

APPLICATION NO: 07/00474/OUT
VALIDATED ON: 10th April 2007

TO: GMV Three Ltd
c/o Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol
BS8 3BA

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

Location: Former Contract Chemicals Site, Bristol Road, Gloucester, GL2 5BX

Proposal: Mixed use development comprising residential (up to 109 units), employment (B1 and showroom) uses, 0.56ha of public open space and remediation of the land in accordance with the accompanying illustrative parameters plan (Appearance, Scale, Layout and Landscaping are retained as Reserved matters). [Site B]

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

Condition 1

Approval of the details of the appearance, landscaping, layout and scale of the building, (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing for each phase of the development before any development is commenced on the relevant phase (excluding works of demolition, site remediation and highway improvement works).

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 2

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

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

Condition 3

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason

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

Condition 4

The development hereby permitted shall be carried out in accordance with the approved drawing nos. drawing no. 12-258-TR-100-001 Rev B - Proposed Junction Arrangement (Bristol Road)(dated 08/08/12) received by the Local Planning Authority on 24th October 2012 & drawing no.12051 003 - Parameters Plan (dated 05/02/13), received by the Local Planning Authority on 11th March 2013 as well as 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 5

Before the commencement of building works (excluding demolition, site remediation and highway improvements) a phasing plan for the whole of the redevelopment site, including the highway works and associated public open space(s), shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure that the works to be undertaken on a phased basis lead to a coherent form of development that is harmonious with it's surroundings and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 6

Prior to the commencement of each phase of the development (excluding demolition, site remediation and highway improvement works) details of the external facing and roofing materials, including details of doors and windows to be used in the construction of the buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to those approved.

Reason

To ensure a satisfactory appearance to the development which harmonious with the surroundings and in accordance with policies BE.7 & BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

No phase of the development (excluding demolition, site remediation and highway improvements) shall take place until details of all boundary treatments and means of enclosure to that phase of the development have been submitted to and approved in writing by the Local Planning Authority including acoustic screening. The boundary treatment approved in respect of each phase shall be fully implemented before the occupation of that phase of the development

Reason

In the interests of visual amenity and to ensure dwellings have satisfactory privacy and amenity in accordance with policies FRP.10, BE.21 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

No phase of the development (excluding demolition, highway improvement works, site remediation) shall take place until a scheme for the hard and soft landscaping for the relevant phase site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented not later than the end of the first planting season following the occupation of any buildings or the completion of the development within that phase, whichever is the sooner. If at any time within a period of 5 years of the completion of the development on that phase trees or plants die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with policies BE.4 & BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

No development including demolition or site clearance shall be commenced on any phase of the development or machinery or material brought onto that part of the site for the purpose of development until full details regarding adequate measures to protect trees and hedgerows within that phase have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- (a) Fencing. Protective fencing must be installed around trees and hedgerows to be retained on site. The protective fencing design must be to specifications provided in BS5837:2005 or subsequent revisions, unless agreed in writing with the Local Planning Authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,
- (b) Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development

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 policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No development shall take place until full details of the proposed mitigating and enhancement strategy for Badgers and their foraging areas, including an updated survey has been submitted and approved in writing by the Local Planning Authority. The strategy shall be carried out as approved.

Reason

To safeguard a protected species in accordance with policy B.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

No phase of the development (excluding demolition, site remediation and highway improvement works) shall take place until full engineering details of site accessing arrangements have been submitted to and agreed in writing by the Local Planning Authority with all such accessing works completed in accordance with those details before the development is occupied or brought into use.

Reason

In the interests of highway safety and in accordance with policies TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed.

Reason

To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

No dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reason

To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

No development (excluding demolition, site remediation and highway improvement works) shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide :

- i. for the parking of vehicles of site operatives and visitors;
- ii. for the loading and unloading of plant and materials;

- iii. for the storage of plant and materials used in constructing the development;
- iv. for wheel washing facilities;
- v. measures to control the emission of dust and dirt during construction
- vi. a construction traffic routing plan.

Reason

To reduce the potential impact on the public highway and in accordance with policies TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

No phase of the development (excluding demolition, site remediation and highway improvement works) hereby permitted shall be commenced until details for the disposal of surface water in respect of that phase have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life of the development.

Reason

To ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 16

Prior to the commencement of each phase of the development (excluding demolition, site remediation and highway improvement works), a scheme for the provision of storage, prior to disposal, of domestic refuse, and all other waste materials within that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation within that phase

Reason

In the interest of amenity and in accordance with Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

Prior to any works commencing on the development site a scheme of noise mitigation works shall be submitted to and approved in writing by this Authority having regard to the noise environment at that time and that meets the following criteria :-

- All habitable rooms within dwellings on the development site should meet the reasonable standard having regard to (BS 8233: 1999 "Sound Insulation and Noise Reduction for Buildings - Code of Practice")
- An internal noise level of 45dB(LAMax) should not be exceeded within any bedroom on the development site during night-time hours having regard to noise produced outside of the development site.
- Noise levels within all external gardens serving the development site should not exceed 55dB (LAeq 16hr daytime) having regard to noise produced outside of the development site. Daytime is to be taken as 07:00hrs - 23:00hrs

Reason

To protect the residential amenities of future occupiers from surrounding land uses in accordance with policies FRP.10 & BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 18

No dwelling on the site shall be occupied until all works as stipulated within the scheme of noise mitigation works (including property level and non property level works) specific to that individual property has been fully installed and is functioning as per its specification and shall be similarly retained thereafter.

Reason

To protect the residential amenities of future occupiers from surrounding land uses in accordance with policies FRP.10 & BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 19

No phase of the development (excluding demolition, site remediation and highway improvement works) which is to be accessed from Bristol Road shall be commenced until the vehicular access onto Bristol Road as shown on approved drawing number 12-258-TR-100-001 Rev B, has been laid out and constructed in accordance with the details in the Estate Street Phasing and Completion Plan.

Reason

To ensure a satisfactory means of access is provided and maintained in the interests of highway safety, in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 20

The existing vehicular accesses to the site from Bristol Road shall be stopped up, its use permanently abandoned and the verge/footway crossings reinstated in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such works shall be completed within 1 month of the vehicular access from 'Site A' being first brought into use and prior to the first occupation of any phase of the development.

Reason

In the interests of highway safety and in accordance with policies TR.31 of the Second Deposit City of Gloucester Local Plan (2002)

Condition 21

No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out and constructed in accordance with the details in the Estate Street Phasing and Completion Plan.

Reason

In the interest of highway safety and in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 22

The proposed vehicular accesses shall not be brought into use until visibility splay lines have been provided in accordance with the submitted details with the area in advance of the splay lines so defined cleared of all obstructions to visibility and thereafter similarly maintained.

Reason

To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety in accordance with policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 23

Access to the site for construction traffic shall be directly from the Bristol Road existing north access or proposed new access shown on drawing no. 12-258-TR-100-001 Rev B only unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in accordance with policies TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 24

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 conditions 24.1 to 24.4 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 condition 24.4 has been complied with in relation to that contamination.

24.1. 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 area covered by this planning permission, 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:
 - 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'.

24.2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site area covered by this planning permission 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 shall accord with the provisions of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

24.3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the

commencement of the first or each phase of the 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 each phase of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme or each phase thereof, a verification report/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.

24.4. 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 be undertaken in accordance with the requirements of condition 24.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 24.2, 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 24.3.

24.5. Long Term Monitoring and Maintenance

Depending upon the remediation method defined in the approved remediation scheme a period of long term monitoring and maintenance may be required to confirm remediation performance during and following completion of the development. In such case a long-term monitoring and maintenance plan (including scope, duration and reporting programme) shall be submitted to and approved in writing by the Local Planning Authority and the effectiveness of the proposed remediation shall be monitored and maintained and reported in accordance with the approved scheme.

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 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 in accordance with policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 25

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason

In order to protect controlled waters in accordance with policies FRP.6 & FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 26

Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason

In order to protect controlled waters policies FRP.6 & FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 27

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 BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 28

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.30 am-6.00pm, Saturday 8.00 am-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 BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 29

Notwithstanding the submitted details, the gross employment floor space on the site as a whole shall not exceed 2,500m².

Reason

A commercial development of a larger floor area will require the highway implications (including any travel plan requirements) to be fully assessed in accordance with policy P5f of the Adopted Gloucestershire County Council Local Transport Plan 3 (April 2011) and policies TR.1 & TR.2 of the Second Deposit City of Gloucester Local Plan (2002).

Reason for Approval

The proposed development will regenerate a large area of disused industrial buildings in close proximity to residential properties. It is considered that the application proposal would make best use of land within a sustainable urban area and replace the existing 'bad neighbour' uses. It is considered that the proposed development can be accommodated on the site without detriment to highway safety, neighbouring amenities, pollution control and nature conservation and subject to compliance with conditions will result in an acceptable environment for future occupiers. For these reasons the proposal is considered to be in accordance with Policies BE.7, BE.21, H.1 H.7, H.13 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

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.

Note 1

The application site is located adjacent to an established industrial estate. Subject to compliance with and retention of noise mitigation measures (to be approved under Conditions 17 & 18), any noise emanating from the adjoining land is unlikely to result in any unacceptable noise levels within habitable rooms of the development hereby permitted. The external noise environment within the curtilages of the dwellings may be influenced by neighbouring industrial uses.

Note 2

For avoidance of doubt the submitted layout plan has been treated as being for illustrative purposes only.

Note 3

The Local Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the proposed highway works including an appropriate bond.

Note 4

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 the Gloucester City Council Building Control Team on 01452 396771 for further information.

Date: 12th June 2013

Redacted to comply with Data Protection

Development Control Manager

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET