

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure)**  
**(England) Order 2015**

**PERMISSION**

**PERMISSION FOR DEVELOPMENT**

**Application number:** 22/01055/FUL

**Date application valid:** 3rd October 2022

**Location:** Ashville Business Park, Commerce Road, Churchdown, Gloucester, Gloucestershire, GL2 9QJ

**Proposal:** Erection of a new Land Rover car showroom and workshop, offices, storage, spare parts and MOT bay, with separate valeting accommodation and associated parking and landscaping.

In pursuance of their powers under the above mentioned Act, the Borough Council as Local Planning Authority **HEREBY PERMITS** the development described hereunder in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

**Condition(s) and reason(s) attached to permission**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

- 3704-SRA-XX-XX-DR-A-PL-001 P01 - SITE LOCATION PLAN;
- 3704-SRA-XX-XX-DR-A-PL-005 P01 - EXISTING BLOCK PLAN;
- 3704-SRA-XX-XX-DR-A-PL-010 P01 - EXISTING SITE PLAN;
- 3704-SRA-XX-XX-DR-A-PL-030 P01 - PROPOSED BLOCK PLAN;
- 3704-SRA-XX-XX-DR-A-PL-035 P01 - PROPOSED SITE PLAN;
- 3704-SRA-XX-XX-DR-A-PL-036 P01 - PROPOSED SITE PLAN - PARKING SCHEDULE;
- 3704-SRA-XX-XX-DR-A-PL-037 P01 - PROPOSED SITE PLAN & BOUNDARY CONDITIONS;
- 3704-SRA-XX-XX-DR-A-PL-040 P01 - PROPOSED GROUND FLOOR PLAN;
- 3704-SRA-XX-XX-DR-A-PL-041 P01 - PROPOSED FIRST FLOOR PLAN;
- 3704-SRA-XX-XX-DR-A-PL-042 P01 - PROPOSED ROOF PLAN;
- 3704-SRA-XX-XX-DR-A-PL-050 P01 - PROPOSED SOUTH AND WEST ELEVATIONS;
- 3704-SRA-XX-XX-DR-A-PL-051 P01 - PROPOSED NORTH AND SOUTH ELEVATIONS;
- 3704-SRA-XX-XX-DR-A-PL-060 P01 - PROPOSED SECTIONS AA & BB;
- 3704-SRA-XX-XX-DR-A-PL-100 P01 - PROPOSED VALET BUILDING PLANS;
- 3704-SRA-XX-XX-DR-A-PL-105 P01 - PROPOSED VALET BUILDING ELEVATIONS;
- 3704-SRA-XX-XX-DR-A-PL-110 P01 - PROPOSED VALET BUILDING SECTIONS;
- 3704-SRA-XX-XX-DR-A-PL-120 P01 - PROPOSED BIN STORE;
- PC-WW-01 - LANDSCAPE PLAN;

- 22.040/E/01 - PROPOSED EXTERNAL LIGHTING LAYOUT SITE PLAN;
- 45653-061 Rev A - EXTERNAL DRAINAGE LAYOUT;
- 45653-062 Rev A - EXTERNAL WORKS LAYOUT;
- 45653-063 Rev A - WORKS TO EXISTING SITE.

except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans

3. The development hereby permitted shall be carried out in accordance with the schedule of materials as detailed within the Design and Access Statement and as annotated on the approved plans.

Reason: To ensure that materials are in keeping with the existing buildings and locale and to provide for high quality design.

4. The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing 3704-SRA-XX-XX-DR-A-PL-035 revision P01 dated 07/09/2022.

Reason: in the interest of highway safety.

5. The Development hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.

Reason: in the interest of highway safety.

6. No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area and turning space shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: in the interest of highway safety.

7. Secure cycle parking facilities must be provided on site prior to the first use of the development as shown on the approved plans.

Reason: To encourage sustainable transport.

8. No building hereby permitted shall be occupied until the surface water drainage scheme for the site has been completed in accordance with the details shown on the approved plans and documents. The drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan submitted with the application.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner.

9. Prior to first use/occupation full details of the provision made for facilitating the management and recycling of waste generated during occupation are to be submitted to the Local Planning Authority. This must include the appropriate and adequate space and other physical 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.

10. All works are to strictly adhere to the mitigation detailed within Ecological Briefing Note (Ecology Solutions, September 2022).

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

11. No work above floor plate level shall be carried out until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover the first ten years of management following the commencement of construction and enabling works. Enhancement measures shall be included for existing natural habitats and created habitats, as well as those for protected species. All Ecological enhancements outlined in the LEMP shall be implemented as recommended in the LEMP and the number and location of ecological features to be installed shall be specified.

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

12. Immediately prior to commencement of works a site walkover is to be undertaken by a suitably qualified ecologist to check for any further evidence of badgers, if further evidence is recorded and a licence is required this is to be completed prior to the commencement of works.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

13. The development hereby permitted shall not be occupied until soft and hard landscape works have first been installed in accordance with the approved plans 'Landscape Plan PC-WW-01'. The Tree Protection fence shall be installed prior to the commencement of any development.

Reason: In the interests of visual amenity.

14. All planting comprised in the approved details of tree/hedgerow planting shall be carried out in the first planting season following the occupation of any building or the completion of the development, whichever is the sooner. If any trees or hedgerows, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any trees or hedgerows fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

Reason: To ensure adequate provision for trees/hedgerows, in the interests of visual amenity and the character and appearance of the area.

15. Prior to any above ground development, an Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress
  - b. Staff/contractor facilities and travel arrangements
  - c. Dust mitigation
  - d. Noise and vibration mitigation (Including whether piling or power floating is required and please note white noise sounders will be required for plant operating onsite to minimise noise when in operation/moving/reversing)
  - e. Mitigation of the impacts of lighting proposed for the construction phase
  - f. Measures for controlling leaks and spillages, managing silt and pollutants
  - g. Plans for the disposal and recycling of waste
- Development shall take place only in accordance with the approved CEMP.

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

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

Reason: To protect the noise climate and amenity of local residents

17. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved measures.

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.

18. No flags, banners or other freestanding signs shall be displayed at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, to protect the character and appearance of the area and openness of the Green Belt.

19. 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: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up.

20. The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up.

**Informative:**

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 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.

## 2. Works on the Public Highway

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.

**Date of decision:** 17.05.2023

A handwritten signature in black ink that reads "Sandra Ford". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

**Head of Development Services**

duly authorised in that behalf

**PLEASE SEE NOTES OVERLEAF**

# NOTES

## APPEALS TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG)

If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State, under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the appeals area on [www.gov.uk/topic/planning-development/planning-permission-appeals](http://www.gov.uk/topic/planning-development/planning-permission-appeals) Some personal information will be displayed on this website please contact the Planning Inspectorate on 0303 444 00 00 if you have any concerns

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under a Development Order.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is important that you ensure that the requirements of the CIL Regulations are met (including notification requirements and those that need to be met prior to commencement of development and/or following completion of development) to ensure that you avoid any unnecessary surcharges and that any relevant relief, exemption or instalment policy is applied. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at [cil@tewkesbury.gov.uk](mailto:cil@tewkesbury.gov.uk).

## PURCHASE NOTICES

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

## PARTY WALL ACT & RIGHT TO ENTER

Your attention is drawn to the Party Wall Act 1996. Further information is available on [Party Wall Act](#)

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

## ENFORCEMENT ACTION

Attention is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to consents constitutes a contravention of the provisions of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

## CUSTOMER SATISFACTION QUESTIONNAIRE

The Development Management team want to continually improve the service we provide by reviewing what we do and your feedback about the service you have received is really important to us. We would appreciate if you could take part in our short online questionnaire, it should take around 5 minutes to complete. Please click on the following link to access the questionnaire:

<https://www.tewkesbury.gov.uk/forms/planning-application-service-questionnaire>

## DISCHARGE OF PLANNING CONDITIONS

There are often conditions attached to planning permissions that need further details, for example, samples of materials. This additional information must be submitted to us for formal agreement - known as 'discharge of conditions'. Further details can be found on our website: <https://www.tewkesbury.gov.uk/discharge-of-planning-conditions>.

## OTHER INFORMATION

This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority. Building Regulations consent for the development may be necessary and you should approach the Building Control section on [BuildingControl@cheltenham.gov.uk](mailto:BuildingControl@cheltenham.gov.uk).

If the work authorised by this permission involves the alteration to an access or the crossing of the highway verge or kerb, you are requested to consult the County Highways Divisional Manager before commencing such work. The address of the Gloucestershire Highways, Imperial Gate Business Park, Corinium Avenue, Barnwood, Gloucester, GL4 3BW

If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of this decision. Failure to do so may result in a delay in the provision of these services.