

Agenda Item 5 - 18/01532/FUL - 73, The Avenue

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

2. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. 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 interests of amenity by endeavouring to achieve a building of visual quality.

3. Restriction of net sales area (Performance Condition)

Notwithstanding the approved plans the development hereby approved shall only have a maximum net sales area of 1,329sq.m unless agreed otherwise in writing by the Local Planning Authority

Reason: To prevent effecting the vitality and viability of nearby designated retail centres.

4. Parking (Pre-Use Condition)

The 115 car parking spaces and access shall be provided in accordance with the plans hereby approved before the development first comes into use and thereafter shall be retained as approved for use in connection with the store hereby approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

5. Car parking retention (Performance Condition)

Nine nearest spaces (highlighted in blue on plan AD 110 - REV M) shall be retained solely for the use in connection with 73 The Avenue.

Reason: To protect the viability of this unit and the character of the conservation area.

6. Access to the site (Performance Condition)

The access hereby approved shall be available for use for both the foodstore and 73 The Avenue unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the viability of the site and to prevent issues of highway safety.

7. Car Park Management Plan (Pre-Use Condition)

Prior to development hereby approved first coming into use, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. Specifically, this shall include details of a minimum of 1.5 hours dwell time allowance for parked vehicles (including allowing customers to leave their vehicles in the car park to visit other units within the area) within the car park hereby permitted and details of a security barrier and subsequent management to prevent car park access overnight. The Management Plan shall be implemented when the development first comes into use and thereafter adhered to at all times.

Reason: To add to control the use of the car park.

8. Management of Trolleys (Pre-Use Condition)

Prior to use hereby approved first commencing, a scheme for the storage and management of supermarket trolleys shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to ensure that trolleys are returned to appropriate collection points and storage positions and not otherwise left or abandoned. The approved scheme shall operate from the first opening of the store and thereafter adhered to at all times. The effectiveness of the scheme shall be reviewed in accordance with a programme to be included in the scheme and such changes to the scheme as are necessary and approved by the Local Planning Authority shall be introduced in accordance with an agreed timescale.

Reason: To protect the character of the area and to avoid circulation problems which might otherwise be caused by abandoned trolleys.

9. Pedestrian Circulation Measures and disabled access (Pre-Commencement Condition)

Notwithstanding the submitted plans, the proposed car parks for the store shall incorporate pedestrian circulation measures in accordance with details to be submitted to and agreed in writing by the Local Planning Authority before the development commences.

Reason: In the interest of pedestrian and highway safety.

10. Cycle storage and changing facilities (Pre-Use Condition)

Before the development hereby approved first comes into use, secure and covered storage for bicycles for both employees and customers shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Customer cycle parking should be covered and secure and staff cycle parking should be positioned within a secure and weatherproof storage area. Lockers shall also be provided for staff. The approved scheme shall be thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage cycling as an alternative form of transport.

11. Refuse & Recycling (Pre-Use Condition)

Before the development hereby approved first comes into use, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development first comes into use and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of nearby properties and in the interests of highway safety.

12. Litter Bins (Pre-Use Condition)

Before the use hereby approved commences, litter bins shall be provided in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be retained and managed during the lifetime of the development.

Reason: To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

13. Active frontages (Performance Condition)

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the food store (retail/A1) hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages to Banister Road and Hulse Road and the high-level windows to Hulse Road hereby approved (without the installation of window vinyl, shutters or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development

14. Landscaping scheme (Pre-Commencement Condition)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. Planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. Revised specification of the trees to be planted providing native trees where appropriate and an increase in tree planting to the Banister Road and Hulse Road frontages of the development;
- iii. 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 all hardstanding;
- v. details of any proposed boundary treatment, including retaining walls and;
- vi. a landscape management scheme including an automated irrigation scheme or similar to maintain the vegetation on site.

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.

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 tree planting to the Hulse Road elevation of the building shall be retained for the lifetime of the development with any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased 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.

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

15. Arboricultural Method Statement (Performance Condition)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement including the tree protection measures throughout the duration of the demolition and development works on site. Close attention must be paid to sections 5.6, 6.6, 6.7 and 6.8 involving work within the RPAs of trees and in close proximity to tree canopies.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

16. No storage under tree canopy (Performance Condition)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

17. 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, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme before any demolition work or site clearance takes place.

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

18. Air quality management assessment

Prior to the commencement of the development hereby approved, a scheme of air quality mitigation measures, informed by an up-to-date air quality assessment, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented as agreed before the store first comes into use and thereafter retained and maintained for the lifetime of the development.

Reason: To mitigate the effects of the development on air quality.

19. Lighting scheme (Performance Condition)

The external lighting shall be installed in accordance with the plans hereby approved before the use first commences and thereafter retained as approved. No subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protect residential amenity and to ensure a safe and secure development

20. Boundary Treatment (Performance Condition)

Before the development hereby approved first comes into use, the boundary treatment of the site shall be provided in accordance with approved plans. The boundary treatment shall thereafter be retained as approved.

Reason: In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

21. Site Levels (Pre-Commencement Condition)

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

22. External ladder details (Pre-Use Condition)

Before the development hereby approved first comes into use, details of the external ladder showing either a retractable ladder or a secure cage enclosure around the base shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development comes into use and thereafter retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a safe development

23. BREEAM Standards (Pre-Commencement Condition)

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Excellent against the BREEAM Standard, in the form of a design stage report, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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 (March 2015).

24. BREEAM Standards (performance 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 report 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 (March 2015).

25. Electric Vehicle Charging Points (Pre-Commencement Condition)

A feasibility study for electric vehicle charging points shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for electric vehicle charging points, a specification shall be agreed in writing with the Local Planning Authority. Electric vehicle charging points to the approved specification shall be installed and rendered fully operational prior to the first operation of the development hereby granted consent and retained and maintained thereafter.

Reason: To combat the effects of climate change and reduce the emission of pollutants in accordance with policy CS20

26. 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.

27. 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

28. Control of noise (Performance Condition)

Before the development is occupied the noise mitigation measures shall be provided in accordance with the submitted Noise Impact Assessment by Acoustic Consultants Ltd, dated 1st August 2018, Reference: 6969/BL. This includes no deviation from the proposed plant specification, the setting of noise levels (See Section 6.1); installation of acoustic louvres (See Section 6.3) and the installation of an acoustic fence (See Section 7.3) unless agreed otherwise in writing by the Local Planning Authority. The measures shall thereafter be retained as approved whilst the foodstore is in operation.

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

29. Details of the acoustic fencing (Pre-Commencement Condition)

Prior to the commencement of the development hereby approved, details of the acoustic fence, as specified in the Noise Impact Assessment, shall be submitted to and approved by the Local Planning Authority in writing. The acoustic fence shall be provided in accordance with the agreed details before the use first commences and thereafter retained as approved whilst the foodstore is in operation.

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

30. Noise - plant and machinery (Pre-Commencement Condition)

The use hereby approved shall not commence until details of measures to minimise noise

from plant and machinery associated with the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details before the use hereby approved commences and thereafter retained as approved.

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

31. 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. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by 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.

32. 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.

33. Construction Management Plan (Pre-Commencement Condition)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan 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,
- f) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan 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.

34. Sustainable Drainage Systems (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in

writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

35. 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. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

36. Public Sewer protection (Performance Condition)

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

37. Hours of Use & Delivery (Performance Condition)

The food store hereby approved shall not operate outside of the hours hereby set out:

- 7am to 10pm (Monday to Saturday - including recognised Public Holidays) and
- 10am and 5pm (Sundays)

No deliveries shall be taken or despatched outside the hours hereby set out:

- 7am and 11pm (Monday-Saturday - including recognised Public Holidays)
- 8:30am and 8pm (Sundays)

Reason: In the interests of existing and proposed residential amenity

38. 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 to 18:00 hours
Saturdays	09:00 to 13:00 hours

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.

39. 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.