



## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town and Country Planning (Development Management Procedure) (England) Order 2010

Michael Sparks Associates - FAO Mr Ashley Chambers  
11 Plato Place  
St. Dionis Road  
London SW6 4TU

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

#### OUTLINE APPLICATION - **CONDITIONAL APPROVAL**

**Proposal:** 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.

**Site Address:** N X P Semiconductors Second Avenue Southampton SO15 0DJ

**Application No:** 12/00975/OUT

Subject to the following conditions.

##### 01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission is hereby granted for the principle of up to 20,360sq.m of floorspace within use classes: non ancillary Office (B1a) - limited to a combined total of 3,000sq.m across the site - Light Industrial (B1c), General Industrial (B2) and/or Storage/Distribution (B8) subject to the following:

- (i) Written approval for the details of the following awaited reserved matters shall be obtained from the Local Planning Authority for each new building prior to any works associated with that building taking place on the site:
- the LAYOUT of the buildings on site and detailed siting of associated areas (including landscaping and parking),
  - the means of ACCESS (vehicular and pedestrian) to the site and the buildings with restrictions in place for associated HGV movements and access within Allington Road,
  - the APPEARANCE and architectural design specifying the external materials to be used,
  - the SCALE of the buildings indicating massing and building bulk,
  - and the LANDSCAPING of the site specifying both the hard, soft treatments, means of enclosures, lighting and their associated maintenance;

- (ii) An application for the approval of the outstanding reserved matters as they relate to all the new buildings shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission;
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

**REASON:**

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

**Note to Applicant**

As part of the reserved matters submission for individual buildings a site layout plan showing how the remainder of the site could be developed in a comprehensive manner within the limits of this permission will be expected.

**02. APPROVAL CONDITION - Established Parameters**

The development hereby approved shall be carried out only in accordance with the quantum of development and use, scale, access and siting details as set out on the Michael Sparks Associates 'Parameter's Plan' 30348/FE/120 dated May 2012.

**REASON:**

To define the extent of the planning permission and for the avoidance of doubt.

**03. APPROVAL CONDITION - Parking**

The parking to serve the development hereby approved shall not exceed the following 'maximum' standards unless otherwise agreed in writing with the Local Planning Authority through the submission of the reserved matters applications for each building:

1 space per 30sq.m of B1a office

1 space per 45sq.m of B1c light industrial and B2 general industrial

1 space per 90sq.m of B8 storage and distribution

**REASON:**

To define the extent of the planning permission and for the avoidance of doubt, whilst seeking to ensure an adequate amount of on-site parking is available whilst promoting alternative modes to the private car for travel.

**04. 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.



**05. 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).

**06. 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.

**07. APPROVAL CONDITION - Surface Water Drainage**

Construction of each building hereby approved 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 as requested by Southern Water in their consultation response dated 24th July 2012.

**08. 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.

**09. 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.

**10. 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.

**11. 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;
  - o historical and current sources of land contamination
  - o results of a walk-over survey identifying any evidence of land contamination
  - o identification of the potential contaminants associated with the above
  - o an initial conceptual site model of the site indicating sources, pathways and receptors
  - o a qualitative assessment of the likely risks
  - o 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 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.

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.

**12. 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.

**13. 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.

**14. 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.

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

Prior to the commencement of any works associated with each building details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS 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 CMS 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.

**16. APPROVAL CONDITION - Refuse & Cycle Storage**

Details of refuse and cycle storage to serve each building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each building to which the storage will relate. The affected building 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.

**17. 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.

**18. APPROVAL CONDITION - Tree Protection**

The development shall be implemented in accordance with the tree protection measures identified on the Barry Chinn drawing 02 rev A - 'Tree Protection Plan', with these measures being implemented prior to the commencement of development.

**REASON:**

In the interests of tree protection and the wider visual amenity.

**19. APPROVAL CONDITION - Noise - plant and machinery**

Development of each building shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

**Reason:**

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



**20. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour**  
Development of each building shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

**Reason:**

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

**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:

- o Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by land contamination;
- o 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;
- o Refer to the EA website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

**Indicative Plans**

Whilst the indicative plans submitted have been used to demonstrate that the quantum of development can be accommodated on the site the Local Planning Authority has treated them as indicative for the purposes of the planning application and reserves the right to make further detailed comment on receipt of a reserved matters layout.

**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**

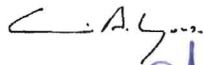
Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's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

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development is considered to comply with the policy designation as an employment site and further details will be provided through the reserved matters applications. Following a public consultation exercise the substantive objections have been addressed through the use of planning conditions and a S.106 legal

agreement as detailed in the report to Panel on 11th 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 REI9(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.



**Chris Lyons**  
**Planning & Development Manager**

30 January 2013

If you have any further enquiries please contact:  
**Stephen Harrison**

**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

<b>Drawing No:</b>	<b>Version:</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
30348/FE/120		General Plan		Approved
		Design and Access Statement		Approved
		Planning Statement		Approved
WATERMAN		Flood Risk report		Approved
SHARPS ACOUSTICS		Acoustic report		Approved
CGMS		Archaeology report		Approved



**NOTES**

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals can be submitted on line [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.
4. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**

