

**Land south of the A46 and north of the Tirl Brook, Ashchurch, Tewkesbury**

**Reference: 13/1003OUT**

**Draft Planning Conditions**

*Phasing*

1. As part of the first reserved matters application a phasing plan for the whole site shall be submitted to the LPA for approval in writing. The phasing plan shall indicate the development phases and their order and phasing of key infrastructure, including surface water drainage, green infrastructure and access for pedestrians, cyclists, buses and vehicles. The development shall be carried out in accordance with the approved phasing plan.

*Design Principles*

2. As part of the reserved matters application for phase 1 submitted pursuant to condition 3 a document setting out the Design Principles (hereafter referred to as 'Design Principles') for the development hereby approved shall be submitted to the LPA for approval in writing. The Design Principles shall accord with the Parameter Plans (6611/PL03, 6611/PL04, 6611/PL05 Rev A, 6611/PL06, 6611/PL07); the indicative Masterplan (6611/PL02), Indicative Sectional Elevations Plan (6611/PL08 Rev A), the Design and Access Statement dated September 2013 and addendum to same dated October 2014. The Design Principles shall include the following matters:
  - (i) The principles for determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs and fenestration;
  - (iii) The principles for determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
  - (iv) The principles for the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, parking areas and external pedestrian circulation space;
  - (vi) The principles for the laying out of the green infrastructure including the access, location and general arrangements of the area of publicly accessible open space;

The development shall be carried out in accordance with the approved Design Principles.

*Reserved matters*

3. The development of each phase for which permission is hereby granted shall not be begun before detailed plans thereof showing the layout, scale and external appearance of the buildings and landscaping (hereinafter referred to as "the reserved matters") of that phase have been submitted to and approved in writing by the LPA. The development shall be carried out as approved.
4. Application for the approval of the reserved matters for phase 1 as identified by the phasing plan shall be made to the LPA before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the reserved matters for phase 1, whichever is the later.

5. Application for the approval of reserved matters for the subsequent phases of development as identified by the phasing plan shall be made to the LPA before the expiration of 8 years from the date of this permission. The subsequent phases of development hereby permitted shall be begun either before the expiration of 10 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

#### *Ground and floor levels*

- 6 No development comprising the erection of buildings shall take place in any given phase of the development until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn in that phase 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.

#### *Outlet Centre Conditions*

- 7 The Factory Outlet Centre (FOC) shall be used only for factory outlet shopping (Class A1) and uses within Classes A3, A4 and A5 of the *Town and Country Planning (Use Classes) Order 1987* (as amended).
- 8 All retail sales from the Class A1 floorspace in the FOC shall only be by manufacturers selling their branded seconds, surplus stock, or discontinued lines or other retailers selling rejects, returned goods, seconds, clearance goods and surplus stock, all at discounted prices.
- 9 Not less than 85% of the total gross Class A1 retail floorspace of the FOC shall offer goods for sale at a price at least 30% below either recommended retail price (if available) or, if that price is not available, the price at which such a good is, or has been, offered for sale at the manufacturers' or their retailers' high street outlets
- 10 The remainder of the total gross Class A1 retail floorspace of the FOC shall offer goods for sale at a price at least 10% below either recommended retail price (if available) or, if that price is not available, the price at which such a good is, or has been, offered for sale at the manufacturers' or their retailers' high street outlets
- 11 The retail units other than those in Class A3, A4 and A5 shall not be used for any of the purposes within Class A1 of the *Town and Country Planning (Use Classes) Order 1987* as amended other than for the sale of goods by way of factory outlet shopping. The Class A1 retail units shall not be used for the sale of convenience goods, DIY goods, tools, garden furniture, carpets, floor covering, electrical/gas goods/appliances, hardware, motor vehicle spares and accessories.
- 12 No Class A1 retail unit (excluding the Tourist Information Centre) in the Factory Outlet Centre shall have a gross floor area less than 50m<sup>2</sup>.
- 13 No Class A1 retail unit in the Factory Outlet Centre shall have a gross floor area greater than 1,200m<sup>2</sup>.

- 14 The net sales area for the Factory Outlet Centre shall not exceed 13,436m<sup>2</sup>.
- 15 Not more than 11,500m<sup>2</sup> of the total net sales area shall be used for the sale of clothing and/or footwear or uses ancillary thereto.
- 16 Not more than 3,850m<sup>2</sup> of the total net sales area shall be for the sale of items other than clothing and/or footwear.
- 17 There shall be no more than 10 Class A3-A5 units and no single unit shall exceed 750m<sup>2</sup> gross
- 18 Other than the Class A3-A5 units, the Factory Outlet Centre shall constitute no less than 30 units and no more than 90 units at any one time.

*Garden Centre Conditions*

- 19 The premises shall be used as a garden centre (incorporating café/restaurants and foodhall) and for no other purposes including any other purpose in Class A1 of the *Town and Country Planning (Use Classes) Order 1987* as amended.
- 20 The floorspace permitted for each of the following categories of Class A1 goods shall not exceed the maximum floor area indicated below.

The covered, enclosed accommodation (to a maximum of 7,600m<sup>2</sup> Gross Internal Area):

		Maximum floor area (GIA)
a)	Horticultural products, composts, peats, chemicals and other goods associated with plant/garden care, tools, watering equipment and garden machinery.	7,600
b)	Houseplants, dried, artificial and cut flowers and goods associated with their care and maintenance.	
c)	Garden and conservatory furniture and furnishings, garden lighting and heating, barbecues and barbecue accessories.	
d)	clothing and footwear for outdoor pursuits	
e)	Pets, pet foods, pet cages, fish and accessories including ponds, equestrian products, pet care advice and care products.	
f)	Other goods falling within Class A1, including farm produce, gifts and crafts, confectionary, preserves, pickles, herbs, spices and biscuits.	1,600
g)	Seasonal products.	1,140

The uncovered external area (to a maximum of 7,765m<sup>2</sup> Gross External Area):

		Maximum floor area (GEA)
a)	All living plants of all varieties and sizes.	7,765
b)	All garden related products which are not plants: including rockery, statuary, ponds, pools, fountains and accessories, cold water fish, compost, peat and other garden care products, garden and conservatory furniture, garden lighting and heating, barbeques and accessories, pets, birds, fish and accessories, including aviaries, cages and ponds, garden buildings, greenhouses, conservatories, gazebos, summer houses, swimming pools, spas with all accessories, landscape and building material, fencing and timber products.	

- 21 No part of the Garden Centre shall be used for the sale of the following goods and services (other than as otherwise permitted above): carpets and other floor coverings (other than for outdoors and conservatories), electrical goods (other than electric garden tools and machinery, and electrical products for garden features), chemists, medical and beauty products, newspapers and magazines (other than gardening magazines), food and drink, toys, jewellery, watches and clocks, CDs DVDs and videos (other than those related to gardening and seasonal goods), caravans and car parts and accessories, photographic goods, musical instruments, luggage, leather goods, DIY goods and decorator's supplies, hardware (other than products for garden construction, improvement and maintenance) and clothing and footwear.
- 22 The café/restaurants hereby permitted shall only be used for the purposes of Class A3 (Restaurants and Cafes) and Class A5 (Hot Food Take-away) and for no other purpose.
- 23 There shall be no more than two A3/A5 units subject to a combined maximum gross internal area of 929m<sup>2</sup>.
- 24 The external dining area shall not exceed 1,045m<sup>2</sup> gross floorspace.

*Protection of existing trees and hedgerows*

- 25 Within each phase no hedges or trees shall, with the exception of those required to implement the approved accesses, be removed or felled unless the removal or felling is part of an approved landscaping scheme.
- 26 Details of fencing for the protection of existing trees within a phase shall be submitted to and approved in writing by the local planning authority. The fencing shall accord with BS 5837:2012 (Trees in Relation to Construction). Before any equipment, machinery or materials are brought into that phase for the purpose of the development, the fencing shall be erected in accordance with the approved details.

The fencing shall be retained until all equipment, machinery and surplus materials have been removed from that phase. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor any excavation be made without the prior written consent of the local planning authority.

- 27 All planting, seeding or turfing comprised in the approved details of landscaping for each phase shall be carried out in the first planting and seeding seasons following last occupation of that phase. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

*Landscaping and Ecological Management Plan*

- 28 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be in accordance with the mitigation and enhancement measures in the submitted Environmental Statement. It shall include a timetable for implementation, details for monitoring and review and how the areas concerned will be maintained and managed. Development shall be in accordance with the approved details and timetable in the LEMP.

*Construction Management Plan*

- 29 No development shall commence until a construction environmental management plan (CEMP) detailing how the site will be accessed and laid out during construction has been submitted to, and approved in writing by, the LPA and the CEMP shall be fully implemented and shall include:

- (i) specific noise level targets and vibration levels at existing residential properties;
- (ii) the type of machinery to be used to meet the noise and vibration levels;
- (iii) hours of operation;
- (iv) methods of construction;
- v) Likely type and number of vehicular movements;
- vi) Parking provision;
- vii) How deliveries will be controlled and managed;
- (viii) traffic routes and signage for construction traffic and site staff traffic;
- (ix) provision for wheel washing facilities;
- (x) measures to control the emission of dust and dirt during construction;

In producing the CEMP guidance should be sought from BS 5228.

### *Construction Noise*

- 30 No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written agreement of the Local Planning Authority.

### *External Plant/Extraction*

- 31 Prior to installation, details of any external plant, including air handling units, extract ventilation and filter systems shall be submitted to and approved in writing prior to the installation of the external plant. The detail shall include details of how noise and odour will be controlled. The external plant/extract ventilation and filter system shall be installed in accordance with the approved scheme before the development is brought into use and maintained in accordance with the approved scheme thereafter.

### *Lighting*

- 32 A lighting plan for each phase of development shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.

### *Highways/Access Conditions*

- 33 With the exception of operations relating to site clearance, remediation, diversion of services, site investigations and the erection of fencing and hoardings, the development hereby approved shall not commence until a detailed scheme for the proposed access works to the A46 has been agreed in writing by the Local Planning Authority. Such works shall be broadly in accordance with drawings H439/03 and H439/04 and incorporate site access traffic signal arrangements which are linked through Link MOVA, to the existing signal controls between the M5 Junction 9 and Northway Lane.
- 34 The development hereby approved shall not be occupied until the highways works agreed under condition 33 above have been implemented in full, to the written satisfaction of the Local Planning Authority. 35 Notwithstanding the submitted details, no works shall commence on site until the full engineering details of the eastern access route and non-motorised user linkages with Fiddington Lane, including a scheme to prevent the right turn from the northern access to Newton farm, have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved works have been completed. The works shall be retained as such thereafter unless and until adopted as highway maintainable at public expense.
- 36 No works shall commence within a phase until details of the Car park Management Plan (CPMP) for that phase have been submitted to and approved in writing by the Local Planning Authority. Prior to the beneficial occupation of a phase the CPMP for that phase shall be implemented and shall be retained for the duration of the development thereafter.

- 37 The car parking, vehicular loading and turning, cycle parking arrangements agreed pursuant to Condition 1 shall be provided prior to the beneficial occupation of that phase and shall be retained for the duration of the development thereafter.
- 38 Prior to the beneficial occupation of a phase, the approved Travel Plan (TP), reference H439-DOC06 TP Issue 3 shall be implemented insofar as that phase is concerned and shall be continued thereafter.

*Fire Hydrants*

- 39 No development within a phase shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants (served by mains water supply) within that phase. No development within a phase shall be occupied until the fire hydrants serving that phase have been provided to the satisfaction of the Local Planning Authority.

*Drainage*

- 40 The first reserved matters application submitted pursuant to Condition 3 shall be accompanied by details of the surface water drainage strategy for the whole development hereby approved, incorporating sustainable drainage principles and a management and maintenance plan. All subsequent reserved matters submitted pursuant to Condition 1 shall accord with the approved surface water drainage strategy and the development shall be carried out only in accordance with the approved surface water drainage strategy. The details shall be based on the Flood Risk Assessment dated September 2013. No building hereby permitted shall be occupied until the sustainable drainage scheme for the relevant phase has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

*Archaeology*

- 41 No development shall take place within a phase (excluding works to the existing public highway) until a programme of archaeological work for that phase has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

## Informatives

1. For the purposes of the “Retail” conditions the following definitions apply:

Gross External Area (Gross) - The aggregate superficial area of a building measured externally at each floor level (includes: external walls and projections, and open-side covered areas and enclosed car parking areas, but excludes open covered ways or minor canopies and open vehicle parking areas etc)

Gross Internal Area (GIA) - Measurement of a building on the same basis as gross external area, but excluding external wall thicknesses (includes atria/entrance halls and ancillary space e.g. offices)

Net Sales Area - The usable space within a building measured to the internal finish of structural, external or party walls, but excluding toilets, lift and plant rooms, stairs and lift wells, common entrance halls, lobbies and corridors, internal structural walls and columns and car parking areas.

2. The applicant is advised that this planning permission does not confer approval to any departures from standards in respect of highways design and layout, as set out in the Design Manual for Roads and Bridges (DMRB).
3. The highway proposals associated with these consents involve works within the public highway, which is land over which you have no control and is subject to the provisions of the Highways Act 1980. In order for these works to proceed, the Highways Authority for the A46 requires the developer to enter into a suitable legal agreement to cover the design and construction of the works.
4. Please contact Mr David Steventon of the Highways Agency’s Area 9 Network Delivery and Development Directorate at an early stage to discuss the details of the highways agreement. His contact information is as follows: Floor 9, The Cube, 199 Wharfside Street, Birmingham, B1 1RN. Tel: 0121 678 8723.
5. The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, which includes both the Highways Agency and Gloucestershire County Council, before commencing works on the development.
6. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.



## REASONS

1. To secure the programming and phasing of, and an orderly pattern to the development.
2. To ensure that the development is carried out in accordance with good urban design principles and in order to integrates harmoniously with its surroundings.
3. The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.
4. To comply with the requirements of Section 91 of the Town and County Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure the timely commencement of this development in order to meet the proposed housing trajectory of the emerging plan.
5. To comply with the requirements of Section 91 of the Town and County Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure the timely commencement of this development in order to meet the proposed housing trajectory of the emerging plan.
6. In the interests of amenity to accord with the NPPF.
7. To protect the vitality and viability of other centres.
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25. To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
26. To secure the protection of the health and visual amenity of mature trees and hedgerows on the site, which are important to the quality of this development
27. To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
28. To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
29. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
30. To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.
31. In the interests of noise and air pollution to accord with the NPPF.
32. In the interests of amenity to accord with the NPPF.
33. In the interests of highway safety in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the NPPF.
34. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the NPPF
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36. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the NPPF
37. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006
38. To reduce highway impact, in accordance with Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 – March 2006 and the NPPF
39. To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

40. To ensure adequate disposal of surface water drainage in accordance with the NPPF and Policies EVT5 and EVT9 of the Tewkesbury Borough Local Plan to 2011 - March 2006.
41. To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which would be lost.