

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 11 December 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> NXP Semiconductors, Second Avenue			
<b>Proposed development:</b> Demolition of existing office building. Erection of a new 3-storey office building including roof plant, car parking and landscaping together with reconfiguring existing car parking to manufacturing unit - use classes B1a (office) and/or B1b (research and development) - description amended following validation.			
<b>Application number</b>	12/01109/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	30/10/2012 (13 week date)	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Major planning application subject to objection	<b>Ward Councillors</b>	Cllr McEwing Cllr Pope Cllr Whitbread

<b>Applicant:</b> Diageo Pension Trust/Cordea Savills	<b>Agent:</b> Michael Sparks Associates Fao Mr Ashley Chambers
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<b>Recommendation Summary</b>	<b>Conditionally Approve</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Whilst the provision of a standalone B1(a) office is considered to represent a departure from the development plan, Policy RE19(iii) allows for the provision of 'ancillary offices'. As such, given that the proposed floorspace is to serve the wider site (in connection with the redevelopment proposals associated with LPA ref: 12/00975/OUT) and is considered to comply with the policy designation as an employment site. Following a public consultation exercise the substantive objections have been addressed through the use of planning conditions as detailed in the report to Panel on 11<sup>th</sup> December 2012. Other material considerations do not have sufficient weight to justify a refusal of the application. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' policies SDP1 (Quality of Development), SDP4 (Development Access), SDP5 (Parking), SDP7 (Context), SDP9 (Scale, Massing and Appearance), SDP10 (Safety & Security), SDP22 (Contaminated Land) and RE19(iii) (Industry & Warehousing) of the City of Southampton Local Plan Review (Adopted 2006), and policies CS6 (Economic Growth), CS7 (Safeguarding Employment Sites), CS13 (Fundamentals of Design), CS18 (Transport), CS19 (Car & Cycle Parking), CS20 (Tackling & Adapting to Climate Change), CS24 (Access to Jobs) and CS25 (Delivery of Infrastructure) of the City of Southampton Local Development Framework Core Strategy (Adopted 2010) as supported by the Council's current adopted Supplementary Planning Guidance.

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

## Recommendation in Full

### Conditionally Approve

#### 1.0 The site and its context

This 2.65 hectare site is currently occupied by Nicholson House and forms part of a wider employment site along Second Avenue. The wider 4.21 hectare application site boundary is marked by a 2 metre high pallusade fence. The site itself is currently vacant but was last used by NXP semi-conductors and before them Philips. The existing buildings have a combined floorarea of 23,375sq.m and are of simple two-storey design. The site itself is dominated by the central surface car parking, which is partly screened by existing planting and the boundary fencing.

#### 2.0 Proposal

2.1 Full planning permission is sought to redevelop a vacant part of the former NXP site, to the north of the existing SELEX facility. It is proposed to demolish the existing redundant 4 storey 'Nicholson House' (2,680sq.m) and replace it (albeit on a different footprint) with a three storey building (2,560sq.m) providing modern open plan B1(a) office and/or B1(b) research and development space. Approximately 300 additional new jobs are proposed.

2.2 The new office building will be modern in appearance, comprising an external cladding system and powder coated aluminium windows. The building will measure 50 metres in length by 17.5 metres in depth. The three storeys equate to 15.6 metres in height (approximately 3 metres less than the current Nicholson House building).

2.3 It is proposed to provide 300 parking spaces to serve the 2,560sq.m of B1 office space and the retained Selex building.

#### 3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site is allocated for employment uses under Policy REI9(iii).

3.2 New development is expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. In this instance the application will be conditioned to ensure it meets BREEAM 'Excellent'.

3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision

making purposes.

#### **4.0 Relevant Planning History**

The relevant planning history for this site is attached at **Appendix 2**.

#### **5.0 Consultation Responses and Notification Representations**

5.1 The applicants undertook a public consultation event of their own on 18<sup>th</sup> June 2012. Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (16.08.2012) and erecting a site notice (13.08.2012 and 11.10.2012).

5.2 As part of the application process it became apparent that the applicants (long term leaseholders) had not given the necessary notice to the landowner (freeholder) and a further 21 day period for comment was given to ensure that the freeholder had time to consider the application. At the time of writing the report **2 objections** have been received (1 from the freeholder). The following planning related concerns are raised:

- This application raises a serious concern in relation for the potential of known contamination on the site to migrate into the land adjacent. The neighbouring landowner (who is also the freeholder of this site) would want assurances that there will be a regular review of the monitoring data. The suggested planning conditions relating to contaminated land do not specify the nature of remediation and monitoring, neither do they specify the nature of monitoring or the potential for the contamination to become mobile after construction and during occupation. The Council cannot be satisfied that contamination on site can be dealt with appropriately when the extent and nature of contamination are not before the council to consider during the determination of this application. The freeholder suggests that a condition requiring the applicant to provide annual monitoring data (and more frequently during construction) is needed. These details should be provided to the freeholder.

#### **5.3 Response**

A contaminated land Phase I Conceptual Site Model accompanies the planning application. The concerns of the freeholder are noted and material to the Council's decision. With regards to the specific points raised, whilst the forewarning of likely contamination issues is welcomed, the Environmental Health department has been asked to confirm whether or not the suggested conditions are robust enough to deal with the issues. Notwithstanding the duty of care issues the submission of monitoring data for consideration by a third party (as requested) is not deemed appropriate for a planning condition. This would be better resolved outside of the planning process between the freeholder and the leaseholder. The objection letter has been sent to the Environmental Health department for consideration and, if deemed necessary, their attendance at the Panel meeting has been requested.

5.4 In addition, a further letter has been received from a third party raising concerns that there are too few toilets provided to serve the office use. This is a matter for the developer and should not prevent planning permission from being issued.

- 5.5 **Consultation responses**  
**SCC Sustainability** - Objection removed following offer of BREEAM Excellent
- 5.6 **SCC Archaeology** - No objection subject to planning conditions.
- 5.7 **SCC Ecologist** - No objection
- 5.8 **SCC Contaminated Land** - The proposal is for the construction of an extension to the existing industrial building. This is not regarded as a sensitive land use, however, the mobilisation of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase. The history of Southampton City presents many potential contamination hazards to much of the land in its area. Land contamination hazards associated with the former uses includes inorganic chemicals, metals and metalloid compounds and hydrocarbons. Consequently there exists the potential for such hazards to significantly impact upon the development. Therefore, I would recommend that; in accordance with policies SDP1 and SDP22 of The City of Southampton Local Plan Review - Adopted Version March 2006 and Para 121 of the National Planning Policy Framework - March 2012, if planning permission is granted, that conditions are attached.
- 5.9 **SCC Skills & Economy** - S.106 to include a 'Training & Employment Plan'.
- 5.10 *Note: As no S.106 is required for this development the employment plan can be delivered through the planning conditions attached to this recommendation.*
- 5.11 **SCC Highways** – No objection raised to the proposed office replacement in this area of normal/medium accessibility. The level of parking proposed should be limited to 85 spaces to comply with our maximum standards and it is understood that the remaining spaces will serve the existing uses. The concerns regarding HGVs raised to the outline masterplan (12/00975/OUT) are not relevant to this application, and as less floorspace than existing is proposed there will be no requirement for a S.106 legal agreement to mitigate against the impacts. The submitted Waterman Boreman Ltd. Travel Plan should be secured with a planning condition.
- 5.12 **Environmental Health (Pollution & Safety)** - I have no objection to this application, but would ask for conditions relating to bonfires, hours of work, piling, demolition statement, dust suppression
- 5.13 **Southern Water** - No objection subject to planning conditions
- 5.14 **HSE (PADHI+)** - Don't advise against development
- 5.15 **EA** - No objection
- 5.16 *Note: Although the **BAA** have not commented on this application as they sought a Bird Hazard Management Plan (BHMP) on LPA ref: 12/00975/OUT for the same site this condition has been repeated as part of this recommendation.*
- 6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i) Principle of Development
  - ii) Design and Landscaping
  - iii) Impact on Residential Amenity
  - iv) Highways
  - v) S.106 Mitigation
- 6.2 Principle of Development  
Policy REI9(iii) of the saved Local Plan Review safeguards the application site for employment uses, and is permissive of light industrial (B1c), research & development (B1b), general industrial (B2) and storage/distribution (B8) with ancillary office space. The current application proposes a flexible B1(a) and B1(b) use and could result in some 2,560sq.m of office space. It is intended that the office will serve the wider Selex operation. This is acceptable in principle as the existing Nicholson House (2,680sq.m) office block is to be demolished as part of these wider proposals. The likely job creation and the beneficial use of a vacant site is also welcomed.
- 6.3 Design & Landscaping  
The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 6.3.1 In particular, the NPPF states that *'good design is a key aspect of sustainable development, is indivisible from good planning, should contribute positively to making places better for people'* (paragraph 56 refers). At the local level Local Plan Policy SDP7 states that *'development which would cause material harm to the character and/or appearance of an area will not be permitted'*. The supporting text explains that *'context is about understanding the uses, visual characteristics and the patterns of local life of an area'* (paragraph 2.49 refers). The proposed three storey design is modern in appearance and is considered acceptable for this context. The building will sit central to its parking with additional landscaping added to the site's existing boundary. An 'Excellent' BREEAM rating is achievable and the scheme is, therefore, supported.
- 6.4 Impact on Residential Amenity  
The replacement office building has less height and floorspace than the existing Nicholson House. It is located centrally to its car park and there is, therefore, minimal impact on the existing amenity of the nearest residential properties (some 40 metres to the north-east – adjacent to a petrol filling station) in terms of loss of light, increased overshadowing and a loss of privacy. As such the application is considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).
- 6.5 Highways  
Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes. The Local Plan, as supported by the Parking Standards SPD (2011) aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. It also seeks to reduce peak hour trips in an effort to reduce congestion.

6.5.1 The application proposes 300 parking spaces. The level of car parking proposed significantly exceeds the Council's maximum standards (1/30sq.m B1a - 1/45sq.m B1c/B2 as set out in the Council's Parking SPD), but this is because it is intended to provide space to serve the existing employment uses that are retained, and which compliment the proposed use. A planning condition to ensure that no more than 85 spaces are provided to serve the proposed building is recommended and the application is, therefore, consistent with policy maximums.

#### 6.6 S.106 Mitigation

A scheme of this size is normally expected to mitigate against its direct impacts. The main contribution required from the wider site concerns the site specific highway works to facilitate improved HGV movements. There are no HGV movements associated with the proposed use and, as such, the proposed off-site works with application 12/00975/OUT are not deemed necessary to support this planning application.

6.6.1 Furthermore, as the scheme proposes a replacement of employment uses there is unlikely to be any net increase in trips generated from the site and, as such, a S.106 is not required to secure a strategic highways contribution.

6.6.2 The Green Travel Plan and Employment & Skills Scheme are recommended for inclusion through the attached planning conditions.

#### 7.0 Summary

This planning application for a replacement office building is consistent with the site's designation within the Local Plan Review. The re-configuration of the site to provide modern, useable floorspace is welcomed and brings a vacant employment site back into use. The key issue with regards to the freeholders' comments relates to the potential for contaminants to be disturbed through the construction phase. A planning condition is currently recommended to mitigate against the effects of the construction phase and is currently deemed to be sufficient by officers despite the objection. This issue is, however, being reviewed by Environmental Health and an update will be given at the Panel meeting.

#### 8.0 Conclusion

The planning application complies with the planning policy designation and the principle of redevelopment has been assessed as acceptable. The application is recommended for conditional approval.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1a-d, 2b & d, 4vv, 6a, c, e & l, 7a and 9a-b

### **SH2 for 11/12/12 PROW Panel**

#### **1. APPROVAL CONDITION - Full Permission Timing Condition**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

#### **REASON:**

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

## **2. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

For the avoidance of doubt and in the interests of proper planning.

## **3. APPROVAL CONDITION - Materials**

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

REASON:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

## **4. APPROVAL CONDITION - Restricted Use [Performance Condition]**

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991 (as may be amended or superseded) the building shall be used only for the purposes indicated in the submitted details (B1(a) office and/or B1(b) research and development) and not for any other purpose.

REASON:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

## **5. APPROVAL CONDITION – Training and Employment Plan**

No development shall take place until an 'Employment and Skills Plan' has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include a document comprising the following:

- arrangements setting out how the Owner and its contractors will work directly with local employment/training agencies including Job Centre Plus and Learning Skills Council, voluntary and private sector providers, Sixth Form Colleges, Colleges of Further Education and Universities as part of an employment and training consortium;
- establishment of targets for employing local labour and the measures to be undertaken to achieve targets;
- establishment of targets for work experience opportunities and the measures to be undertaken to achieve targets;
- the provision for training opportunities in respect of any new jobs created for the Development to include the construction phases of the Development in accordance with the terms of the Employment & Skills Plan.

Development shall be implemented in accordance with these agreed details.

REASON:

In the interests of securing local employment initiatives in accordance with LDF Core Strategy Policy CS24.

## **6. APPROVAL CONDITION – Travel Plan (Prior to Occupation)**

Notwithstanding the submitted details (Waterman Boreham Ltd Travel Plan – dated 05 July 2012) the development shall not be occupied until a staff travel plan has been submitted to and agreed in writing with the Local Planning Authority. The Travel Plan having been agreed with the Council the Owner will thereafter implement and promote the objectives of the Travel Plan and ensure that (so far as is reasonably practicable) the objectives are met. The Travel Plan shall include a plan aimed at reducing the reliance on the use of the private car by occupants of the Development and that encourages positively the use by those occupants or alternative means of transport which have less of an adverse impact on the environment which plan shall include:-

- the means whereby the effectiveness of the Travel Plan can be monitored and recorded.
- Aspirational targets for a modal split as between those using the private car and those using alternative modes of transport and;
- The means whereby the achievement of the aspirational targets of the Travel Plan can be reviewed and (if necessary) the objectives updated

### **REASON:**

To promote alternatives to car travel in the interests of reducing congestion along Second Avenue at peak times.

## **7. APPROVAL CONDITION - Landscaping, lighting & means of enclosure**

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

### **REASON:**

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive

contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

#### **8. APPROVAL CONDITION - Parking**

A maximum of 85 parking spaces shall be allocated to the building hereby approved in accordance with a plan allocated these spaces that shall have been sent to the Local Planning Authority (LPA) for approval prior to the first occupation of the development. These spaces shall be marked out and made available for use prior to the first occupation of the development and retained for the use of users of the building thereafter.

#### **REASON:**

As the submitted details exceed the Council's maximum parking standards and to ensure that sufficient information is provided to the LPA in order to enforce the requirements of the planning condition.

#### **9. APPROVAL CONDITION - BREEAM Standards (Commercial)**

Unless otherwise agreed in writing by the Local Planning Authority (LPA), before the development of each building hereby approved commences written documentary evidence demonstrating that the development will achieve a minimum rating of 'Excellent' against the BREEAM (2011) standard shall be submitted to the LPA for its approval. The submission shall take the form of a design stage assessment.

#### **REASON:**

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). In the event that an occupier is found that cannot meet BREEAM (2011) 'Excellent', as it requires significant refrigeration, mechanical processes or other high energy requirements that are not anticipated at this outline stage, this shall be taken into consideration by the LPA as part of the condition's sign off process following the receipt of adequate justification for doing so.

#### **10. APPROVAL CONDITION – BREEAM Certification**

Within 6 months of each building first becoming occupied written documentary evidence proving that the development has achieved the required rating against the BREEAM standard (as set out in the above planning condition) in the form of a post construction certificate as issued by a legitimate BREEAM certification body, shall be submitted to the Local Planning Authority for its approval.

#### **REASON:**

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### **11. APPROVAL CONDITION – Sustainable Drainage Systems (SUDS)**

Prior to the commencement of development works for each building hereby approved a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of

the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

**REASON:**

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

**12. APPROVAL CONDITION – Surface Water Drainage**

Development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall proceed in accordance with the agreed details.

**REASON:**

In the interests of proper planning and securing adequate means of drainage to serve the development.

**13. APPROVAL CONDITION – Bird Hazard Management Plan**

Development of each building hereby approved shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

**REASON:**

It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

*Note to Applicant:*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.*

#### **14. APPROVAL CONDITION – Archaeological investigation**

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

**REASON:**

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

#### **15. APPROVAL CONDITION – Archaeological work programme**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

**REASON:**

To ensure that the archaeological investigation is completed.

#### **16. APPROVAL CONDITION- Land Contamination Investigation**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
  - historical and current sources of land contamination
  - results of a walk-over survey identifying any evidence of land contamination
  - identification of the potential contaminants associated with the above
  - an initial conceptual site model of the site indicating sources, pathways and receptors
  - a qualitative assessment of the likely risks
  - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

**REASON:**

To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

**17. APPROVAL CONDITION - Reuse of uncontaminated soils**

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

**REASON:**

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

**18. APPROVAL CONDITION - Use of uncontaminated soils and fill**

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

**REASON:**

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

**19. APPROVAL CONDITION- Unsuspected Contamination**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

**REASON:**

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

**20. APPROVAL CONDITION – Hours for Construction**

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday                    08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays                                09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

**REASON:**

To protect the amenities of the occupiers of existing nearby residential properties.

**21. APPROVAL CONDITION - Construction Method Statement**

Prior to the commencement of any works associated with the redevelopment of Nicholson House details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include details of: (a) parking of vehicles of site

personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning and routing; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved DCMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

**REASON:**

In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

**22. APPROVAL CONDITION – Refuse & Cycle Storage**

Notwithstanding the submitted information details of refuse and cycle storage to serve the building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation the building. The development shall be implemented in accordance with these agreed details prior to its first occupation with retention thereafter.

**REASON:**

To ensure adequate refuse and cycle storage in the interests of good site planning and the encouragement of sustainable development.

**23. APPROVAL CONDITION - Piling [Pre-Commencement Condition]**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:**

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

**Condition Informative 1**

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

**Condition Informative 2**

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

## **Notes to Applicant**

### **Southern Water – Public Sewerage - Informative**

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858600) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

### **Environment Agency Commentary**

The Environment Agency recommend (in their formal response by email dated 23rd July 2012) that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by land contamination;
- Refer to the Environment Agency guiding principles for land contamination for the type of information that they require in order to assess risks to controlled waters from the site;
- Refer to the EA website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

### **Note to Applicant - Pre-Commencement Conditions**

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

### **Note to Applicant - Performance Conditions**

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS6 (Economic Growth)  
CS7 (Safeguarding Employment Sites)  
CS13 (Fundamentals of Design)  
CS18 (Transport)  
CS19 (Car & Cycle Parking)  
CS20 (Tackling & Adapting to Climate Change)  
CS24 (Access to Jobs)  
CS25 (Delivery of Infrastructure)

City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)  
SDP4 (Development Access)  
SDP5 (Parking)  
SDP7 (Context)  
SDP9 (Scale, Massing and Appearance)  
SDP10 (Safety & Security)  
SDP22 (Land Contamination)  
REI9(iii) (Industry & Warehousing)

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)  
Car Parking Standards (2011)

Other Relevant Guidance

National Planning Policy Framework (2012)

**Relevant Planning History**

Various permissions for ancillary works following the approval of a factory in the mid 1950s. Key permissions relevant to the current application would include:

12/0975/OUT - Pending Consideration

Outline application for re-development of the site to provide up to 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8) with ancillary offices, service areas, estate roads, landscaping and cycle/car parking.

12/01235/NMA - No Objection 24.08.2012

Application for a non-material amendment to planning permission ref 12/00307/FUL to enable part retention of existing store previously identified for demolition.

12/00795/SCR - No Objection 14.06.2012

Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for proposed redevelopment of land within the former NXP - Selex site for office uses (B1)

12/00599/DPA - No Objection 11.05.2012

Prior notification for the proposed demolition of buildings at former NXP site.

12/00307/FUL - CAP 26.04.2012

Partial demolition of existing warehouse and ancillary buildings and make good  
The demolition works have been EIA screened (12/00025/SCR)

12/00025/SCR - No Objection 26.01.2012

Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for the partial demolition of existing buildings and redevelopment of the site.

1102/49 - CAP 16.02.1957

factory and admin block (alt. ref. 5057) (previously called Mullards, Western Manufacturing Co)

1070/58R1 - CAP 06.12.1955

Erection of factory and offices

