

APPLICATION NO: 20/00932/FUL
VALIDATED ON: 17th November 2020

TO

Gavin Bennett
BENNETTS COACHES LIMITED
c/o Mr Trevor Thorn
Thorn Homes Ltd
Unit B4
Staverton Connection
Gloucester Road
Cheltenham
GL51 0TF

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

Location: Railway Triangle Site Metz Way Gloucester

Proposal: Construction of 4 no. business, commercial and service units for uses permitted under Schedule 2 Part A Class E of the Use Classes Order 1987 (as amended), associated, parking and landscaping and compound for parking of Public Service vehicles (sui generis)

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 drawing numbers:

- o 1:1250 Site Location Plan - Centre Maps Live
- o Site Plan as Existing Based on Midland Survey Ltd. Plan - CD22 MTZ 01
- o Proposed Levels and Hard Landscaping Phase 1 - CD31 MTZ 07a
- o Surface Finishes Details - Simpson tws - P19-231 SK01
- o Levels Strategy Drawing - Simpson tws - P20-097 SK100
- o Proposed Layout Plan -20-409-20 SK01 Revision A
- o 4 Proposed Class E Units - CE38 MTZ 10a
- o Proposed Landscaping Plan - CF14 MTZ 12

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

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition 4

All mitigation and enhancements recommendations detailed within the Walkover Survey (prepared by All Ecology, Project Number 2110, Document Version 10, 21st April 2021), shall be strictly adhered to throughout the works. Prior to the first use of the development hereby permitted a plan indicating the biodiversity enhancements to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter maintained in accordance with the approved details.

Reason

To secure biodiversity mitigation and enhancement.

Condition 5

Prior to the first use of the site, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas.
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour including a lux contour map.
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. No external lighting shall be installed on the site at any time other than in accordance with the approved details.

Reason

To ensure proper provision is made to safeguard protected species and their habitats.

Condition 6

No demolition, tree or shrub removal or clearance works shall take place between 1st March and 31st August inclusive unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the site during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason

To secure biodiversity mitigation and enhancement.

Condition 7

No work above floor plate level shall be carried out until samples of the external materials proposed to be used have 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 ensure that materials are in keeping with the surrounding area and to provide for high quality design.

Condition 8

The landscaping scheme as shown on the approved drawing number CF14 MTZ 12 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. 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.

Condition 9

A. Reporting of Unexpected Contamination

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 then be undertaken in accordance with the requirements of condition Part B and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition Part D.

B. 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, whether or not it originates on the site. The contents of the scheme 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 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:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological 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 'Land Contamination: Risk Management' guidance

C. Submission of Remediation Scheme

A detailed remediation scheme to bring 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 must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification 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.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme 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 and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' guidance

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 10

The development hereby permitted shall not be occupied until the vehicular parking and turning facilities, cycle storage and electric charging points have been provided in accordance with the submitted plan drawing no. 20-409-20 SK01 Revision A, and those facilities shall be maintained available for those purposes thereafter.

Reason

To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided.

Condition 11

Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress
- b. Staff/contractor facilities and travel arrangements
- c. Dust mitigation
- d. Noise and vibration mitigation
- e. Mitigation of the impacts of lighting proposed for the construction phase
- f. Measures for controlling leaks and spillages, managing silt and pollutants
- g. Plans for the disposal and recycling of waste

Development shall take place only in accordance with the approved CEMP.

Reason

To protect existing and proposed properties from the impacts of short-term exposure to noise, vibration, light and dust nuisance.

Condition 12

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

Reason

To protect the noise climate and amenity of local residents.

Note 1

Network Rail's existing boundary treatments must not be removed or damaged and vegetation on its land must not be disturbed.

All accesses to the railway undertaker's land shall be kept open at all times during and after the development.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

Note 2

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision.

You are advised to contact Gloucestershire Building Control Partnership (our shared service between Gloucester City Council and Stroud District Council) on 01453 766321 option 4,2 or building.control@stroud.gov.uk and www.gbcpartners.co.uk for further information or advice on your project.

Note 3

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- o Work on an existing wall or structure shared with another property.
- o Building a free-standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- o 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 4

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.

Date: 5th January 2023



Jon Bishop
Planning Development Manager

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET