

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel (East) 12 April 2016  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Vacant site west of M271, Test Lane			
<b>Proposed development:</b> Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be Storage and Distribution Use (Class B8), Unit 2 to be Business Use (Class B1 c) and/or Storage and Distribution Use (Class B8) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.			
<b>Application number</b>	14/01911/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Richard Plume	<b>Public speaking time</b>	N/A
<b>Last date for determination:</b>	N/A - Planning Performance Agreement	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Section 106 agreement reported at Panel's request	<b>Ward Councillors</b>	Cllr McEwing Cllr Pope Cllr Whitbread

<b>Applicant:</b> Evander Properties Ltd	<b>Agent:</b> Michael Sparks Associates - Fao Mr Ashley Chambers
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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>Community Infrastructure Levy Liable</b>	<b>No</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the context of the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that this impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. 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 the development plan as required by Section 38(6) of the

Planning and Compulsory Purchase Act 2004 and planning permission should therefore 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, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

<b>Appendix attached</b>			
1	Draft Section 106 Agreement	2	Panel report 27 October 2015

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of the S.106 Legal Agreement in the form shown in Appendix 1.

2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

#### **1. Introduction**

1.1 This application was heard at the Planning and Rights of Way Panel meeting on 27 October 2015. The Panel's decision was:

**(i) the Panel confirmed the Habitats Regulation Assessment on pages 65-76 of the report, subject to the amendments set out above;**

**(ii) delegated to the Planning and Development Manager approval to grant planning permission subject to a S.106 Legal Agreement and the amended condition set out below;**

**(iii) that the agreed draft Section 106 agreement would be referred to the Panel for approval before the planning permission is issued. (Note: the Panel confirmed that no further consultation with local residents or Ward Councillors was required on this matter).**

1.2 This report concentrates on the Section 106 agreement and planning conditions, some of which it is proposed to amend. All the previous comments, the description of the site, planning history, relevant policy considerations and other planning matters are included within the 27 October report which is appended. There have been no significant changes in policy since the

application was considered in October.

## **2. Consultation Responses and Notification Representations**

2.1 The planning application has not been changed since the proposal was considered in October of last year. Therefore, and as previously agreed by the Panel, there has been no formal consultation on the content of the Section 106 agreement. Nevertheless, the Redbridge Residents Association have submitted comments on issues they wish to be included. The following is a summary of the points raised:

2.2 **Gover Rd and Westover Road - Traffic Calming - Remove humps which are currently along Gover Road and replace with Pinch Points. Add Pinch Points to Westover Road.**

### Response

Obligations have been included in the Section 106 agreement for traffic calming measures in Gover Road involving removal of road humps and replacement with chicane style measures.

2.3 **Entrance to Gover Rd from Redbridge Roundabout, and at the new Island on Test Lane (South at the new entrance to Evander Site which Evander are creating) - A clear width restriction barrier should be in place to deter HGV's from entering a residential area. New Signage on the entrance to Gover Rd at Redbridge Roundabout and from Test Lane South at the new island entrance to South Central to say MAX 7.5 TON & NO ENTRY to HGV's.**

### Response

The physical width restriction is not favoured by the Council's Highways Team or Balfour Beatty, the Council's Highways Partner, as it would prevent legitimate access to the residential area (including refuse vehicles and e.g. building materials being delivered to residents). New signage is agreed. Any further restrictions on HGV traffic in this area would have implications for other residential streets and could not be agreed at this stage. The only other option would be 'no entry for any vehicles' on Gover Road from the Redbridge roundabout beyond the Adams Morey entrance. This is likely to be an inconvenience for residents and has therefore not been included.

2.4 **20 mile per hour speed restriction on Gover Road, Westover Road and Test Lane South of the Echo Building to Gover Road junction. 30 mile an hour at Test Lane North from Nursling (B&Q) roundabout to Evander Entrance.**

### Response

20 mph can be agreed for Gover Road, Westover Road and Coniston Road but not for Test Lane where the intention is for a 30mph limit. It must be stressed, however, that the developer cannot be responsible for these alterations which will require public consultation. The developers responsibility will be limited to funding the necessary Traffic Regulation Order.

2.5 **Double Yellow lines on the mini roundabout at Gover Rd/Test Lane**

**junction to extend past number 47 Gover Road on both sides of road. (There are already double yellow lines at the entrance to Gover Rd at Redbridge Roundabout and at the junction of Westover Rd with Gover Rd, but none at the junction next to 47 Gover Rd).**

Response

Double yellow lines could be agreed as part of a residents parking scheme. Any decision on such a scheme would follow monitoring of the car parking arrangements following implementation of the development.

- 2.6 **Car Parking Overspill - The Initial Survey should be completed PRIOR to commencement of ANY development to ensure a true picture before construction workers & then occupants arrive at the site.**

Response

This is agreed and is within the draft Section 106 agreement.

- 2.7 **Evander to provide TRIPLE GLAZING for all properties immediately adjacent/opposite to the Development/Field/Park due to loss of Residential Amenity.**

Response

This is not something which can be justified as part of the Section 106 agreement. The issue was raised by officers with the developer as requested by the residents association but the developer is not prepared to agree to any such requirement.

- 2.8 **Evander to provide BLACK OUT BLINDS for all properties immediately adjacent/opposite to the Development/Field/Park due to loss of Residential Amenity.**

Response

This is not something which can be justified as part of the Section 106 agreement. The issue was raised by officers with the developer as requested by the residents association but the developer is not prepared to agree to any such requirement.

- 2.9 **Any Site Advertising should be along the M271 or Test Lane North, not in the Residential Area of Gover Road.**

Response

We understand that this relates to the large marketing boards found on sites of this nature. This is not a matter for the Section 106 agreement. A condition can be included precluding such signs and this has been agreed with the applicant (see suggested Condition 33)

- 2.10 **Ensure that no Street Traders (Mobile or Static) are on site, perimeter or surrounding residential streets that currently have no restricted parking, during construction, completion or otherwise.**

Response

This is not a matter for the Section 106 agreement. Any such vehicles on the public highway are outside of planning control and will need a street trading

licence.

- 2.11 **Confirm that the Night Time Regulation rules will be adhered to in respect of Noise, Lighting and Vehicle Movements for the life of the site from construction onwards.**

Response

This is not a matter for the Section 106. There will be a planning condition (number 32 in the report) which will require the submission of a night time operation plan to be submitted for approval. This will enable us to have a better idea of how the individual businesses will operate. The condition will be enforceable.

- 2.12 **To Confirm that the Bund and Park will be the first stage of the Development.**

Response

It is agreed that the development cannot be occupied until the park and bund is provided (planting may follow depending on the planting season). The precise phasing of the work will need to be agreed with the contractor once one has been appointed. This can be covered by a condition (see Condition 34).

- 2.13 **To Confirm that no contaminated soil will be used in the creation of the Bund and Park.**

Response

Covered by a planning condition (see Condition 4) – not a Section 106 issue. The Council's Contaminated Land Team will make sure that public health will not be affected in this way.

- 2.14 **To Confirm that Semi Mature EVERGREEN Trees will be placed in two rows, 1 row between Gover Road and the Park and the 2nd row on the Bund between the Park and the Development to protect residents from the Visual Impact.**

Response

This is not a matter for the Section 106, it will be covered by the planning condition. At the October meeting members requested the landscaping scheme should incorporate semi-mature tree planting (see Condition 3 ii). It would not be appropriate to confirm Evergreen trees at this stage. This will be a matter for the landscaping submission based on arboricultural and ecology issues following consultation with the Council's Ecologist and Trees Team.

- 2.15 **To Confirm the creation of a site Liaison Group comprising of representatives from Southampton City Council Planning department, Redbridge Residents Association, Site Developers, Site Construction Manager and the Site Occupiers (Site Occupiers on Completion and all Future Site Occupants). The group to meet when construction begins, then regular meetings throughout the construction process and then for the life of the site with ALL future Occupiers.**

Response

An informal arrangement is proposed once the occupiers of the development are known. It is not to be included in the Section 106 agreement.

**2.16 Various suggestions for the closure of Test Lane, installation of height restrictions, or making Test Lane southbound only.**

Response

The Highways Team do not support these suggestions. Making Test Lane one way is likely to increase traffic speeds and would not stop through traffic. It is not possible to install height restrictions on public highway, this only happens on private land, for example at the entrance to car parks. In terms of the complete closure of Test Lane, this is a 'C' class road and there is a risk that closure may lead to unacceptably high levels of traffic on other roads. There would need to be an investigation into how the changes would affect the traffic flows, not just for residents of both the Gover Road area and Old Redbridge Road but on the roundabout itself.

**Consultation Responses**

- 2.17 SCC Environmental Health (Pollution & Safety)** - an amended noise report has been submitted in response to draft planning condition 26 as approved by the Panel in October. The findings of the noise report are acceptable and there is no objection to the proposed condition being deleted subject to other measures being incorporated. It is important that both buildings and the acoustic fence/bund are built together to act as an efficient acoustic barrier.

**3. Planning Consideration Key Issues**

- 3.1** Members have considered this planning application on two occasions, firstly in August when a decision was deferred to allow further information to be provided and secondly, in October when the Panel resolved to grant planning permission subject to a Section 106 agreement and conditions. Members requested that the draft Section 106 agreement should be referred back to the Panel before planning permission is issued hence this report. Since the meeting in October the applicant has requested certain changes to the planning conditions. This report therefore seeks members approval of the draft Section 106 agreement and the amended conditions which are at the end of this report.

Section 106 agreement

- 3.2** The draft Section 106 agreement in Appendix 1 incorporates all the 'heads of terms' approved by the Panel in October. The main concerns of the residents relate to traffic problems in the area. The proposed agreement incorporates various traffic calming measures, reduction in speed limits and improvements for pedestrians and cyclists. Surveys will be required to judge the future impact of car parking overspill on surrounding streets.
- 3.3** The Panel should bear in mind that the obligations within the agreement cannot be as wide ranging as the residents association have suggested. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. The agreement must be in accordance with the Community Infrastructure Levy Regulations 2010 which require certain

tests. These are that they are necessary to make the development acceptable in planning terms, they are directly related to the development, and are fairly and reasonably related in scale and kind. It is considered that the agreement meets these tests.

### Conditions

3.4 The applicant has requested certain changes to the planning conditions which were approved by the Panel in October. Officers are in agreement with some of the proposed changes but other conditions need to be retained as previously agreed to ensure the development operates satisfactorily. The suggested changes are shown in bold in the conditions at the end of this report.

3.5 The more significant suggested changes are as follows.

Condition 13 - the applicant was concerned that the original wording which related to 'three businesses' may have unreasonably restricted marketing of the premises and may have caused an issue where, for example, the building might be occupied by a company operating under more than one business name. The amended wording will prevent subdivision of the buildings into separate areas which will offer a similar level of control.

Condition 14 - the details of the junction between the new service road and Test Lane have been shown on the drawing submitted with the application and is acceptable to the Highways Team. The finer detail of the works to the highway will be dealt with under a Section 278 (Highways Act) agreement so the condition can be amended as shown.

Conditions 20 and 30 - the ecological mitigation issues were previously covered by these two conditions. The applicant suggested that they be incorporated into one for simplicity. The Council's Ecologist is satisfied with the suggested change which will not result in less control over removal of the hedgerow.

Condition 25 - To ensure certainty it has been agreed to define the number of electric charging point. Although there is no specific policy guidance on this issue, other authorities work on the basis of a ratio of 2% to 10% of parking spaces being available as electric charging points. In this case 11 spaces is equivalent to 5% which is considered to be acceptable.

Condition 26 - The applicant considers that this condition would unreasonably limit the marketing of the site and impose a limit on the way businesses could operate. In response to concerns about potential noise arising from vehicles unloading within the open service yards, a revised acoustic report has been submitted. This report assesses various scenarios including use by various types of fork lift truck close to level access doors and within the service yards. The conclusion of this report is that the proposed mitigation measures would result in no additional noise issues than that previously assessed. The Council's Environmental Health team are in agreement with the findings of this report and agree to the deletion of Condition 26 as previously drafted, subject to mitigation measures being incorporated.

### 3.6 Proposed new conditions

Condition 33 - a restriction on marketing signage to meet the comments of the Redbridge Residents Association.

Condition 34 - securing additional details of the construction programme, once a contractor has been appointed. This might allow, for example, early provision of the bund to screen building operations as requested by the residents association.

Condition 35 - to provide noise mitigation measures, as a replacement for Condition 26, it will be necessary for the building screen on the southern boundary to be provided before either unit can be occupied.

Condition 36 - on reflection, precluding any form of open storage, as was sought by Condition 26 may have been overly restrictive. It is proposed to replace the condition with a requirement that no metal containers should be stored in the yard which could result in noise problems.

## 4. Conclusion

It is considered that the proposed draft Section 106 agreement and conditions provide a reasonable balance between safeguarding the amenities of the area and allowing an important employment creating development to proceed. Members are recommended to grant planning permission on this basis.

### 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(d), 4(b), 4(vv), 5(c), 6(a), 7(a).

### **RP2 for 12/04/2016 PROW Panel**

#### **PLANNING CONDITIONS**

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local

Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of 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 **including semi-mature tree planting; (note: this was requested by the Panel in October)**
- 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 and agreed in advance);
- 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 - Land Contamination investigation [Pre-Commencement]

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 report of the findings of the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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.

#### 05. 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.

#### 06. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance 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.

07. 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.

08. 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 and to safeguard the special ecological value of the adjoining nature reserve.

09. 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.

10. 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 **and/or** foundations 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.

#### 11. 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.

#### 12. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c)) or (Class B8) for Unit 2.

##### Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

#### 13. APPROVAL CONDITION - Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the development shall not be sub-divided or occupied by more than three businesses 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.

**(This condition to be replaced by the following wording)**

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

**The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the buildings shall not be sub-divided into separate units without the approval of the Local Planning Authority.**

##### 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.**

**14. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]**

No development shall commence until details of the junction between the proposed service road and the highway have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

**(This condition to be replaced with the following wording)**

**14. APPROVAL CONDITION - Junction Details [Pre-Occupation Condition]**

**The junction between the proposed service road and the highway shall be constructed in accordance with the approved plans before the development is first occupied.**

**Reason:**

**To ensure a safe access to the site is achieved.**

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

The buildings 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.

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

Before each 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 thereafter.

Reason:

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

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

The whole of the car parking, cycle storage and servicing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to that building and for no other purpose.

**REASON**

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

**18. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

**Reason:**

To ensure satisfactory drainage provision for the area.

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

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent 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).

**(This condition to be amended to read as follows)**

**19. BREEAM Standards (Pre-Occupation Condition)**

**Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard in the form of post construction assessment and 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).**

20. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecological Statement with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work, site clearance or **hedgerow removal** takes place.

Reason

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

**(Note: amended to include hedgerow removal to allow Condition 30 to be deleted)**

21. 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

22. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed in the southern elevations of Units 1 or 3.

Reason:

To protect the amenities of the adjoining properties.

23. APPROVAL CONDITION - Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

#### 24. 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.

#### 25. APPROVAL CONDITION - Electric Car Charging Points (Pre-Occupation Condition)

No part of the development shall be occupied **until a minimum of 11** electric car charging points 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of sustainability and air quality given the proximity to an Air Quality Management Area.

#### 26. APPROVAL CONDITION - No open storage (Performance Condition)

No open storage or loading/unloading of vehicles shall take place within the yards of the buildings.

Reason

To protect the amenities of neighbouring residents.

**(Note: this condition to be deleted at the request of the applicant - to be replaced by additional measures in suggested Conditions 27 and 35)**

#### 27. APPROVAL CONDITION - Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures **to include details of reversing alarms of fork lift trucks and lorries** have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

**(Note: amendment at the request of the Council's Environmental Health Officer)**

28. APPROVAL CONDITION - Refrigerated Vehicles (Performance Condition)

Any refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

29. APPROVAL CONDITION - Refrigeration Compressors (Performance Condition)

Any refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

30. APPROVAL CONDITION - Hedgerow removal (Pre-Commencement Condition)

No hedgerow shall be removed until details of arrangements for replacement of the hedgerow have been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details.

Reason

In the interests of ecological mitigation.

**(Condition to be deleted following amendments to Condition 20)**

31. 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.

32. APPROVAL CONDITION – Night time operation (Pre-Occupation Condition)

Between 2300 and 0700 hours the development shall not operate or be used otherwise than in accordance with a Night Time Operation Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the occupiers of the building operate in a manner which would safeguard the amenities of adjoining residential occupiers.

**Additional Conditions**

33. Advertisement Restriction (Performance Condition)

Notwithstanding the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or any subsequent amending regulations, no site marketing advertising shall be displayed on the site facing South so as to be visible from the residential properties in Gover Road.

Reason:

In the interests of the amenities of neighbouring residential properties.

#### 34. Construction Phasing (Pre-Commencement Condition)

No development shall commence until a programme of construction work has been submitted to and approved in writing by the Local Planning Authority. The programme shall define the phasing of the development to include when the buildings and the bund along the boundary with the new park will be constructed. The development shall subsequently be carried out in accordance with the approved construction phase programme.

Reason:

To allow the Local Planning Authority to control the construction programme in the interests of the amenities of the area.

#### 35. Construction Phasing (Performance Condition)

No occupation of Units 1 or 3 shall take place until both these buildings and the bund and acoustic fence between them have been constructed as shown on the approved plans or such alternative acoustic measures as may be approved in writing by the Local Planning Authority.

Reason:

To ensure that the noise mitigation measures are in place before these buildings are first occupied in the interests of the amenities of local residents.

#### 36. No open storage of metal containers (Performance Condition)

No open storage of metal containers shall take place within the service yards or car parking areas of this development.

Reason:

To mitigate potential noise problems in the interests of the amenities of residential neighbours.