

Planning and Rights of Way Panel 12th November 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

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| Application address: Land at Bargain Farm, Brownhill Way, Southampton | | | |
| Proposed development: Development of the site to provide a single storey food store (use class A1) with 158 car parking spaces to be accessed from Frogmore Lane via a new spur road and associated landscaping (departure from development plan) | | | |
| Application number: | 18/01045/FUL | Application type: | FUL |
| Case officer: | Jenna Turner | Public speaking time: | 15 minutes |
| Last date for determination: | 08.11.18 (Extension of Time Agreed) | Ward: | Redbridge |
| Reason for Panel Referral: | More than 5 letters of objection have been received | Ward Councillors: | Cllr Sally Spicer Cllr Cathie McEwing Cllr Lee Whitbread |
| Applicant: Lidl UK | | Agent: RPS Planning and Development – Chris Tookey | |

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| Recommendation Summary | Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report |
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| Community Infrastructure Levy Liable | Yes |
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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. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies CS3, CS6, CS13, CS14, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, HE6, TI2 of the City of Southampton Local Plan Review (Amended 2015) as supported by the NPPF (2019).

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| Appendix attached | | | |
| 1 | Access Appeal Decision | 2 | Development Plan Policies |

Recommendation in Full

1. Delegate to the Service Lead – Infrastructure, Planning & Development to grant planning permission subject to:
 - a) the planning conditions recommended at the end of this report and;
 - b) the completion of a S.106 Legal Agreement to secure:
 - i. The delivery of site specific transport improvements in the vicinity of the site including the reconfiguration of the Brownhill Way/Frogmore Lane junction and the dedication of land to facilitate the dualling of Brownhill Way, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - iv. Submission, approval and implementation of a Travel Plan.
 - v. Submission, approval and implementation of a Servicing Management Plan including the routing of HGVs that service the store.
 - vi. Submission, approval and implementation of a Site Waste Management Plan.
 - vii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
2. That the Service Lead – Infrastructure, Planning & Development 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 an acceptable junction design cannot be agreed or the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. 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 brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1. **The site and its context**

- 1.1 The site is a 0.89 hectare area of open fields, part of a wider parcel of farmland collectively known as Bargain Farm. The site is at the edge of the administrative

boundary between Southampton City Council and Test Valley Borough Council, although this scheme is wholly within the Southampton administrative area. As required, Test Valley have been consulted as part of the application process.

- 1.2 Planning applications are also being considered by Southampton City Council and to Test Valley Borough Council for adjoining sites within Bargain Farm for a NHS Health Campus with Park and Ride and a residential care home (see section 4 of this report below).
- 1.3 The site lies to the north of Brownhill Way, approximately 500 metres east of junction 1 of the M271 and is bounded, to the east, by Frogmore Lane. The context of the site is mixed in character comprising residential areas to the south and north and David Lloyd leisure centre to the east. Further west, the Lidl Distribution Centre and employment uses within Adanac Park are significant features within the locality.

2. Proposal

- 2.1 The application seeks full planning permission for the construction of a Lidl foodstore with 1,352 sq.m of sales area (2,225 sq.m inclusive of sales, warehouse, storage and welfare facilities), served by 134 car parking spaces (which includes 10 disabled user spaces, 14 parent and child spaces and 2 electric vehicle spaces). For comparison purposes, the recently approved Lidl application on Banister Road comprised a 2,079sq.m foodstore and the new Shirley Lidl has 2,200sq.m of floorspace.
- 2.2 The site would be accessed from Frogmore Lane, via a new access road that would also potentially link through to neighbouring sites within Bargain Farm. The access road itself lies outside of the Southampton City Council's administrative area and is subject to a separate planning application, submitted to Test Valley Borough Council. The access has been granted planning permission, via a planning appeal, and the decision for this is provided as **Appendix 1** to this report.
- 2.3 The store itself would be located to the western portion of the site with the main entrance to the south-eastern corner of the building. The building is single-storey in massing with a height which ranges from 5 to 7 metres. The building has a mono-pitched roof with white clad elevations, silver metal clad detailing and curtain wall glazing to the southern elevation, facing Brownhill Way.
- 2.4 In terms of servicing, a delivery bay, designed to accommodate HGVs, is located to the northern elevation of the building.
- 2.5 The application site includes an area of land that wraps the eastern and southern boundary of the site to be bonded to the Highways Authority to deliver associated highways improvements. The off-site highway works would include the dualling of Brownhill Way and junction improvements to the Frogmore Lane and Brownhill Way. This is discussed in detail, in section 6 below. The highways improvements required to make the development acceptable in planning terms have been subject to extensive consideration since the application was initially submitted. The application originally proposed a roundabout solution, albeit this would not be fully funded by the application and with no further funding identified to deliver it. The amended junction solution was designed at a high-level by the Council's

Highway Team and would essentially convert the existing Frogmore Lane/Brownhill Way junction from a staggered junction to a cross-road. A detailed amended plan of this off-site junction has now been received.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**. The site is not allocated for development within the Development Plan. It lies within an area of low accessibility to Public Transport (5-10 buses an hour within the morning peak). The site is not within a retail centre and the Council’s adopted policies require new retail development in excess of 750sq.m to be delivered in designated retail centres unless it can be demonstrated as acceptable with a sequential approach and retail impact assessment. This is discussed in more detail in section 6, below.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 In 2015, outline planning permission was granted for the development of part of Bargain Farm (west of this site) for 12,941 sq.m of B1 (Business) and B2 (General Industrial (our reference 14/00128/OUT). Outline planning applications are currently being considered by both Southampton City Council and Test Valley Borough Council for the formation of a Health Campus and Park and Ride to the west of the site (our reference 19/00289/OUT). In addition to this, Test Valley Borough Council are also considering an application for a care home to the north of the site (our reference 19/00559/CONSUL).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (24.08.19) and erecting a site notice (21 and 31.08.18). At the time of writing the report **9 representations** have been received from surrounding residents (3 in support and 6 objections) with a further objection lodged on behalf of Sainsbury’s Supermarkets Ltd. The following is a summary of the points raised:
- 5.2 ***Concern with the traffic plans and potential cost implications to SCC residents. Concerns with additional queuing on the road network that***

would result from the development, having regard to the existing congested situation.

Response

The proposed highway mitigation scheme has been amended from that originally submitted. A simplified cross-road junction is proposed at the junction of Brownhill Way and Frogmore Lane which would reduce traffic queuing and reduce disruption to road users. Recommendation 1c(i), above, secures the delivery of these road improvements, which the applicant is expected to deliver in its entirety. Previously a part funded roundabout was proposed and consulted on.

- 5.3 ***There should be dedicated public transport link to serve the store.***

Response

The nearest bus stop to the site is on Lower Brownhill Way, approximately 250 metres from the site. This provides connections to the city centre via Shirley, Lordshill and Maybush. As part of this application, there are no proposals to secure an additional bus route and there is no policy requirement for the proposal to deliver this.

- 5.4 ***The submitted sequential test is not sufficient since available sites in Shirley Town Centre have not been fully explored.***

Response

The submitted sequential test has explored suitable available sites within Shirley Town Centre. The Council's Planning Policy Team are satisfied with the submitted assessment in this respect and have raised no objection to the principle of a new foodstore in this location.

- 5.5 ***Available sites in Lordshill District Centre have not been adequately considered.***

Response

The applicant has discussed the availability of sites within the Lordshill District Centre with the Council and no suitable available sites have been identified. The Council's Planning Policy and Capital Assets Teams agree with this conclusion.

- 5.6 ***The submitted retail impact assessment is based on out-of-date data.***

Response

The submitted retail impact assessment is based on the most up-to-date Southampton and Eastleigh Retail Study, albeit this is now 8 years old. As such, the applicant has carried out sensitivity testing using the latest convenience retail forecasts. The Council's Policy Team are satisfied with this approach.

Consultation Responses

- 5.7 **Test Valley Borough Council – Objection.** The application site does not include the access to the public highway and as such, it is not possible to properly consider or control the highways impacts of the proposal. Test Valley Borough Council have refused planning permission for the access. Query whether the access could be taken from the south-east corner of the site.

Response: Since these comments were received the access to the site has been granted planning permission at appeal. A 'Grampian' style condition is recommended to ensure that the development cannot take place until the

approved access with the administrative boundary of Test Valley Borough Council is provided.

5.8 **SCC Planning Policy** – No objection. Originally queried a number of points relating to the submitted retail sequential test and retail impact assessment. On receipt of further information from the applicant they raise no objection.

5.9 **SCC Highways** – No objection. Currently, the signalised junction of Brownhill Way/Frogmore Lane/Lower Brownhill Way is at, or close to, capacity and, with the development, the junction would be significantly over-capacity resulting in significant queuing on Brownhill Way. The proposed works to improve this junction would simplify the current layout thereby reducing time stopped for red lights, reducing queuing and disruption for road users and improving traffic flow. The proposed mitigation is, therefore, acceptable in principle. Further sensitivity testing and auditing of the road design is required before the layout can be agreed (see recommendation 1a). The final road scheme would need to be delivered before the store first becomes operational and should be funded by the developer.

The number of car parking spaces exceeds the adopted maximum standards (134 spaces proposed compared with the maximum standard of 123.6) and should be reduced. Cycle parking complies with standards. Information has been provided which demonstrates that an articulated lorry can enter and leave the site in a forward gear.

5.10 **Highways England** – No objection.

5.11 **Hampshire County Council (Highways)** – Request further information including the inclusion of the access from Frogmore Lane, modelling amendments of the proposed roundabout scheme and clarification regarding the delivery of the roundabout.

Response: As noted above, the access to the site has gained planning permission and a condition can secure its delivery. A roundabout solution is no longer proposed for the Frogmore Lane/Brownhill Way junction. The section 106 agreement will place the onus on the developer to secure the delivery of the agreed junction improvements.

5.12 **SCC Sustainability Team** – A pre-assessment estimator for BREEAM has been submitted with the application and this demonstrates that BREEAM Excellent can be achieved. Conditions are suggested to secure this.

5.13 **SCC City Design** – Query how the development relates to proposals for the rest of the Bargain Farm area. There is a need to secure a comprehensive landscape scheme which should include significantly more tree planting than currently proposed.

5.14 **SCC Environmental Health (Pollution & Safety)** – No objection. The lighting scheme limits the potential for nuisance to nearby residential properties. The submitted noise report demonstrates that the development would not result in noise disturbance. Conditions are suggested to secure opening hours, the type of plant and machinery provided and a Construction Management Plan.

- 5.15 **SCC Flood Authority** – No objection. Suggests conditions to secure the Sustainable Drainage.
- 5.16 **SCC Environmental Health (Contaminated Land)** – No objection. There is the potential for contamination to exist on the site and conditions are suggested to investigate and secure any necessary remediation measures.
- 5.17 **SCC Ecology** – Following receipt of a revised landscaping plan, are satisfied that a young hedge to the southern boundary of the site would be retained. The site itself is of low ecological value.
- 5.18 **SCC Trees** – Satisfied that the existing young hedge to the south of the site will be retained. There are no other notable trees on the site.
- 5.19 **SCC Archaeology** – No objection. Groundworks associated with the proposals have the potential to damage archaeological deposits and a phased programme of archaeological investigation will be needed to mitigate this. Conditions are recommended to secure this.
- 5.20 **Natural England** – No objection
- 5.21 **Southern Water** – No objection

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;
 - Residential amenity;
 - Parking highways and transport and;
 - Air Quality and the Green Charter.
- 6.2 Principle of Development
- 6.2.1 The National Planning Policy Framework (NPPF) and LDF Core Strategy Policy CS3 guide new commercial developments to designated retail centre locations (City, Town, District or Local Centres). As such, since the site is not within an existing retail centre, the principle of development is not automatically acceptable. If, however, there are no sites available within designated centres, the policies require that retail uses are located first to edge-of-centre locations and, if none are available, out-of-centre sites can then be considered (known as ‘the sequential approach’). In addition to this, out-of-centre retail should not have a significant adverse impact on existing centres.
- 6.2.2 A Sequential Test and Retail Impact Assessment were submitted with the application to address this policy requirement given this out of centre location. The sequential test concluded that there are no suitable sites available within or immediately adjoining any existing centres in this part of Southampton. In addition to this, the Retail Impact Assessment concluded that there would be ‘no significant adverse impact on the vitality or viability of any defined retail centre.’ Following receipt of further information, this view is supported by the Council’s Planning Policy team.

6.2.3 Policy CS6 of the Core Strategy promotes the Economic Growth and it is anticipated that the proposal would generate 35 part-time (23 full-time equivalent) and 5 full time jobs. Overall, having regard to the conclusions of the sequential test and the retail impact assessment, the principle of developing the site for out-of-centre retail is considered to be acceptable and the creation of an employment generating use on this vacant site is welcome.

6.3 Design and effect on character

6.3.1 Bargain Farm is currently open fields and its development for retail will, therefore, inevitably represent a notable change to the character of the area. Furthermore, the immediate wider character of the area comprises large warehouse style buildings with associated surface-level car parking. The proposed development would be consistent with this character.

6.3.2 The site itself is not of high landscape value and is surrounded by development, with the exception of the neighbouring fields making up the remainder of Bargain Farm. As noted above, there are further proposals for the development of the wider Bargain Farm site, the majority of which lies within Test Valley Borough Council. The wider Bargain Farm site is allocated for employment development within the adopted Development Plan for Test Valley Borough Council. The development can be delivered without prejudicing the delivery of neighbouring site and would be consistent, in terms of character, with the range of developments proposed for adjoining sites.

6.3.3 The building follows a standard design approach and is, therefore, similar to other Lidl sites in the city and throughout the country. As such, the design approach is considered to be acceptable for this mixed-use location without a defining style of architecture.

6.3.4 The application does include high-level landscaping details and provides the opportunity to include significant site landscaping, particularly to the boundaries of the site. This will be secured by planning condition.

6.4 Residential amenity

6.4.1 The nearest residential properties to the site lie approximately 30 metres to the south of the site, on the opposite side of Lower Brownhill Road. To the north, the recent development of Bargain Close is over 70 metres from the site. The separation to these properties ensures that the building itself would not give rise to any adverse effects in terms of outlook, daylight, shadowing or privacy.

6.4.2 In terms of the operational impacts on residents, a noise assessment has been undertaken and concludes that noise generated by the movements of HGVs to and from the site and from plant and machinery would fall below the Lowest Observed Effect Level as set out in the National Planning Policy Framework. The Council's Environmental Health Team support this conclusion. The application is also accompanied by a lighting assessment and whilst the lighting design has not been finalised, the assessment demonstrates that the external areas can be adequately lit without causing harmful spillage to nearby residents. A condition will be used to secure the final lighting details. As such, overall, the relationship of the proposal with the residential neighbours is considered to be acceptable.

6.5 Parking highways and transport

- 6.5.1 Currently the level of car parking proposed is in excess of the Council's maximum standards (134 spaces proposed and 123.6 spaces permitted). The applicant considers that this is the minimum number of car parking spaces they require given the remote location of the site. External cycle stands are provided and condition 11 seeks the provision of secure and covered cycle storage for staff which includes shower and changing facilities.
- 6.5.2 Whilst the access link from Frogmore Lane into the site does not fall within this application, it does benefit from planning permission and a condition is suggested to secure both the final design and delivery of this route. The store is designed to accommodate the HGVs that would service the development and the Highways Team are satisfied that the arrangements would function well.
- 6.5.3 A key consideration of the development is its impact on Brownhill Way, which is a well-trafficked C-class road that links to the M271. Currently, Brownhill Way is close to capacity and subject to significant vehicle queueing during peak travel times. The junction of Brownhill Way and Frogmore Lane is a fairly complicated staggered junction with 2 separate phases of traffic signals. The existing junction design, therefore, contributes to the congestion on Frogmore Lane due to increased queueing and red light time. As the development would result in additional traffic movement on Brownhill Way, it would, therefore, exacerbate this situation, unless suitable mitigation can be delivered.
- 6.5.4 The application originally proposed a financial contribution towards replacing this junction with a roundabout. Whilst a roundabout solution would improve traffic flows, in the absence of a full funding package towards the roundabout, there was no certainty that the junction upgrade could be delivered before the store opened. This would not be acceptable in Planning or highway safety terms.
- 6.5.5 As such, an alternative, less drastic junction design is now proposed which would effectively convert the existing staggered junction into a crossroad solution. The new solution would create a simplified road design with a single-phase of traffic signals which would thereby improve the flow of traffic on Brownhill Way. In addition to this, the new junction would provide an improved pedestrian environment. The Council's Highways Team are satisfied that the new junction design would ensure that the highway network could accommodate the development, subject to the junction improvements being delivered before the store opens. This would be secured through the section 106 agreement and, as set out, the expectation is that the developer would fully fund the new junction improvement.
- 6.6 Air Quality and the Green Charter
- 6.6.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.6.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality

Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.

6.6.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:

- Reduce pollution and waste;
- Minimise the impact of climate change
- Reduce health inequalities and;
- Create a more sustainable approach to economic growth.

6.6.4 The application site is over 1km from the nearest Air Quality Management Zone and as such, an air quality assessment has not been undertaken for this development. The application has introduced measures to respond to the Green Charter and the air quality impact of the development including:

- being designed to meet BREEAM Excellent;
- introducing electric vehicle charging points within the car park;
- securing a detailed landscaping scheme, which includes new tree planting;
- securing improvements to sustainable travel through the section 106 legal agreement and;
- securing a carbon management plan through the section 106 legal agreement which will either secure carbon neutrality or mitigation.

7. Summary

7.1 The application for a new foodstore with parking has satisfied the planning policy tests required for out-of-centre retail uses and the development of the site for an employment generating use is acceptable. The application proposes acceptable off-site highway improvements that would enable the development to proceed without having a detrimental impact on the highways network. The store would be consistent with the character of the area and would not have a detrimental impact on the nearby residential properties.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

JT for 12/11/19 PROW Panel

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. Access to the site (Grampian Condition)

No development shall begin until a scheme for the provision of the access to the site from Frogmore Lane for both vehicles and pedestrians has been submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the agreed scheme before the store hereby approved first comes into use and thereafter retained as approved.

Reason: To secure a satisfactory means of access to the site in the interests of the character, amenity and safety of the area.

3. Access to the Car Park (Performance Condition)

The access to the car park hereby permitted shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided. Within these visibility splays, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the adjacent carriageway at any time. The splays shall be maintained in accordance with these requirements for the lifetime of the development.

Reason: In the interests of highway safety

4. 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.

5. 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. A specification of the trees to be planted providing native trees and an increase in broadleaf tree planting across the site;

- 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.

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

6. 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.

7. Restriction of net sales area (Performance Condition)

Notwithstanding the approved plans the development hereby approved shall only have a maximum net sales area of 1,352 sq.m unless agreed otherwise in writing by the Local Planning Authority

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

8. Parking (Pre-Use Condition)

The 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.

9. 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. This shall include 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 vitality of the Town Centre and control the use of the car park.

10. 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.

11. 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, showers and hanging facilities 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.

12. 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.

13. 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.

14. 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 along the length of the shop frontages to the southern elevation of the building fronting Brownhill Way 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.

15. Lighting scheme (Pre-commencement Condition)

Before the use hereby approved commences, external lighting shall be provided in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The external lighting shall be 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

16. 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).

17. 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).

18. Electric Vehicle Charging Points (Performance Condition)

Before the store hereby approved first comes into use, the two electric vehicle charging points shall be provided and rendered operational in accordance with a specification to be first agreed in writing by the Local Planning Authority. The charging points shall be thereafter retained and maintained as approved.

Reason: To combat the effects of climate change and reduce the emission of pollutants

in accordance with policy CS20

19. 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. No further external plant and machinery shall be installed unless otherwise first agreed in writing by the Local Planning Authority.

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

20. 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,
- g) 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.

21. Hours of work for 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.

22. 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).

23. 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.

24. 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)
- 9am and 8pm (Sundays)

Reason: In the interests of existing and proposed residential amenity

25. Archaeological damage-assessment (Pre-Commencement Condition)

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason: To inform and update the assessment of the threat to the archaeological deposits.

26. Archaeological evaluation 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 evaluation 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. Archaeological investigation (further works) (Performance Condition)

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

29. Archaeological work programme (further works) (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.

30. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved 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.

31. 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.