

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

Application number: | 22/00008/FUL
Validated on: | 21st December 2021
Site address: | Old Gas Works Bristol Road
Proposal: | Engineering works to remediate 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

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

The development hereby permitted shall be carried out in accordance with the application form, and the following approved drawing numbers;

- J773 Rev 0 – Site Location Plan
- J773-002 Rev A – Proposed Site Plan

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.

Condition 3

The development hereby permitted shall not commence until the contractors and other staff working on the site have signed up to receive flood warnings and been made aware of the flood evacuation procedures drawn up for the site.

Reason

To reduce the risk of danger to life through flooding, and to reduce the risk of damage to plant and machinery, and pollution incidents.

Condition 4

Upon completion of the remediation work the site shall be returned to the original topographic levels.

Reason

To ensure there is no loss in flood plain storage volume, and therefore no resultant increase in flood risk at the site and elsewhere.

Condition 5

The development hereby permitted shall be carried out strictly in accordance with the Drainage Management Plan, prepared by VHE Construction Plc (reference 773 MS 07, dated 18/03/2022).

Reason

To reduce the risk of problematic runoff during the remediation work, both in terms of flood risk and pollution.

Condition 6

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.

A. 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.

B. 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, submitted and approved in writing by the Local Planning Authority prior to the occupation of the site.

C. 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, submitted and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, submitted to and approved in writing by the Local Planning Authority prior to the use or occupation of the site.

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

Condition 7

The development hereby permitted shall be undertaken strictly in accordance with the Water Management Method Statement prepared by VHE Construction (reference 773, dated 03/12/2021). Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

Reason

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

Condition 8

The remediation works shall be carried out strictly in accordance with the recommendations in section 5 of the ADAS Arboricultural Method Statement referenced (Ref: 1051479, dated November 2021).

Reason

To ensure adequate protection measures for existing trees 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 9

The development hereby permitted shall be undertaken strictly in accordance with and fully comply with the measures set out in the Environmental Monitoring Plan prepared by VHE Construction Plc dated May 2021.

Reason

To ensure that there is no detrimental effects on the amenities of the area or the occupiers of nearby properties.

Condition 10

The development hereby permitted shall be undertaken strictly in accordance with and fully comply with the provisions set out in the Construction Management Plan prepared by VHE Construction Plc (reference 773/001, received by the Local Planning Authority on 10th May 2022) throughout the demolition/remediation period.

Reason

In the interests of the safe operation of the adopted highway.

Note 1

Any future planning permission for the constriction of, new use of, or redevelopment of the site will be required to include a suitable scheme for the replacement of the 8no. trees that are to be removed (including 4No. TPO trees which are to be removed).

Note 2

The Developer is advised to:

- Refer to the Environment Agency's approach to managing and protecting groundwater: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>
- Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination: <https://www.gov.uk/guidance/land-contamination-risk-management>
- Refer to "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. (The Local Authority can advise on risk to other receptors, for example human health): <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>
- Refer to our "Verification of Remediation of Land Contamination" report: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0210brxf-e-e.pdf>
- Refer to the "Definition of Waste: Development Industry Code of Practice" (version 2) and our related 'Position Statement on the Definition of Waste: Development Industry Code of Practice': <https://www.claire.co.uk/projects-and-initiatives/dow-cop> and <https://www.gov.uk/turn-your-waste-into-a-new-non-waste-product-or-material>
- Refer to British Standards BS 5930:1999-2010 and BS10175 and our "Technical Aspects of Site Investigations" Technical Report P5-065/TR <https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-in-relation-to-land-contamination>
- Refer "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination" National Groundwater & Contaminated Land Centre Project NC/99/73 <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>
- Refer to "Good Practice for Decommissioning Boreholes and Wells" <http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>
- Refer to <https://www.gov.uk/government/organisations/environment-agency> for more information.

Note 3

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.

Note 4

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full.

Note 5

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 6

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.

**Jon Bishop**

Planning and Development Control Manager

Decision date: 12th May 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET