

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 15 January 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land between Brownhill Way and Lower Brownhill Road			
<b>Proposed development:</b> Demolition of six residential properties and erection of a Regional Distribution Centre (42,820 square metres gross floor space - Class B8), 186 associated car parking spaces, HGV hardstanding, two sprinkler tanks and pump room and new peripheral landscaping. Proposal includes the stopping up of Lower Redbridge Lane and diversion of a public right of way.			
<b>Application number</b>	12/00106/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	16.04.2012	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr McEwing Cllr Pope Cllr Whitbread

<b>Applicant:</b> Lidl Uk Gmbh And The Trustees of The Barker - Mill Family Trust	<b>Agent:</b> None
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Appendix attached</b>			
1	Development Plan Policies		

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application constitutes a departure from Policy MSA 20 of the Local Plan but in view of the apparent lack of interest in providing a CHP facility on this site the Council considers that alternative uses should be considered. The economic development benefits of the scheme are considered to outweigh the negative issues associated with the development. The impact of the development in terms of transport, design, ecology, environmental impact and neighbour amenity issues is considered to be acceptable subject to mitigation measures being covered by conditions and the Section 106 agreement. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. 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).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, TI2 and MSA20 of the City of Southampton Local Plan Review (March 2006) and Policies CS6, CS7, CS10, CS13, CS18, CS19, CS20, CS22, CS23, CS24 and

### **Recommendation in Full**

- 1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) to include:
    - Improvements to Junction 3 of the M27;
    - Improvements to Junction 1 of the M271;
    - Dualling of Brownhill Way;
    - Pedestrian Crossing at Brownhill Way and associated improvements for pedestrians/cyclists.
  - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
  - iii. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy Policies CS24 and CS25.
  - iv. The submission, approval and implementation of public art that is consistent with the Council's Public Art Strategy.
  - v. Submission and implementation within a specified timescale of a Travel Plan.
  - vi. A Lorry Routing Agreement and subsequent monitoring arrangements.
  - vii. Hedgerow Transplanting arrangements.
  - viii. Safeguarding of land at Bargain Farm for Park and Ride provision.
  - ix. Dedication of land to public use, construction and adoption of the new public right of way.
  - x. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- 2) In the event that the legal agreement is not completed within two months of the date of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- 3) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

- 4) That the Panel authorise the diversion of the public right of way footpath as proposed in the application.

## **1.0 The site and its context**

- 1.1 The application site is 11.47 hectares in area and is situated in the north-western corner of the city close to where Brownhill Way joins the M271. The application site is partly within the administrative area of Test Valley Borough Council (TVBC- 6.6 hectares) and partly within the City Council area (4.86 hectares).
- 1.2 The application site is currently two agricultural fields, an existing public highway, Redbridge Lane, and a group of six two storey houses fronting Redbridge Lane and which are known as New Cottages. The larger, western field is used for casual grazing, having previously been used for gravel extraction and subsequently returned to its natural state. The eastern field is cultivated for small scale crops. A public footpath crosses the site, extending from Redbridge Lane, immediately north of New Cottages and runs diagonally across the site to connect to Lower Brownhill Road.
- 1.3 The surrounding area comprises a mixture of commercial, residential, leisure and educational uses. Directly adjoining to the west of the application site is the M271, a dual carriageway motorway with Junction 1 located at the north-west corner of the site. On the opposite side of the motorway is an extensive area of industrial units on the Nursling Industrial Estate. To the north of the application site is the partly-developed Adanac Park business development and residential properties in Hillyfields - this adjoining land is all within Test Valley Borough Council.
- 1.4 The Adanac Park development currently comprises a major headquarters building for Ordnance Survey (OS) and a Holiday Inn Express. There is a proposal for a private hospital on land between the OS headquarters and the hotel, which has not been implemented. The remainder of Adanac Park has outline planning permission for large scale business premises set within three plots, with a total floorspace of approximately 50,000 square metres. Immediately to the east of the application site are two residential properties, known as 1 and 2 New Cottages, Lower Brownhill Road.
- 1.5 Beyond that is a triangular plot of agricultural land for which there is approval in principle to build 14 two storey houses (Council reference 12/00596/FUL). Holy Family Primary School adjoins to the south-east at the corner of Lower Brownhill Road and Mansel Road West with residential properties beyond. Directly adjoining to the south of the site are playing fields for Southampton Rugby Club and a recently-developed sports facility for Southampton Solent University. This includes floodlit artificial sports pitches, a football ground and associated pavilion facilities with access from Lower Brownhill Road.

## **2.0 Proposal**

- 2.1 The application proposes redevelopment of the site to provide a regional distribution building (Class B8 - 42,820 square metres gross floorspace) for Lidl UK, to serve their retail stores in the South of England. Their existing stores in the South are currently served by distribution centres in Weston-Super-Mare and London. The proposed distribution centre will receive goods from Lidl's suppliers and then distribute to its existing stores in the South, an area bounded by Weymouth, Newbury and Worthing. The facility will operate 24 hours a day, 7

days a week. Based on an assessment of the applicant's existing distribution centre at Weston-Super-Mare, the proposal will provide approximately 350 (full-time equivalent) jobs. The proposal involves demolishing the six existing residential properties (New Cottages, Redbridge Lane), which are within TVBC and closing Redbridge Lane which would be built over.

- 2.2 The proposed building is a simple rectangular form and measures 311 metres in length and 124 metres in width. The main warehouse building will contain ambient and chilled elements with extensive areas of racking, plant room, fruit and vegetable pick areas, chillers, freezer, pallet storage and recycling area. At the northern end of the site a three storey part of the building would be ancillary office accommodation. The height of the building steps down from north to south in three elements: The northern section has an eaves height of 16.66m and an overall parapet height of 18.33m; the central section has an eaves height of 14.22m and a parapet height of 15.89m; the lower and smallest section of the building at the southern end of the site has an eaves height of 11m and a parapet height of 13.10m. The proposed materials are metallic silver profiled metal cladding to the warehouse building; four shades of grey metal cladding to the office element with dark grey window frames, dark grey steel external doors; and dark grey plastic fascias/soffits and rainwater goods. The other structures on the site include a pump house and two circular sprinkler tanks of 9.4m in height to be sited adjoining the south-eastern part of the warehouse building.
- 2.3 The vehicular access to the site will be from Brownhill Way in a similar position to the Redbridge Lane junction. This access will be a "left in and left out" configuration, leading to an internal road which will be two-way. On entering the site, HGVs will turn right and staff/visitors will turn left to access a 186 space car park in the north-eastern part of the site. There will be 162 HGV parking spaces of which 100 would be in bays of the warehouse, 30 in dedicated parking areas either side of the building, 19 in an HGV overflow parking area and 13 in the recycling area. The operation of the warehouse is such that there are separate "goods in" and "goods out" sides of the building. The goods in element is on the eastern side and the goods out is on the western side of the building adjoining the M271. There are 45 HGV delivery bays for the goods in side and 55 bays for the goods out. On the southern elevation of the building there is a pallet storage and recycling area served by 13 bays. An emergency access route would be provided from the site to Lower Brownhill Road.
- 2.4 Various highway improvements are proposed as part of the development. These alterations include turning Brownhill Way into a dual carriageway between the M271 junction and the Adanac Park access roundabout; upgrading Junction 1 of the M271 to increase the number of lanes and to facilitate cycle and pedestrian crossing; and improvements to Junction 3 of the M27, including the re-definition of lanes to increase capacity. These alterations are predominantly outside the City boundary and therefore fall within the highway responsibilities of either Hampshire County Council, or in the case of the motorway network, the Highways Agency. These highway alterations have previously been agreed as part of the next phase of the Adanac Park development, but it is now proposed to bring these forward as part of the current application. The existing right of way footpath which crosses the site would be extinguished and diverted to the far eastern end of the site where it would be a 4m wide shared cycleway/footpath connecting Lower Brownhill Road to Brownhill Way.
- 2.5 The application proposals incorporate a landscaped buffer zone around the

perimeter of the site. This zone, which includes a bund with fencing above, would be 15m wide adjoining the M271 motorway and Brownhill Way; 20m wide along the eastern boundary of the site and opposite the school; subsequently reducing in width to between 10m and 18.5m along the remainder of the southern boundary. This landscaped buffer and bunded area will incorporate acoustic fencing of between 3m and 4m in height around the entire perimeter of the site, with the exception of the two access points. Alterations are proposed to the drainage ditch which crosses the site. In the southern corner of the site an attenuation pond will be provided for surface water drainage purposes.

- 2.6 The application was amended in late October 2012 in response to comments on the application originally submitted. The changes were: a reduction in the height of the building along the western, southern and eastern elevations; an increase to the footprint of the building in the north-western corner to provide an additional acoustic barrier; other design changes; and redesign of the landscaped bunding and acoustic fencing to the western, southern and eastern sides. There were no changes made to the floorspace of the building or the vehicular access and parking arrangements.
- 2.7 Identical applications have been submitted to both Councils. The application is supported by a series of specialist reports including: a Design and Access Statement; Landscape and Visual Impact Assessment; Transport Assessment and Travel Plan; Ecology Survey and Report; Flood Risk Assessment; Noise Assessment; Lighting Assessment and Air Quality Assessment.

### **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**. It should be noted that the application constitutes a departure from the development plan due to site allocation Policy MSA 20.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 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. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

- 4.1 In 2003, a planning application was submitted for the installation of a combined heat and power station with ancillary buildings including two 15 metre high exhaust stacks, a visitors' centre, landscaped bunds and car parking (reference 03/01654/FUL). The Council resolved to grant permission for this development but the application was subsequently withdrawn.
- 4.2 In May 2011, the Council issued a 'Screening Opinion' under the Environmental Impact Assessment Regulations confirming that the development subject of this application did not require an Environmental Statement to be submitted. TVBC made the same decision in response to a screening request submitted to them.

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

- 5.1 The applicants undertook a public consultation exercise at the pre-application stage. 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 (02.02.2012) and erecting a site notice (02.02.2012). At the time of writing the report **15** representations have been received from surrounding residents, including one signed by 18 residents, and a petition signed by 35 local residents. The following is a summary of the points raised.
- 5.2 **Erection of a large regional distribution centre in a residential area is totally inappropriate. The existing industrial units are currently all located on the other side of the motorway away from the housing.**

##### Response

It would not be accurate to describe this as an entirely residential area, given the proximity of the Solent University sports facility, the business developments at Adanac Park and the David Lloyd leisure facility. The impact of the development on neighbouring residential amenity is discussed below.

- 5.3 **The M271 is only a two lane motorway that would be unable to cope with the additional traffic from the proposed distribution centre, both employees and lorries. The proposal would significantly increase the road traffic on Mansel Road West which will endanger children attending the two schools on that road. The loss of Redbridge Lane will considerably increase traffic along Lower Brownhill Road, causing further congestion/danger to children.**

**The redirection of the existing footpath along the New Cottages boundary will create an unsafe route with blind corners at each end. It will also increase vulnerability to burglars, litter and fly-tipping.**

**The part of Redbridge Lane to be closed is a popular rat-run from the Millbrook Estate to the motorway. All traffic on the Millbrook Estate will have to turn right at Holy Family School, which is already a congested section of road.**

**The road network between the motorway and Lordshill is already at capacity, with traffic crawling or at a standstill every weekday in the early**

morning and late afternoon along Brownhill Way. There will be no means of preventing heavy goods vehicles from using Mansel Road West.

The existing road and pathways in the area were designed with little or no consideration for cyclists and pedestrians. It is conceivable that the development will compound this example of bad planning.

Response

These highways and transportation issues are addressed later in this report.

- 5.4 **The character of the area will be changed greatly by this development. The UK has a growing population so farmland should be protected. The land is an area of productive market garden crops which is highly valued by local people. This development should be on brownfield land such as the existing industrial estate, because open spaces, fields and playing areas are becoming few and far between.**

Response

This is a large scale proposal which will undoubtedly change the character of this part of the city given the existing low-key use of the application site. However, part of the site is allocated in the Local Plan for delivering a CHP Plant and in the Test Valley Local Plan the land is safeguarded as a park and ride facility.

Consequently, in the long term, the site was not likely to remain undeveloped.

This Council has no policies to safeguard existing farming land.

- 5.5 **The landscaped surround will take 10 years to be fully effective. The proposed 20m buffer zone is totally inadequate. The comparable Tesco Distribution Warehouse at Nursling Industrial Estate has a much larger buffer separating it from Station Cottages, Station Road. The impact on the adjoining school will be severe, with additional noise and pollution, and the loss of open fields will have a negative impact on outlook from the school.**

Response

The landscaped buffer takes up a considerable area, some 2.6 hectares, which is over 20% of the site area. The landscaping will take time to become fully established and the applicants Visual Impact Assessment shows the extent of the landscape screening after 5 and 10 years when the planting and acoustic fencing will play an important role in screening the building.

- 5.6 **Demolition of six residential properties at a time of national housing shortage seems inappropriate.**

Response

The residential properties are within the TVBC part of the site, so this is a matter for that authority to consider.

- 5.7 **Councillor Pope:** The application might be considered more favourably if it contained renewable energy, e.g. solar panels on the massive roof. This would be a continuation of the principles of Local Plan Policy MSA 20. It might also be more favourably considered if goods were brought in through Southampton Docks.

- 5.8 **Holy Family Primary School:** Objects to the application. The school currently has an open green setting, the siting of a major industrial building directly alongside will dwarf the school buildings and create an oppressive industrial

environment for the children. There will be a substantial amount of traffic, 24 hours a day. If drivers arrive early for their loading spot they will park in adjoining roads, creating a potential safety risk. (Response - these issues are addressed later in this report).

## 5.9 Re-consultation

Following receipt of the amendments to the application, re-consultation took place which resulted in 3 further objections on the following grounds:

- The amendments do not address the previous concerns regarding the destruction of housing and productive farmland, or the increased traffic along Lower Brownhill Road and danger to local children.
- The proposal could increase the risk of flooding to adjoining properties due to the proposed screening embankment.
- The proposed diversion of the footpath could result in the felling of trees.
- Stopping up Redbridge Lane will destroy the link between the motorway and Mansel Road West. Diverting all that traffic into the already inadequate junction of Lower Brownhill Road and Brownhill Way will cause traffic problems and risks to children.

5.10 **SCC Highways** - The main impact of the HGV vehicle movements will be on the adjacent motorway network and up to the new Adanac Park roundabout, where lorries will turn to approach the new site access. Some local deliveries may use Brownhill Way, there is a Lidl branch in Shirley, another in Southampton City Centre, and a proposed branch at Thornhill. Staff are likely to be drawn from a fairly local catchment area and those using cars may well approach and depart through the city's network. However, the impact these movements are likely to have on the operation of the nearby junctions is negligible, especially as Lidl will operate a shift system for their staff. The site is not easily accessed by sustainable modes, and therefore there is a need to provide pedestrian and cycle links to the site to ensure that staff have a good safe option to use of the car. The applicants do propose some cycle links adjacent to their site, linking into the estate to the rear via Lower Brownhill Road. There is a requirement on the developer to expand the cycle links further to the traffic signal controlled junction with Frogmore Lane and Brownhill Way, and provide crossing points for cycles and pedestrians to safely link the routes together. This then links the cycle route with an existing network. There is a bus service which serves Adanac Park, and further bus routes which run around the Millbrook estate which provide a walkable distance to the site via Mansel Road West. The proposals are acceptable for the above reasons, and there are no objections to the application.

5.11 **SCC Planning Policy** - Part of the land is safeguarded as a CHP site under policy allocation MSA20. This proposal constitutes a departure from the local plan, but given the length of time that has passed without new proposals coming forward and the potential Helius scheme at the Docks, planning policy would not object to this application which would contribute to the Council's economic objectives and delivery of employment floorspace as supported by Core Strategy Policy CS6 and the wider PUSH strategy. The area of land in Test Valley is safeguarded for a Park and Ride site. If the application site is released for Class B8 use, the intention is that part of Bargain Farm in Test Valley would be safeguarded for Park and Ride use (around 600 car spaces). This would ensure that the authority does not lose this option entirely.



- 5.12 **SCC Trees** - This proposal will have no direct affect on any important amenity / landscape trees. In 2010 several trees were removed along Redbridge Lane which could be replaced in the new landscaping scheme. I propose to make a new TPO on the most significant trees along Lower Brownhill Way and New Cottages. I note the ambitious hedge relocation scheme which I would support but doubtful of successful establishment. I would raise no objections to this application on tree grounds subject to conditions.
- 5.13 **SCC Sustainability Team** – It is recommended that photovoltaics are investigated, given the large expanse of flat roof. Photovoltaic panels will reduce the electricity costs for the applicant and allow for a profit after the payback period. There is concern over the loss of a large amount of previously permeable land and a green roof would assist in overcoming these concerns. Green roofs can be used in combination with photovoltaics. A green roof would assist with achieving a number of credits needed to meet the BREEAM standard and improve the thermal performance of the building. The estimated BREEAM score is 55.63% where 55% is required for a 'Very Good' rating so there is no margin for slippage. (Note: As the application was originally submitted in 2011 the Core Strategy requires BREEAM 'Very Good'.)
- 5.14 **SCC Archaeology** – Although the site lies outside the main areas of archaeological importance, there is considerable evidence for activity dating from the later prehistoric period in the surrounding area. This includes the regionally important Iron Age site discovered during the construction of the new Ordnance Survey headquarters at Adanac Park and the early / mid Bronze Age site recently discovered during the construction of the Solent University Sports Ground. There have previously been discussions regarding the potential archaeological requirements for the site and the developer has submitted an archaeological desk based assessment (DBA) for the site, however, the results of this will still need to be tested in the field. Due to the archaeological sensitivity of the area, a phased programme of archaeological fieldwork will be required in advance of the development. This will need to begin with a field evaluation to test the results of the DBA submitted in support of the application. A decision as to whether or not any subsequent archaeological work will be required can be reached once the results of the initial evaluation phase are known. Although there is the potential for archaeology to survive, there is unlikely to be anything on the site that will require preservation in-situ and prove to be an overriding constraint to development. Consequently, the required archaeological works can best be secured by conditions.
- 5.15 **SCC Rights of Way Officer** - (Comments on the application originally submitted). Object to the application because of the inadequate width of the proposed 3m footpath that is to include the diverted public right of way. That part of the footpath in Test Valley (Nursling & Rownhams Footpath No 12) will be extinguished and that in Southampton (Southampton Footpath No 16) will be diverted. The whole of the new diverted footpath will be in Southampton. As the proposal indicates the new route will be both footpath and cycleway involving a definitive right of way, the route ideally needs to be segregated and not “shared”. The width of 3m would be inadequate for such segregation and should be 4m wide. Measures will need to be in place to ensure the new route is provided before the extinguishment of the existing route. No objections to the amended proposals subject to suitable safeguards which will include markings to delineate cycleway/footway, the precise alignment of the footpath, type of fencing and measures to negate use by motorcycles. (These detailed issues can be covered

by a condition).

- 5.16 **SCC Environmental Health (Pollution/Safety)** – There have been extensive discussions with the applicant and with TVBC about this application particularly with regards to potential noise issues. I agree with the officers at TVBC that even when considering the proposed noise mitigation measures, a significant noise impact is anticipated. However, taking account of all of the circumstances, the impact is not considered to be unacceptable. A range of conditions are recommended which have been agreed with TVBC.
- 5.17 **SCC Environmental Health (Contaminated Land)** - The proposal is for the construction of a distribution centre. This is not regarded as a sensitive land use, however, the mobilization 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. Records maintained by this department indicate that the subject property is situated adjacent/on the following current/historical land uses - Landfill (on site). Land contamination hazards associated with such land 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, if planning permission is granted, conditions should be imposed.
- 5.18 **SCC Ecology** – No objections provided the mitigation measures detailed in the Phase 1 and 2 Ecology Report are implemented. In terms of the removal and translocation of the hedgerow I accept the point about problems finding suitable sites but I don't think the proposed sites provide sufficient connectivity to the city. One adds to an existing hedgerow but doesn't fill the gap to the south of that hedgerow whilst the other is separated from the city by roads and built development. I therefore conclude that the development will, at least in the short term, result in a net loss of biodiversity to the city. In which case the management of the buffer strip around the boundary of the development site will be key to achieving restoration of the lost biodiversity. However, bearing in mind the need to balance the importance of the development as compared to the biodiversity interest, I think we will reluctantly have to accept what is proposed. We therefore need to be confident that the buffer will be managed appropriately and to that end should request submission of a management plan, via a condition or S.106 agreement.
- 5.19 **Environment Agency** - No objections in principle providing a condition is imposed requiring the works to be carried out in accordance with the applicants Flood Risk Assessment (FRA) and the mitigation measures included in the FRA. (Advice) - The Environment Agency supports the use of green infrastructure where possible. Whilst there may be an opportunity to utilise the large roof area by way of either a 'green' or 'blue' roof arrangement, the developer has demonstrated that the proposed SUDS scheme will function effectively to manage flood risk, reduce pollution and improve habitat potential. Separate Flood Defence Consent will be required under the Land Drainage Act 1991 for the proposed diversion of the watercourse on the site. (Response - condition recommended).
- 5.20 **Southern Water** – There are existing water trunk mains, foul sewer and rising mains crossing the site, the exact position must be determined on site by the applicant before the layout is finalised. It might be possible to divert the apparatus so long as this would result in no unacceptable loss of hydraulic capacity and the

work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. No objections subject to the inclusion of informatives relating to provision of sewerage infrastructure and water supply.

- 5.21 **Highways Agency** - the development affects Trunk Roads and Special Roads and the Secretary of State for Transport directs that conditions be attached to any planning permission which may be granted. The conditions in question require the necessary improvements to Junction 1 of the M271 and Junction 3 of the M27 to be completed prior to the first occupation of the development. (Response - condition recommended).
- 5.22 **Natural England** - The proposal is unlikely to have a significant affect on the interest features of the Solent and Southampton Water Special Protection Area (SPA/Ramsar) or Solent Maritime Special Area of Conservation (SAC). Therefore, it does not require Appropriate Assessment in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 provided a condition is imposed restricting the use of percussive piling or heavy machinery within the waterfowl over-wintering period, 1 October to 31 March inclusive. Similarly it is Natural England's advice that the Lower Test Valley Site of Special Scientific Interest (SSSI) is unlikely to be adversely affected subject to the same condition being imposed. (Response - a condition restricting piling operations can be imposed but it would not be practical to restrict other unspecified heavy machinery as this would not meet the precision test for a condition as recommended by government advice).
- 5.23 **Hampshire Chamber of Commerce** - express strong support for the proposal. The site is appropriate for this use with good motorway access to create a more sustainable distribution network for Lidl covering the south rather than using their Weston-Super-Mare and London distribution centres. The proposed use will bring up to 400 new jobs and community benefits to an area in urgent need of employment. It will also help sustain the existing public transport infrastructure serving Adanac Park's current and future businesses. Hampshire Chamber agrees with the decision to dual the carriageway at the entrance to the site and to bring forward the local highway improvements committed as part of the Adanac Park Phase 2 development to improve the existing traffic flow and improve highway safety ahead of the centre opening. Whilst fully supporting the proposal, Hampshire Chamber recommends that the correct attention is paid to the transport requirements to avoid an unacceptable increase in traffic congestion in the area, in particular for the roundabout which will be used by Lidl and already used by the distribution sector firms on the Nursling Estate.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of developing the site with a substantial Class B8 building.

- Regeneration and economic development considerations.
- Design, including the size and external appearance of the building, and landscaping issues.
- Transport issues, including the impact on the highway network, access arrangements and the level of parking proposed.
- Ecology, environmental and sustainability issues.
- Impact on the amenities of neighbouring occupiers.

## 6.2 Principle of Development

- 6.2.1 The policy background to this site is complicated by being within two local planning authorities with differing approaches. The land in the city has an historic site allocation under Local Plan Policy MSA 20. This allocation covers less than half of the area of the application site which is within the city boundary. The remainder of the site within Southampton has no specific designation. Policy MSA 20 allocated a defined area for a Combined Heat and Power (CHP) facility to serve the energy requirements of the regeneration of the Millbrook and Nursling areas. As outlined in paragraph 4.1 of this report, there was a planning application in 2003 for a CHP facility in the southern part of the site. Although this application was supported by the Council, the proposal did not proceed and the planning application was subsequently withdrawn. There has been no subsequent interest in a similar development. Given the passage of time, it would be reasonable to consider alternative uses of the land which offer economic development and employment opportunities.
- 6.2.2 The other key policy issue relates to a long-standing aspiration for a Park and Ride facility in this part of the city. The Hampshire County Structure Plan identified the need to safeguard land at Nursling, Windhover and Stoneham for bus-based Park and Ride. This approach has been taken forward in Policy CS 18 of the Core Strategy which seeks to deliver three Park and Ride sites in the eastern, northern and western approaches to Southampton, with the associated bus priority measures which may be necessary.
- 6.2.3 In this area, land within Southampton is not specifically allocated for Park and Ride, but the Test Valley Local Plan does safeguard the western field of the application site for such a Park and Ride facility. This allocation has not been taken up and the emerging Test Valley Core Strategy proposes to allocate the application site for Class B8 use and to relocate the Park and Ride proposals to Bargain Farm, to the north-east of the application site, which is also partly within TVBC and the City Council area. This land is within the ownership of the Trustees of the Barker Mills Estate, who are the joint applicants in this case. Negotiations have taken place with the owners and a suitable obligation can be included within the Section 106 agreement to restrict the use of this land to Park and Ride purposes.
- 6.2.4 Consequently, approval of this application will not prejudice the previously identified policy safeguard for a Park and Ride facility. Members may recall that some of the fringe sites on the edge of the City boundary were previously safeguarded as a strategic gap between the City and adjoining settlements. In policy terms, this has not applied to this area for some years and as far as the City Council is concerned, there is no policy presumption of keeping this site as open land. It is worth noting, however, that the adjoining land to the south, Test Playing Fields, is protected open space under Core Strategy Policy CS 21.

6.2.5 Turning to the need for new Class B8 warehousing development, various research carried out for PUSH and other organisations in recent years has recognised a shortage of Class B8 floorspace in South Hampshire, and a shortfall of suitable sites for large scale distribution facilities. This has been carried forward by Policy CS 6 of the Core Strategy, which identifies the need for 97,000 sqm of employment floorspace for industry/warehousing over the plan period. The proximity of the site to the motorway network makes this an attractive location for a distribution facility similar to those situated on the western side of the M271. In these circumstances, the principle of a Class B8 development on this site is considered to be acceptable, even though it constitutes a departure from the development plan, given the MSA20 policy allocation.

### 6.3 Regeneration and economic development considerations

6.3.1 The applicants have been looking for a suitable site to serve their existing and proposed operations in southern England for some time. There is a shortage of suitable sites for large scale distribution warehouses. The retail and distribution sectors of the economy are growing relative to other sectors and this major investment from outside the Hampshire sub-region is welcomed. The urban centres of Southampton, Portsmouth and Bournemouth represent the core of the south coast sites and Lidl consider that the western end of the M27 corridor represents the optimum location in reducing the amount of HGV mileage. The application site is well-located in relation to the strategic road network and close to a large potential workforce.

6.3.2 The regeneration benefits associated with this development are therefore considerable and a large number of new jobs (350 full-time equivalent) would be created with positions including warehouse operatives, office administrators, transport and logistic positions. This would benefit the adjoining area, Redbridge and Millbrook, which currently has quite a high level of unemployment. These employment benefits to the local area can be secured through the training and employment management plan as part of the Section 106 agreement.

### 6.4 Design

6.4.1 Even by the normal standards of distribution buildings, this is a very substantial structure which will markedly change the semi-rural character of this land. The building is the equivalent of three football pitches in length and the average height of approximately 16 metres is the equivalent of a 4/5 storey residential building.

6.4.2 With a structure of this size, there are only limited ways of reducing the apparent scale and mass of the building. Different approaches have been considered, including a strongly colour-contrasting building. However, this was not considered to be a suitable design solution for this location. The chosen design approach has been to incorporate a silver/grey cladding material which will enable the building to blend into the skyline, particularly on gloomy days.

6.4.3 A large warehouse structure with delivery bay openings will inevitably be somewhat monotonous and it is difficult to include features of interest. The northern part of the building, incorporating the offices and entrance, will provide some design quality and the use of banded cladding colours and larger areas of glazing is a suitable approach for this prominent elevation. Amendments have been made to the application to reduce the height of the building. At the southern end, the height has been reduced by some 2 metres, the goods-in/ goods-out side

of the building has been reduced in height by about 6 metres.

6.4.4 This lowering in relation to the central higher element goes some way to reducing the apparent mass of the building. The application is accompanied by a comprehensive Landscape Visual Impact Assessment. This includes verifiable views from key locations, which show the impact of the building, with the current situation and future planting as assessed after five and ten years. The building would be partially screened by this substantial landscaped buffer, which will provide a green backdrop to the building. The impact on views is mainly local in nature.

## 6.5 Transport Issues

6.5.1 As part of the proposals, Redbridge Lane would be closed from its junction with Brownhill Way in the north to the junction with Lower Brownhill Road in the south. This road is currently narrow, with no pedestrian footways and hedgerows on either side. It is used as the sole access to New Cottages, and is one of two routes to Southampton Rugby Club and the Solent University Sports Ground. It is also used as a rat-run between the Millbrook Estate and the motorway, avoiding the traffic lights to the east.

6.5.2 The road closure procedure is a separate matter to be pursued following the grant of planning permission, but Highways Officers are satisfied that the closure of the road would not result in highway safety/public access concerns.

6.5.3 The proposed distribution centre will operate 24 hours a day but with limited night time activity. It will result in a significant increase in HGV traffic in the area. The vast majority of HGVs serving the site will come from the M271 and enter the site by going around the Adanac Park roundabout and left into the site.

6.5.4 On leaving the site, HGVs would turn left into Brownhill Way and travel directly towards the M271. The Transport Assessment (TA) has considered various scenarios, including existing traffic levels and committed developments which includes the future phases of Adanac Park, and a design scenario which takes into account the proposed amendments to the road network. Scenarios for 2018, for the local roads, and 2021 for the strategic roads, have been undertaken.

6.5.5 The junctions assessed as part of the TA include the M271 Junction 1, Adanac Roundabout, and the Brownhill Way/Frogmore Lane signal junction. These assessments show the junctions would work satisfactorily following the new development. The proposed highway improvements to Junction 1 of the M271 were previously agreed as part of the Adanac Park planning permission. These improvements will create a signal-controlled roundabout to enable the safe movement of pedestrians and cyclists from Brownhill Way to the Nursling Industrial Estate. It will also include the widening of the circulatory carriageway and the M271 southbound slip road entry to the junction. The alterations have been agreed with the Highways Agency who are the highway authority for the motorway network.

- 6.5.6 These improvements will benefit the wider area and can be brought forward as part of this application. Ward Councillors in both Southampton and Test Valley have expressed concern that HGV's may, on occasions, use local roads in preference to the motorway network. Test Valley and Hampshire County Council have experience of a similar warehouse facility at Andover where a system of Automatic Number Plate Recognition is in place, monitored by cameras, to ensure the approved lorry routing arrangements are adhered to. This has been discussed with the applicants and arrangements for future monitoring of vehicle movements can be incorporated as part of the Section 106 agreement.
- 6.5.7 Of the proposed employees, 126 would be drivers employed by 13 haulage firms, 274 staff would commute to and from the site, of which 249 will be full-time and 25 part-time. The majority of the working shifts will be between the hours of 5am and 10pm, with approximately 10 members of staff working between 10pm and 5am. The total number of staff on site at any one time will be around 155, comprising 130 in the warehouse and 25 in the offices. The level of car parking (186 spaces) is considered to be acceptable given this pattern of shift working.
- 6.5.8 The location of the existing right of way footpath which runs diagonally across the site will need to be diverted to allow the building to be constructed. The existing track runs across agricultural land and is not properly surfaced or lit. The proposed new route would maintain the connection between Brownhill Way and Lower Brownhill Road. It would be built to adoptable standards which would allow for a wider shared cycleway/footway to be created, with a better surface and lighting. Although there would be a change in the character of the route, it should be more attractive and usable, particularly in non-daylight hours. The new location would connect better to the development of Adanac Park to the north, including a new pedestrian crossing across Brownhill Way which will improve conditions for pedestrians and cyclists in this area. The precise details and alignment of the new right of way path can be secured by a condition.

## 6.6 Sustainability

- 6.6.1 In terms of compliance with Core Strategy Policy CS20, the applicants have undertaken to achieve a BREEAM rating of 'Very Good'. The submitted pre-assessment indicates a score of 55.63% can be achieved. A range of measures can be incorporated to ensure a 12.5% reduction in CO<sub>2</sub> emissions. The applicants propose to install a waste heat recovery system which will utilise heat from the refrigeration plant to heat the warehouse.
- 6.6.2 The applicants state that other forms of renewable energy may be incorporated but cannot be guaranteed at this stage. They do intend to construct the roof of the building to allow for future photovoltaic panels and this can be secured through a condition. Extensive discussions have taken place with the applicants regarding the potential for additional sustainability measures, over and above the requirements of BREEAM very good.
- 6.6.3 These measures include the potential for a green roof and photovoltaics over an extensive area of flat roof. However, the applicants are not prepared to incorporate a green roof as there is no specific policy requirement at local or national level. They do not consider a green roof to be cost-effective, given the implications of extra loading for a steel-framed structure and ongoing maintenance costs. It is perhaps regrettable that the applicant is unable to maximise the sustainability credentials of the building but the development is

policy compliant and therefore acceptable.

- 6.6.4 On a wider sustainability scale, the proposed development would result in a significant reduction in heavy goods vehicle movements on the road network in Southern England. The existing distribution centres are some distance away which is inefficient when compared to the current proposal. The applicants estimate that the new facility would result in a total of 4,678 miles 'saved' per day, the equivalent of approximately 1.7 million miles per year. This is an important material consideration in favour of the development.

## 6.7 Ecology and Environmental Issues

- 6.7.1 The applicants' ecological survey and assessment identified a low to medium potential for protected species on the site. There is a bat roost within the existing houses to be demolished. It was originally proposed to utilise a series of on site bat boxes installed on mature trees and telegraph poles. However, it was subsequently decided that the proposed lighting strategy, combined with existing off-site lighting would result in few areas of sufficiently low levels of lighting to be suitable for re-housing bats. Consequently, it is now proposed to transport all the recovered bats to a nearby woodland site, Home Covert, which is a site of importance for nature conservation and is close by, approximately 600m to the north-east of the site. This land is within the ownership of the joint applicant and therefore can be secured for the future.
- 6.7.2 Little evidence of reptile species was found on site. The main loss of biodiversity on the site is the removal of the existing hedgerows, particularly those adjoining Redbridge Lane, which have been classified as "important" under the Hedgerow Regulations (1997). It is not possible to retain these hedgerows on site. The mitigation proposed is to translocate the important areas of hedgerow to surrogate sites within the ownership of the joint applicant. These sites are all within TVBC rather than the city. The Council's Planning Ecologist considers that, in the short term, the development would result in a net loss of biodiversity to the city. This is regrettable but on balance can be mitigated by the new on-site landscaping.
- 6.7.3 The site is located within Flood Risk Zone 1, which means there is a low probability of flooding. A surface water drainage strategy is based on the collection of run-off from hard-standing and roof areas and conveyance to the proposed attenuation pond. The Environment Agency have raised no objections to the proposal (see comments in paragraph 5.19 of this report).

## 6.8 Impact on neighbours

- 6.8.1 Noise is the main issue affecting the neighbours, as the proposed use would be a 24 hour operation. A noise assessment was carried out in December 2011 and supplementary reports prepared in September and November 2012. There is likely to be a significant noise impact arising from HGV movements on site, including manoeuvring and reversing into loading bays and from truck-mounted refrigerated plant on chilled and frozen produce lorries. The local area is characterised by relatively high levels of background noise as a consequence of the M271, but the prevailing noise level will increase measurably, but by not more than 3dB as a time average. Various mitigation measures have been discussed. The goods-out side of the warehouse is expected to be noisier because it will service outgoing refrigerated lorries during the most noise-sensitive times (2300 to 0600hrs). This part of the operation is on the west side of the building,



adjoining the M271, which is as far away from residential neighbours as possible. Extra screening has been provided by extending the office part of the building on this side and acoustic screening to the boundaries will also mitigate the noise impact.

- 6.8.2 The applicant has submitted a management scheme covering the night time operations which will limit the number of vehicles operating on site at any one time and seeking to control where those vehicles will manoeuvre and park. Electrical 'hook-up' facilities will be made available to limit the need for refrigerated lorries to keep engines running. The applicants state that the 'goods in' function of the building is not normally operational between the hours of 23.00 and 06.00. A condition can be imposed to secure operation of this scheme. A condition can also be used to control future lighting of the site to mitigate this impact.

## **7.0 Summary**

- 7.1 This is a substantial new building which will significantly change the character of this part of the city. The land is identified in both this Council's Local Plan, and that of Test Valley, for development. The economic development and employment opportunities weigh in support of the proposal. On balance, and subject to safeguards in the Section 106 agreement and conditions, the issues of transport, design and environmental issues have been satisfactorily addressed.

## **8.0 Conclusion**

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions. In view of the significant infrastructure works required, including the diversion of services and road closure procedures, the applicant has requested a five year consent which is considered to be reasonable in the circumstances.

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(c), 2(d), 4(b), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a) and 9(b).

#### **RP2 for 15/01/2013 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than five 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).

#### **02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]**

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.

### **03. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]**

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

### **04. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]**

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.

**05. APPROVAL CONDITION - Archaeological work programme [Performance Condition]**

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.

**06. APPROVAL CONDITION- Validation of Land remediation [Pre- Occupation Condition]**

On completion of any agreed remediation actions a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene 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.

Reason:

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

**07. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

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.

**08. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre- Commencement Condition]**

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.

**09. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

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 Local Planning Authority.

Reason:

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

**10. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

**11. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)**

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

**12. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]**

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

**13. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

**14. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]**

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

**15. APPROVAL CONDITION - No storage under tree canopy [Performance Condition]**

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

To preserve the said trees in the interests of the visual amenities and character of the locality.

**16. APPROVAL CONDITION - Restricted Use (Performance Condition)**

The premises shall be used only for purposes in Use Class B8 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to Class B8 of any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The proposed building is a substantial new development which is considered to be acceptable in the circumstances of the case. The Local Planning Authority would wish to consider any alternative use on its merits in the interest of the amenities of the area.

**17. APPROVAL CONDITION - Restriction on use (Performance Condition)**

The maximum floorspace of the development hereby approved shall be 42,820 square metres gross and the development shall not be sub-divided or occupied by more than one business at any one time.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

**18. APPROVAL CONDITION - Night time noise control (Performance Condition)**

The development hereby approved shall be carried out in full accordance with the application document 'Revised Night Time Noise Management Scheme' dated December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the amenities of the area.

**19. APPROVAL CONDITION - Fixed Plant and Machinery (Performance Condition)**

Noise from all fixed plant and machinery shall be controlled in accordance with the proposals provided in section 4.3.5 of the Mott MacDonald December 2011 noise assessment report, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

**20. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)**

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

**21. APPROVAL CONDITION - Lighting Scheme (Pre-Occupation Condition)**

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason

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

**22. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]**

Written documentary evidence demonstrating that the development has achieved at minimum a rating of 'Very Good' against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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).

**23. APPROVAL CONDITION - Sustainability statement implementation (Pre-Occupation Condition)**

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures (including CO2 saving measures as detailed in the application documents) shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the development minimises its overall demand for resources and to demonstrate compliance with Policy CS20 of the Council's Core Strategy (January 2010).

**24. APPROVAL CONDITION - Layout of Car Parking/ Servicing (Pre-Occupation Condition)**

The whole of the car parking, cycle storage and servicing facilities for the use hereby approved shown on the approved plans shall be laid out and made available before the retail use is first open to the public and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON

To ensure adequate on-site parking and servicing facilities and to avoid congestion in the adjoining highway.

**25. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)**

The use hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

**26. APPROVAL CONDITION - Access to Lower Brownhill Road (Performance Condition)**

The vehicular access to Lower Brownhill Road as shown on the approved plans shall only be used in the event of an emergency unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of neighbouring occupiers.

**27. APPROVAL CONDITION - Highway improvements (Pre-Occupation Condition).**

The development hereby approved shall not be first occupied until the junction improvements to Junction 1 of the M271 detailed in drawing reference Project 27405, Figure 1, Revision P1 and Junction 3 of the M27 have been completed.

Reason

As required by the Highways Agency and to ensure the safety of users on the M271 and the M27 and enable them to continue to be an effective part of the Strategic Road Network in accordance with Section 10 of the Highways Act.

**28. APPROVAL CONDITION - Highway works (Pre-Commencement Condition)**

No development shall take place until such time as the details of the site access onto Brownhill Way as shown in principle on drawing 275045-ITD-ITW-105 REV P1 (Appendix A to the Transport Statement) have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until such time as the access has been constructed in accordance with the approved details.

Reason:

In the interests of highway safety.

### **29. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]**

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

### **30. APPROVAL CONDITION - Right of way footpath (Pre-Commencement Condition)**

Notwithstanding what is shown on the approved drawings, the detailed design of the proposed new right of way shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: the alignment at each end of the route; the boundary treatment; lighting; surface treatment and suitable barriers to preclude use by motorcycles and vehicles. The works shall subsequently be carried out in accordance with these details.

Response

To ensure suitable treatment of this important public route and in the interests of safety and security.

### **31. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]**

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

REASON

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

### **32. APPROVAL CONDITION - Flood risk works (Performance Condition)**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2011, by Mott MacDonald and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 10.3m above Ordnance Datum (AOD) as stated in section 5 of the FRA.
2. Limiting the surface water run-off generated by the 1 in 100 critical storm event 20% climate change allowance, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as stated in section 5 of the FRA.
3. Surface water from the site is to be attenuated and discharged at a rate no greater than 9 litres per second per hectare as stated in 3.4.3 of the FRA.
4. Confirmation of the opening up of any culverts across the site.

Reasons

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water



from the site.

3. To ensure that there will be no increase in flood risk off site.
4. To reduce the risk of flooding from blockages to the existing culverts and to create an ecological benefit to the site.

### **33. APPROVAL CONDITION - Landscape Maintenance (Pre-Commencement Condition)**

No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area.

### **34. APPROVAL CONDITION - Ecology mitigation (Performance Condition)**

The measures set out in Section 3.3 of the ECOSA, August 2009 Addendum to the Phase 1 and 2 Ecological Survey shall be implemented in full. Thereafter, the mitigation measures shall be permanently retained.

Reason

In the interests of biodiversity and in accordance with Policy CS22 of the Council's Core Strategy (January 2010).

### **35. APPROVAL CONDITION - Ecology (Performance Condition)**

The development shall proceed in accordance with the measures set out in Section 3.4 of the Phase 1 & 2 Ecological Survey Report Addendum (ECOSA, October 2012).

Reason

In the interests of biodiversity and protecting habitats in accordance with Policy CS22 of the Council's Core Strategy (January 2010).

### **36. 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS10	A Healthy City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

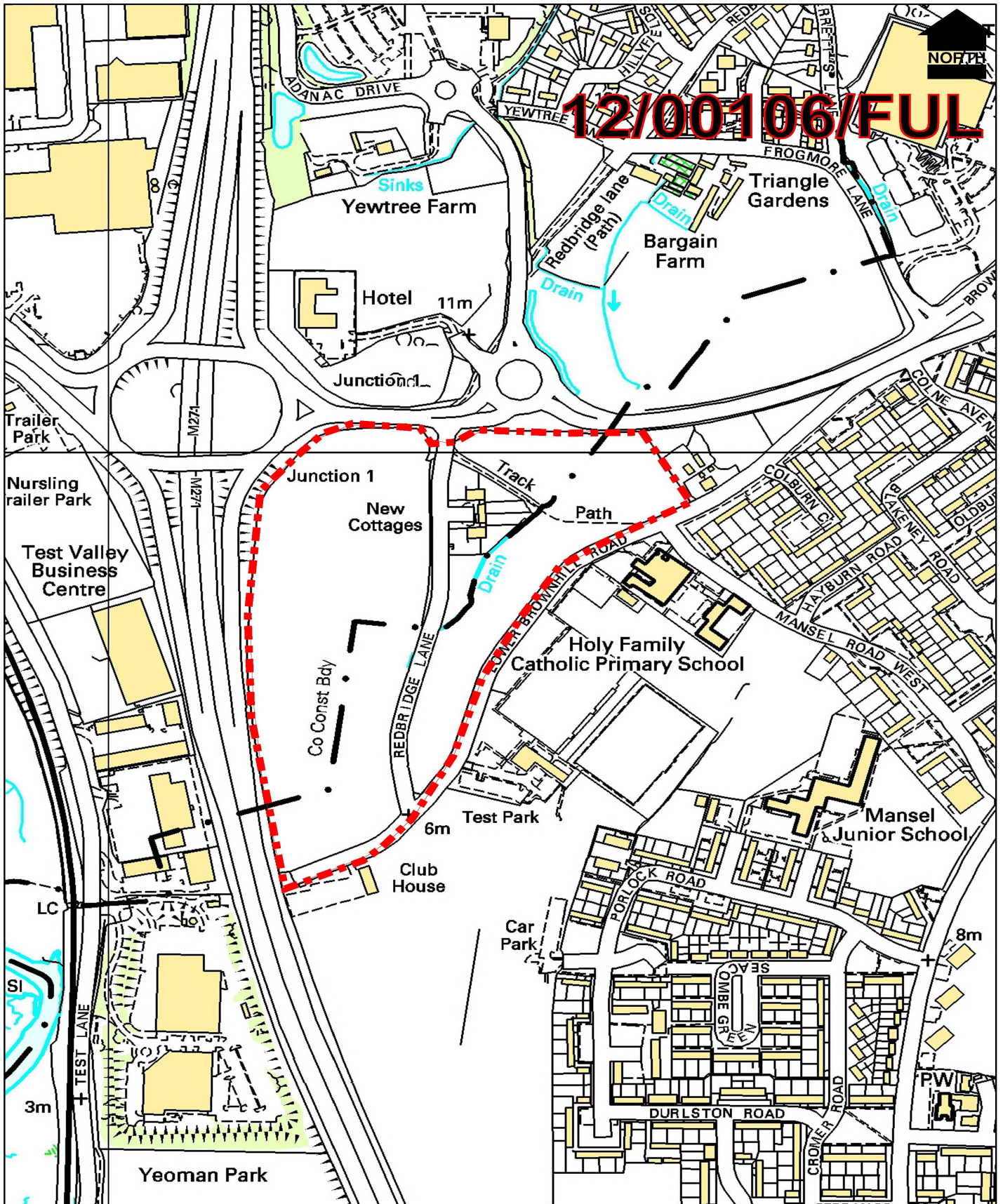
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE6	Protection / Improvement of Character
HE6	Archaeological Remains
TI2	Vehicular Access
MSA20	Combined Heat and Power Generation at Redbridge Lane

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale : 1:5000

Date :04 January 2013

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