

# TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	16 August 2022
<b>Site Location:</b>	Land West of Duddage Business Park Brockridge Road Twyning
<b>Application No:</b>	21/01384/OUT
<b>Ward:</b>	Tewkesbury North and Twyning
<b>Parish:</b>	Twyning
<b>Proposal:</b>	Outline planning application for an extension to Duddage Manor Business Park for commercial development including Class E (office and light industrial), B2 (general industrial) and B8 (storage) and new access and associated infrastructure (all matters reserved for future consideration).
<b>Report by:</b>	Bob Ristic
<b>Appendices:</b>	Site location plan Illustrative masterplan
<b>Recommendation:</b>	Delegated Permit
<b>Reason for referral to Committee:</b>	Parish objection

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the southern side of Brockridge Road and directly to the west of Duddage Business Park which is identified as a Rural Business Centre. The site is also set approximately 380 metres to the west of the built-up area of Twyning. (See Site location Plan)
- 1.2 To the north of the larger field parcel are two dwellings at Yew Tree House and Willowend and to the south and west is open countryside. A public footpath Twyning ATW27 runs along the eastern boundary of the site.
- 1.3 The site is not subject to any landscape designations, and the southeaster part of the site is allocated in the Tewkesbury Borough Plan as an extension to Duddage Business Park under Policy EMP2.
- 1.4 The application seeks outline planning permission with all matters reserved for an extension to Duddage Manor Business Park and associated infrastructure. While all matters are reserved an indicative masterplan has been submitted demonstrating how the site could be accessed and laid out. (See indicative Masterplan).

- 1.5** The submitted details set out that the site is proposed for a mix of Classes E (office and light industrial), B2 (general industrial) and B8 (storage) and could provide 6no. industrial units and 6 no. starter units with a total floor area of 3,000 square metres.

## **2.0 RELEVANT PLANNING HISTORY**

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
03/01121/FUL	Construction of a Business Park (10 units, B1 use) and alteration to existing vehicular access.	PER	12.11.2003
99/01478/OUT	Outline application for the construction of a rural business park, B1 units, including external appearance, siting, design and means of access	PER	25.03.2002

## **3.0 RELEVANT POLICY**

The following planning guidance and policies are relevant to the consideration of this application:

### **3.1 National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### **3.2 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017**

- Policy SP1 (The Need for New Development)
- Policy SP2 (The Distribution of New Development)
- Policy SD6 (Landscape)
- Policy SD8 (Historic Environment)
- Policy SD9 (Biodiversity and Geodiversity)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)
- Policy INF2 (Flood Risk and Management)
- Policy INF3 (Green Infrastructure)

### **3.3 Tewkesbury Borough Local Plan to 2011-2031 (TBPL)**

- Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features)
- Policy NAT3 (Green Infrastructure: Building with Nature)
- Policy ENV2 (Flood Risk and Water Management)
- Policy EMP2 (Rural Business Centres)
- Policy EMP5 (New Employment Development - General)

### **3.4 Neighbourhood Plan**

Twyning Neighbourhood Development Plan – 2011-2031

- E1 Principles of employment development
- TP1 Traffic
- TP2 Access
- GD1 Development outside the development boundary
- GD3 Development principles
- GD4 Landscape and bio-diversity
- GD7 Water resources, quality and flood risk
- ENV2 Countryside between Twyning Village and Church End

### **3.6 Other relevant policies/legislation**

- Human Rights Act 1998
- Article 8 (Right to Respect for Private and Family Life)
- The First Protocol - Article 1 (Protection of Property)

### **4.0 CONSULTATIONS**

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

#### **4.1 Twyning Parish Council – Object for the following reasons:**

- Employment should be considered under the JCS review
- Abundance of empty employment sites
- Does not account for Ashchurch
- M5 J9 improvements proposed to meet employment and Garden Town growth
- Unnecessary to burden another rural network with HGV traffic
- Insensitive and disproportionate to rural village
- Twyning's riverside character needs protecting
- Rural façade of Brackenridge Road entrance needs to be maintained

#### **4.2 Gloucestershire Highways – No objections**

#### **4.3 Environmental Health – No objections**

#### **4.4 Gloucestershire Minerals and Waste Officer – No objections**

#### **4.5 Planning Policy Officer – No objections**

- Policies EMP2 and EMP5 of the TBP would apply
- Recommend a condition to restrict uses

#### **4.5 Lead Local Flood Authority – No objections**

#### **4.6 CPRE – Object**

- Should be considered in conjunction with Brockridge Business Park application
- Contrary to JCS and NDP
- Would encroach into open countryside

## 5.0 PUBLICITY AND REPRESENTATIONS

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. A further site notice was posted following receipt of amended plans. In total 31 letters of representation have been received and the comments raised are summarised below:

### 5.2 Object

- Poor access, highway safety, additional traffic
- Limited public transport
- No pavements, priority should be given to pedestrians and cyclists
- Bockeridge Road is Narrow
- Access is to and from M50 slip road and difficult to access from M50 slip road
- Splays are privately owned
- On a school bus route
- Horses and horse boxes use road
- Lack of re-routing of PROW
- Ecological report assessed a smaller area, does not assess wider area/assets
- Would destroy habitat
- Drainage and sewage issues
- Detrimental impact on village
- Not an extension, it uses a separate access
- Need not demonstrated
- More pollution
- 24/7 operation
- Area already threatened with housing development
- Contrary to NDP
- Landscape impact
- Impact from flooding, no details in drainage report
- No shortage of office/industrial space in Ashchurch
- Existing business park not at capacity
- Within 500m of listed properties
- B8 not permitted at existing business park
- TBP allocation is 0.42 hectares
- Development site is 4.1 hectares
- No archaeological assessment

### 5.3 Support

- Would offer employment to local people
- Is a logical extension
- Would have little impact on village life
- Would improve local economy – help sustain shops and pubs

## **6.0 POLICY CONTEXT**

- 6.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Plan 2011-2031 (TBP) and several 'made' Neighbourhood Development Plans.
- 6.3** The relevant policies are set out in the appropriate sections of this report.
- 6.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

## **7.0 ANALYSIS**

### ***Principle of development***

- 7.1** Paragraph 81 of the NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In achieving sustainable development, Paragraph 8 of the NPPF advises that the economic objective should help build a strong, responsive and competitive economy. Section 6 of the NPPF - 'Building a strong, competitive economy', advises that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 7.2** In terms of the rural economy, the NPPF advises that Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 7.3** Furthermore, Paragraph 85 advises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 7.4** Policy SP1 of the JCS states that during the plan period 2011-2031 provision will be made for a minimum of 192 hectares of B-Class employment land to support approximately 39,500 jobs. Policy SP2 sets out the distribution of development and states that at least 84 hectares of the 192 hectares provision will be delivered at Strategic Allocation sites and any further capacity will be identified in District Plans.
- 7.5** JCS Policy SD1 supports employment related development in certain circumstances, including:
- ii. At locations allocated for employment use within the Development Plan;*

*vi. In the wider countryside when it is: - located within or adjacent to a settlement or existing employment area and of an appropriate scale and character;*  
*vii. Where it allows the growth or expansion of existing business especially in the key growth sectors, subject to all other policies of the plan;*  
*vii. Where it would encourage and support the development of small and medium sized enterprises, subject to all other policies of the plan.*

- 7.6** Tewkesbury Borough Plan Policy EMP2 sets out that at Rural Business Centres as defined on the Policies Map, the borough Council will support in principle proposals for employment development. new development including redevelopment, intensification and extensions will be supported provided they are of an appropriate scale and design having regard to the existing buildings and rural landscape. The Policy specifically allocates a 0.42 hectare extension on land adjoining the existing business park.
- 7.7** TBP Policy EMP5 sets out that development will be permitted subject to other policies in the plan and that the traffic impact can be accommodated, there is safe, convenient sustainable access commensurate with the scale and location, there is satisfactory parking and manoeuvring space with no adverse impact on amenity and that the scale is compatible with the existing location and its setting.
- 7.8** TNDP Policy E1 sets out that small-scale employment development that is demonstrated to improve local employment opportunities will be permitted within, or adjacent to Twynning Village and within or adjacent to the outlying settlements. Development that improves local employment opportunities will be supported in sustainable locations within or adjacent to settlements within the Parish providing they are of a scale, form and function which respects the existing character of that particular settlement.
- 7.9** The application site lies in proximity to Twynning which is a service village, is adjacent to an existing rural business centre and is allocated in part for employment use as an extension to the existing business park. While the principle of development is considered acceptable it is however noted that the application site measures approximately 2 hectares and exceeds the indicated allocation of 0.42ha set out at Policy EMP2, the impacts of which will need to be considered in the planning balance.

### ***Access and highway safety***

- 7.10** Policy INF1 of the JCS advises that proposals should ensure safe and efficient access to the highway network is provided for all transport modes and that the impact of development does not have a severe impact upon the highway network. Policy SD4 (vii) also requires development to be well integrated with the movement network within and beyond the development itself, ensuring links by other modes and to green infrastructure.
- 7.11** The application site would be served by a new access from Brockeridge Road. Although Access is reserved for future consideration, an illustrative masterplan has been submitted and the application is accompanied by a Transport Statement and Addendum Technical Report.
- 7.12** The submitted details have been assessed by the County Council Highway officer who has advised that the revised plans have altered the red line boundary further to the north, which means it would be possible to provide a new access a suitable distance away from the current access to the business park and suitable safe access could be achieved, though the precise details would need to be considered at the Reserved Matters Stage.

- 7.13** Concerns were initially raised in respect the lack of footways serving the proposed development site, which would necessitate pedestrians to walk along Brockeridge Road. The Applicant has submitted additional information which demonstrates that it would be possible to deliver some form of footway to serve the development. Whilst at this stage the plans do not show specific details of the proposed footway, the Highway Authority is satisfied that there is a realistic opportunity to deliver a footway in this location, and as such the details of this scheme can be secured via an appropriately worded planning condition. Furthermore, there would be a requirement for a S.106 contribution to be secured in respect of an employment travel plan bond and monitoring fee.
- 7.14** Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and the proposal is considered to be acceptable on highway and accessibility grounds.

### ***Landscape impact***

- 7.15** The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem service. Policy SD6 of the JCS states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Proposals will have regard to local distinctiveness and historic character of different landscapes and proposals are required to demonstrate how the development will protect landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement area. Policy LAN2 of the TBP sets out that all development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.
- 7.16** The application site is not under any formal landscape designations, either statutory/national or non-statutory/local. The site is relatively flat, includes some hardstanding but is predominantly a heavily grazed field of semi-improved grassland and a small area of scrub. The site adjoins existing built development to the East at Duddage Business Park and dwellings to the north.
- 7.17** The principle of development has been established through the allocation of a 0.42 hectare area of the field parcel for business use. However the application site measures 2 hectares. This would increase the visual impact and harm, however this harm would be limited given the context of existing development to the north and east. Furthermore, the enlarged site area would allow potential for the provision of enhanced landscaping as shown on the indicative site layout plan. The extent and nature of the landscaping and mitigation offered would need to be detailed and considered at the reserved matters stage.

### ***Design and layout and amenity***

- 7.18** JCS policy SD4 states new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. Policy SD14 sets out that development should have no detrimental impact on the amenity of existing or new residents or occupants.

- 7.19** Although the application is in outline with all matters reserved, the application has been accompanied by an illustrative masterplan which demonstrate how the development could be laid out with the proposed buildings set to the southern part of the site adjacent to the the existing business park and would therefore appear as a continuation of this built form.
- 7.20** The supporting information sets out that the buildings would be 5.6 metres in height for the larger units and 4.1 metres in height for the smaller units, with a total building floor area of 3,000 square metres. It is considered that buildings of these scale would be appropriate to the site and wider area and these parameters could be controlled by condition.
- 7.21** The indicative plan shows how the site could accommodate on and off-site planting to soften and screen the development, however the precise landscaping details would be a consideration for the Reserved matters stage. Similarly, the external appearance of the buildings would be subject of further consideration as a reserved matter, however there is ample scope to achieve a high-quality development.
- 7.22** The application site and access lie in proximity to several dwellings (including two further dwellings permitted on land adjacent to Willowend). Considering this relationship it is necessary to require similar condition to that at the existing business park to restrict the hours of operation of the site in the interest of amenity.

### ***Drainage and flood risk***

- 7.23** Policy INF2 of the JCS seeks to prevent development that would be at risk of flooding. Proposals must avoid areas at risk of flooding and must not increase the level of risk to the safety of occupiers of a site and that the risk of flooding should be minimised by providing resilience and taking into account climate change.
- 7.24** The application site is located in Flood Zone 1 (Low probability of flooding) and the application is accompanied by a Flood Risk Assessment which confirms that the site is at a low risk of flooding and that the proposal would incorporate SuDS techniques. The illustrative masterplan has also been revised to demonstrate how a SuDS pond could be accommodated within the lower part of the site.
- 7.25** The parameters are considered acceptable, however the precise details would need to be submitted as part of the reserved matters application and this could be secured by condition.

### ***Biodiversity***

- 7.26** The NPPF sets out, inter alia, that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments, especially where this can secure measurable gains for biodiversity. Policy SD9 of the JCS seeks to protect and, wherever possible enhance biodiversity, including wildlife and habitats. Policy NAT1 of the TBP states that development proposals that will conserve, and where possible restore and/or enhance, biodiversity will be permitted.
- 7.27** The application has been accompanied by a Preliminary Ecological Assessment and Phase 1 Habitat and Protected Species Survey in respect of Bats, Badgers, Birds Dormice Great Crested Newts and reptiles. The submitted details identify the habitat suitability which is limited given the heavily grazed nature of the site as improved grassland. However the report identified the impact of the development as being negligible to low and sets out precautionary measures to ensure wildlife is not adversely affected by the construction

process and is enhanced through provision of bird and bat boxes, pond creation and enhanced species rich planting.

**7.28** In addition to the above, Policy NAT1 of the TBP states, inter alia, that proposals will, where applicable, be required to deliver a biodiversity net gain (BNG) across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation. The reasoned justification sets out that the Council will expect all development to deliver a minimum net gain of 10% calculated using the DEFRA Biodiversity Metric (or any updated or replacement metric used as the industry standard). Ordinarily this information should be submitted, considered, and secured, if deemed acceptable, prior to the determination of the application. However, given the TBP was adopted near the late stage of this application, in this particular case, a condition is recommended to secure the policy requirement.

### ***Section 106 obligations***

**7.29** The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst the Council does have a CIL in place, infrastructure requirements specifically related to the impact of the development will continue to be secured via a Section 106 legal agreement. The CIL regulations stipulate that, where planning obligations do not meet the tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

**7.30** These tests are as follows:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

**7.31** JCS Policy INF6 relates directly to infrastructure delivery and states that any infrastructure requirements generated as a result of individual site proposals and/or having regard to the cumulative impacts, should be served and supported by adequate and appropriate on/off-site infrastructure and services. The Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy INF4 of the JCS requires appropriate social and community infrastructure to be delivered where development creates a need for it. JCS Policy INF7 states the arrangements for direct implementation or financial contributions towards the provision of infrastructure and services should be negotiated with developers before the grant of planning permission. Financial contributions will be sought through S106 and CIL mechanisms as appropriate.

**7.32** Requests have been made by consultees to secure the following contributions:

- Employment Travel Plan Bond - £31,595.75
- Employment Travel Plan Monitoring - £5,000

## 8.0 CONCLUSION AND RECOMMENDATION

8.1 Section 38(6) of the Town and Country Planning Act 1990 provides that, if regard is to be had to the development plan, the determination must be made in accordance with the development plan unless other material circumstances indicate otherwise. Section 70 (2) of the Act provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

### *Benefits*

8.2 The proposal would provide further employment units adjacent to an existing established business park in an accessible location with good access to the motorway network, and in walking and cycling distance of Twynning. The proposal would add opportunities for existing businesses to expand and also attract new investment and business opportunities through the mix of uses and unit sizes proposed which would increase employment opportunities and economic growth in the area. Economic benefits would also arise from the construction phase.

### *Harms*

8.3 The proposed development would exceed the 0.42 hectare allocation in the Tewkesbury Borough Plan and tether is a conflict with then parameters of Policy EMP2. The introduction of built development in a rural area upon part of an existing field parcel would result in landscape harm, however this harm is limited given the presence of built development adjoining the site.

### *Neutral*

8.4 The impacts of the development upon the landscape and character of the area could likely be mitigated to an appropriate level through appropriate design and landscaping, the details of which would need to be secured at the Reserved Matters stage. Similarly appropriate pedestrian accessibility could be secured by condition. The proposal would provide appropriate measures to protect wildlife throughout the construction phase and would be required to provide a Biodiversity Net Gain post development.

### *Overall conclusion*

8.5 On the basis of the above, it is considered that on balance, the benefits and limited harms identified (which could be further mitigated by careful design and landscaping) would outweigh the conflict of the proposal in respect of the scale of development proposed.

8.6 As such, the proposal is considered to represent sustainable development and it is therefore recommended that the decision is **DELEGATED to the Technical Planning Manager to permit the application subject to any additional/amended planning conditions and the completion of a section 106 legal agreement to secure the following:**

- **Employment Travel Plan Bond - £31,595.75**
- **Employment Travel Plan Monitoring - £5,000**

## CONDITIONS:

1. 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: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development for which permission is hereby granted shall not be begun before details showing the layout, scale, external appearance of the building(s), landscaping and access (hereinafter referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended). The application is in outline and the reserved matters referred to are required to enable the Local Planning Authority to exercise control over these aspects of the development.

4. Each application for reserved matters pursuant to Condition 3 shall be accompanied by a plan setting out the existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum Newlyn. The development within that phase shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and well-planned development and in the interest of visual amenity.

5. The first reserved matters application shall be accompanied by a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy (e.g. Sustainable Drainage System – SuDS). The detail must demonstrate the technical viability of the 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 life time of the development. There should not be any flooding on any part of the site for 1 in 30 year rainfall event and should not be any flooding on any part of the building for a 1 in 100 year rainfall event. The scheme for the surface water drainage shall be carried out in accordance with the approved details before any part of the development is first brought in to use.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing 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.

6. The first reserved matters application shall be accompanied by an exceedance flow routing plan for flows above the 1 in 100+70% climate change event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify

exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before any part of the development is first brought into use.

Reason: To ensure satisfactory drainage of the site and avoid 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 in the locality.

7. Each reserved matters application submitted pursuant to Condition 3 shall be accompanied by precise details of the following and the development shall be carried out in accordance with those approved details.

- All external facing and roofing material including windows doors and their colour.
- All external plant and enclosures
- Provisions for the storage of waste
- Details of any external lighting, including luminance and spread

Reason: To ensure a satisfactory appearance to the development in the interest of the visual amenity of the area.

8. The first reserved matters application submitted pursuant to Condition 3 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:

Hard landscaping details shall include:

- i. Proposed finished levels or contours;
- ii. Positions, design, materials and type of any boundary treatments to be erected;
- iii. Hard surfacing materials;

Soft landscape details shall include:

- i. Planting plans including the positions of all tree, hedge and shrub planting;
- ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. Schedules of plants, noting species, planting sizes and proposed numbers;
- iv. Densities where appropriate; and
- v. Implementation timetables including time of planting.

The development shall be carried out only in accordance with the details so approved.

Reason : To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

9. 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 local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To ensure a satisfactory and well-planned development and to preserve and

enhance the quality of the environment.

10. The first reserved matters application submitted pursuant to Condition 3 shall be accompanied by a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas. The landscape management plan shall be implemented in accordance with those approved details prior to the first use of the development.

Reason: In the interests of visual and residential amenity.

11. During the construction phase, no site clearance, construction works or machinery (audible beyond the application site) shall be operated, or process carried out and no deliveries taken at or despatched from the site outside the following times 07.30 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties.

12. No building upon the site shall not exceed 5.6 metres in height for the larger units and 4.1 metres in height for the smaller units.

Reason: To accord with the parameters set out in the Planning Statement and to ensure an acceptable scale to the development in the interest of the visual amenities of the area.

13. The development hereby permitted shall not exceed 3,000 square metres gross and shall be used solely for Classes E(g) Office, B2 General industrial or B8 storage and distribution uses and for no other permitted change.

Reason: To accord with the parameters set out in the Planning Statement and Transport Technical Report.

14. There shall be no open storage of materials, products or waste outside of the buildings.

Reason: To ensure an acceptable scale to the development in the interest of the visual amenities of the area.

15. The development shall be carried out in accordance with the ecological mitigation and protection measures set out within the Wild Service Preliminary Ecological Assessment MN2021016Av1 and the enhancement measures implemented concurrently with the development.

Reason: These details are required prior to the commencement of works in order to conserve the natural environment.

16. No above ground development shall take place until a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric 3.1 has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details to demonstrate how a biodiversity net gain of 10% will be delivered either on-site and/or off-site in accordance with the requirements of Policy NAT1 of the Tewkesbury Borough Plan (June 2022).

The development shall be implemented in accordance with the approved Biodiversity Net Gain Assessment and enhancements retained for the duration of the use.

Reason: To ensure the development would deliver a biodiversity net gain across the local and landscape scales

17. The Development hereby approved shall not be occupied until drawings of the highway improvements/offsite works comprising:

- Provision of a pedestrian footway on Brockeridge Road

Have been submitted to and approved in writing by the Local Planning Authority; and the development shall not be brought into use until those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and suitable access for all.

18. Combined Parking Details (For RM Applications) Vehicle and cycle parking shall be provided prior to first occupation of each building in accordance with details to be contained within the approval of any reserved matters permission. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. Parking and charging points shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

19. The Development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities

20. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Manual for Gloucestershire Streets. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason: To promote sustainable travel and healthy communities.

21. The Development hereby approved shall not be brought into use until the applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

Reason: To reduce vehicle movements and promote sustainable access.

22. No works other than site clearance shall take place until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The site waste management plan must identify the type and amount waste materials expected to be generated from the development during site preparation and construction phases and set out what specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re-use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the site waste management plan must clearly set out the likely proportion of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency.

23. No part of the development shall be brought into use until full details of the provision made for facilitating the management and recycling of waste generated during occupation/use have been submitted to and approved in writing by the local planning authority. This must include details of the appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must be aligned with the principles of the waste hierarchy. All details shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation.

24. Hours of working/deliveries/collections, within/to/from the site shall be restricted to 0730 to 1800 hours Mondays to Fridays and to 0800 to 1300 hours on Saturdays. There shall be no such working/deliveries/collections on Sundays or Public Holidays.

Reason: To preserve the living conditions of nearby occupiers.

## **INFORMATIVES:**

1. 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 the 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.

### Works on the Public Highway

2. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.
3. Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the agreement  
A monitoring fee  
Approving the highway details  
Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

4. The proposed development will require a Travel Plan as part of the transport mitigation package (together with a Monitoring Fee and Default Payment) and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

Gloucestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils website. As part of this process the applicant must register for Modeshift STARS and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

5. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.