

**APPLICATION ON: 18/00299/FUL**  
**VALIDATED ON: 12th March 2018**

**TO:**

.  
Peveril Securities Limited  
c/o Mr John Dickinson  
WYG Planning Limited  
Rowe House  
10 East Parade  
Harrogate  
HG1 5LT  
North Yorkshire

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(ENGLAND) ORDER 2015**

**Land At, Barnwood Link Road, Gloucester,**

**Location:**

**Proposal:** Variation of conditions 1, 3, 4, 6, 9, 10, 11, 13, 14, 16, 17, 18, 19, 22, 27, 33 of planning permission reference 14/01035/OUT for mixed use employment development (Use Classes B1, B2, B8) and car showroom. Outline application means of access not reserved.  
**Variation to conditions sought to allow for the phased development of the site.**

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

**Condition 1**

Approval of details of the appearance, landscaping and layout (hereinafter called "the reserved matters") for the development, or phase of development, shall be obtained from the Local Planning Authority.

Application for approval of the reserved matters for the development, or each phase of the development, on the site shall be made to the Local Planning Authority before the 22nd September 2020.

**Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

**Condition 2**

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be approved.

**Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

**Condition 3**

Approval of the reserved matters shall be obtained from the Local Planning Authority in writing before any development, or phase of development, takes place on site, or that phase of development on site.

**Reason**

To enable the Local Planning Authority to exercise proper control over these aspects of the development and to ensure that the development accords with local and national planning policy guidance.

**Condition 4**

Plans and particulars of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved for the development, or that phase of development, on the site.

**Reason**

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

**Condition 5**

The development hereby approved shall be carried out strictly in accordance with the approved unnumbered site location plan received by the Local Planning Authority on 30th August 2014 and any other conditions attached to this permission.

**Reason**

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

**Condition 6**

Details to be submitted for approval for reserved matters shall include a Noise Management Plan for the development, or that phase of development, to include any mitigation measures that may be necessary to control noise emanating from the site, or that phase of the site and ensure there is no adverse impact on the occupiers of neighbouring properties. The approved scheme shall be implemented before the occupation of the unit to which it relates and maintained for the lifetime of the development.

**Reason**

In order to protect the amenity of occupiers of nearby properties in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 7**

Details to be submitted for approval for reserved matters shall include a strategy identifying how the biodiversity of the site will be maintained over the long term and include the association with the Horsbere Brook and its importance with regards to green infrastructure. The approved scheme shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason**

To ensure that the nature conservation interest and biodiversity of the site is protected in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 8**

No development shall take place until full details of the proposed method, mitigation and translocation strategy for the Slow Worm population has been submitted to and approved in writing by the Local Planning Authority the approved strategy shall be carried out as approved.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of any works to safeguard and maintain a protected species in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 9**

No development or demolition (including all groundworks) shall take place within the application site, or that phase of the site until the applicant, or their agents or successors in tile, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for the site, or that phase of the site, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

**Reason**

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost in accordance with paragraph 141 of the National Planning policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 10**

No development shall take place on the site, or that phase of the site until samples of materials to be used externally for the development, or that phase of the development, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason**

To ensure a satisfactory appearance of the development in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 11**

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 parts A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

**A. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, or that phase of the site whether or not it originates on the site. The contents of the scheme for the site, or that phase of the site are subject to the approval in writing of the Local Planning Authority. The investigation and risk

assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report for the site, or that phase of the site is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- I. a survey of the extent, scale and nature of contamination;
- II. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- III. An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site, or that phase of the site, to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme for the site, or that phase of the site, must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme for the site, or that phase of the site, must accord with the provisions of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme for the site, or that phase of the site, must be carried out in accordance with its terms prior to the commencement of development on the site, or that phase of the site, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works on the site, or that phase of the site.

Following completion of measures identified in the approved remediation scheme, for the site, or that phase of the site, a verification report (referred to elsewhere as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, or that phase of the 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 in accordance with the requirements of part A, and where remediation is necessary a remediation scheme for the development, or that phase of the development must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme for the

development, or that phase of the development, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

#### **E. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme for the site, or that phase of the site, to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme for the site, or that phase of the site, and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out on the site, or that phase of the site, must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### **Reason**

To ensure that appropriate measures are in place prior to the commencement of any works 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 in accordance with Policy SD14 of the adopted Joint Core Strategy (2017).

#### **Condition 12**

The development hereby permitted shall not commence 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 the results of further investigations into exactly which brownfield areas drain to the existing balancing pond and proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage (SUDS). The approved scheme shall be implemented prior to the first use of the development and maintained thereafter for the life of the development. The details need to be submitted prior to the commencement of any works to ensure that the ability to implement a satisfactory drainage system is not compromised.

#### **Reason**

There is currently a lack of clarity over exactly which pre-development brownfield areas drain to the existing balancing pond. 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 (Adopted December 2017), Paragraph 103 of the National Planning Policy Framework and to ensure that the existing brownfield rates are reduced in accordance with Gloucester City Council's SFRA (Strategic Flood Risk Assessment). The details need to be submitted prior to the commencement of any works to ensure that the ability to implement a satisfactory drainage system is not compromised.

**Condition 13**

No development shall commence on site, or that phase of the site, or machinery or materials brought onto the site, or that phase of the site, for the purpose of development until a landscape scheme for the site, or that phase of the site, has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 14**

The landscaping scheme approved under condition 13 above for the site, or that phase of the site, shall be carried out concurrently with the development hereby permitted on the site, or that phase of the site, and shall be completed no later than the first planting season following the completion of the development on the site, or that phase of the site. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

**Reason**

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 15**

All trees and hedgerows to be retained shall be protected in the course of construction works by secure fencing of a type and location to be agreed in writing by the Local Planning Authority prior to the commencement of development on any phase. The protective measures, which shall accord with BS5837 - Trees in Relation to Construction, shall be maintained throughout the construction period and no soil or materials shall be placed within the protected areas.

**Reason**

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 16**

Prior to the commencement of development on the site, or that phase of the site, a Flood Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Management plan shall include procedures for the evacuation of the site, or that phase of the site, in the event of flooding and the design and location of appropriate signage and flood warning notices to make employees and visitors to the site aware of the potential flood risk at the site, or that phase of the site, and evacuation procedures during times of flood. The approved Management Plan for the site, or that phase of the site, shall be implemented prior to the first occupation of the development or that phase of development, with the approved notices kept legible and clear of obstruction and maintained as such for the life of the development.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to ensure that owners, occupiers and visitors to the site are aware that the site is at risk of flooding and have suitable evacuation procedures in place in accordance with the National Planning policy Framework and in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 17**

No development, or phase of development, shall take place, including any works of demolition, until a Construction Method Statement for the site, or that phase of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period on the site, or that phase of the site. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. measures to control the emission of dust and dirt during the demolition and construction phases from ground works, haul roads, stockpiles and material handling/removal.
- vii. specify details of the light from security compounds
- viii. specify details for the storage of waste.

**Reason**

To reduce the potential impact on the public highway and to safeguard residential amenity and prevent pollution in accordance with Policies INF1 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and paragraph 35 of the National Planning Policy Framework.

**Condition 18**

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site, or that phase of the site, outside the following times: Monday-Friday 8.00am-6.00pm, Saturday 8.00am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

**Reason**

To protect the amenity of local residents in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 19**

During the construction phase no power tools or machinery shall be used on the site or that phase of the site, other than portable hand tools between 08:00 and 08:30hrs Monday - Friday or between 08:30 and 09:00hrs Saturdays.

**Reason**

To safeguard the amenity of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition20**

No materials or substances shall be burnt within the application site during the construction phase.

**Reason**

To safeguard residential amenity and prevent pollution in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 21**

During the full term of the construction (including preparatory groundworks) no construction traffic connected with any aspect of the development (including delivery vehicles) shall park on Liddington Road.

**Reason**

To safeguard residential amenity and prevent pollution in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 22**

The development, or phase of the development, shall not be occupied until details of a lighting scheme to illuminate the external areas of the application site, or phase of the site, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the lighting fixtures, their location on the site/on the buildings, and the extent of illumination. The scheme for the site, or that phase of the site, is also to include details on how the impact of how floodlights and external lighting will be minimised. The approved lighting scheme shall be implemented prior to the commencement of the use of the development, or phase of the development and maintained for the duration of the use of the site unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To reduce unnecessary light pollution and its impact upon crepuscular fauna, to safeguard local amenities and in the interests of crime prevention in accordance with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 23**

No built development shall take place within Flood Zones 2 and 3 as identified on the Environment Agency Flood Maps.

**Reason**

To protect the development from flooding in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).



**Condition 24**

There must be no buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the bank of the Horsbere Brook unless agreed otherwise in writing by the Local Planning Authority.

**Reason**

To maintain access to the watercourse for maintenance or improvement and provide overland flood flows in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 25**

The total provision of gross floorspace in each Use Class shall not exceed:

- 11,973 square metres of Class B1 (business use).
- 20,583 square metres of Class B2 (general industrial use).
- 20,538 square metres of Class B8 (storage or distribution use).

As defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

The total gross floorspace figure for Classes B1, B2 and B8 uses on the site shall not exceed 26,217 square metres.

**Reason**

In the interests of highway safety to ensure that there are no additional vehicle movements on the surrounding public highway that have not been assessed as part of the planning submission which would result on additional use of a road considered unsuitable to serve further development contrary to Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 26**

The finished floor levels of the proposed units shall be set at least 300mm above surrounding ground levels.

**Reason**

To protect the development from flooding in accordance with Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 27**

Prior to the occupation of the development or phase of the development, hereby permitted, the vehicular access shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The access arrangements shall be broadly in accordance with the submitted drawing no. 33150/PHL/202 Rev A. The approved access shall be maintained in accordance with the approved details thereafter.

**Reason**

To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

**Condition 28**

Unless full details of a scheme of alternative floorspace combinations is submitted to and approved in writing by the Local Planning Authority no greater than 1,900 square metres of Class B1 Use or 7,000 square metres of Class B2 Use or 2,900 square metres Car Showroom use, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), shall be brought into beneficial use prior to the Elmbridge Improvement Scheme drawing no SD 25988.P.002 Rev U being implemented.

**Reason**

To ensure that the Elmbridge Court Roundabout junction has sufficient capacity to accommodate the additional vehicle movements generated by the development in accordance with Paragraph 32 of the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 29**

Prior to works commencing on the new signalised junction with the A417 and site access road the existing lay-by on the southbound carriageway shall be relocated to the north of the railway bridge in accordance with details to be submitted to and approved in writing by the Local Planning Authority and completed in all respects. These details shall be broadly in accordance with drawing no PHL-203 Rev C.

**Reason**

To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 30**

No building on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public Highway to that building have been completed to at least binder course level and the footway(s) to surface course level.

**Reason**

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

**Condition 31**

Prior to any works commencing on site details of the diversion (including any temporary works required to maintain safe use) of the existing cycleway/footway from Welveland Lane to Liddington Road shall be submitted and approved in writing by the LPA, those details once approved shall be implemented prior to occupation of the proposed development.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

**Condition 32**

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Condition 33**

No development shall commence on site, or phase of the site, until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants for the benefit of the commercial development in a location agreed with the Local Planning Authority and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access). The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Local Planning Authority.

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

**Condition 34**

No construction of any building shall commence until details of measures to discourage seagulls from nesting and roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to the occupation of any building, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

**Note 1**

Work under this Approval, directly affecting a public right of way, should not be commenced until a Diversion Order is confirmed and operational.

**Note 2**

For the avoidance of doubt the indicative layout plan has been provided for illustrative purposes only to demonstrate that the scale of development proposed can be satisfactorily accommodated on the site.

**Date: 6th June 2018**



**City Growth & Delivery Manager**

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET