ----

Mr Hayes,
[Quoted text hidden]

Adam Smith <Adam.Smith@gloucester.gov.uk>
To: Jason Hayes <jason.hayes@buildexuk.com>
Cc: Jason Folley <jason.folley@buildexuk.com>

16 June 2021 at 09:54

Hi Jason,

I've asked the administration team to stop the application and fee and advise us when done.

Regards

Adam Smith
Principal Planning Officer

Place	+441452396702
Gloucester City Council	
Shire Hall	adam.smith@gloucester.gov.uk
Westgate Street	www.gloucester.gov.uk
Gloucester, GL1 2TG	

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From: Jason Hayes <jason.hayes@buildexuk.com>
Sent: Tuesday, June 15, 2021 3:04 PM
To: Adam Smith <Adam.Smith@gloucester.gov.uk>
Cc: Jason Folley <jason.folley@buildexuk.com>
Subject: Re: FW: 19/00617/FUL - High Street, Tredworth

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Jason Hayes <jason.hayes@buildexuk.com>
To: Adam Smith <Adam.Smith@gloucester.gov.uk>
Cc: Jason Folley <jason.folley@buildexuk.com>

16 June 2021 at 11:25

Thanks Adam

Kind regards,

Jason Hayes
Director
buildex Construction Ltd

t 01452 731426
m 07721 508364

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----- On Wed, 16 Jun 2021 09:54:41 +0100 Adam Smith <Adam.Smith@gloucester.gov.uk> wrote -----

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