

LOCAL PLANNING AUTHORITY SUGGESTED LIST OF CONDITIONS

Site Address: Moorlands Farm, Botley Road, West End, Southampton, SO30 3HD

Appeal Reference: APP/W1715/W/23/3332895

Planning Application Reference: F/22/93835

The following list of conditions is put forward by the Local Planning Authority (LPA) on a without prejudice basis. For the avoidance of doubt, the presence of conditions on this list, so far as they pertain to matters the subject of the reason(s) for refusal as set out within the Council's decision notice, do not indicate that the LPA is satisfied that such matter could be adequately addressed by way of planning conditions. Rather their presence is such as to allow a degree of control to be exercised in relation to specific impacts of the development should the Inspector be minded to allow the appeal. In such an event, the LPA respectfully requests that these conditions be imposed.

Conditions and Reasons:

- 1) The development hereby permitted shall start no later than three years from the date of this decision.

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

- 2) The development hereby permitted shall be implemented in accordance with the following plans numbered:

- Location Plan 7912_L01 (received 12 May 2023)
- Existing Site Plan (Part 1 of 2) 7912_E01 (received 12 May 2023)
- Existing Site Plan (Part 2 of 2) 7912_E02 (received 12 May 2023)
- Existing Site Sections A_A and B-B 7912_E03/A (received 12 May 2023)
- Existing Block Plan 7912_E04 (received 12 May 2023)
- Site Plan (Part 1 of 2) 7912_D01/P (received 12 May 2023)
- Site Plan (Part 2 of 2) 7912_D02/M (received 12 May 2023)
- Floor Plan Unit Type A 7912_D03/D (received 12 May 2023)
- Elevations Unit Type A 7912_D04/D (received 12 May 2023)
- Floor Plan Unit Type B 7912_D05/C (received 12 May 2023)
- Elevations Unit Type B 7912_D06/C (received 12 May 2023)
- Floor Plans & Elevations Unit Type C 7912_D07/C (received 12 May 2023)
- Floor Plans & Elevations Unit Type D 7912_D08/B (received 12 May 2023)
- Site Sections A_A and B-B 7912_D09/B (received 12 May 2023)

- Access Road Works Part 1 of 2 7912_D100/D (received 12 May 2023)
- Access Road Works Part 2 of 2 7912_D101/D (received 12 May 2023)
- Access and Visibility NJC-001-Rev A (received 4 July 2023)
- Proposed Access Widening NJC-009 (received 4 July 2023)
- Visibility Cross Section NJC-009-1 (received 4 July 2023)
- Access and Tracking NJC-008-Rev B (received 4 July 2023)
- Layout – Landscape Mitigation and Enhancement ACLA/BMC/04/D (received 12 May 2023)
- Proposed Boundary Treatments ACLA/BMC/05/A (received 12 May 2023)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) No construction or demolition work shall start until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
- a) a programme of the demolition and construction work, including roads, and landscaping;
 - b) location of temporary site buildings, compounds, construction material and plant storage areas used during demolition and construction;
 - c) the arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
 - d) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges];
 - e) the parking of vehicles of site operatives and visitors;
 - f) measures to control the emission of dust and dirt generated by demolition and construction;
 - g) a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
 - h) provision for storage, collection, and disposal of rubbish from the development during construction period;
 - i) measures to prevent mud on the highway during demolition and construction;
 - j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - k) temporary lighting;
 - l) protection of pedestrian routes during construction;
 - m) details of protection measures to prevent pollution and sediments from entering the nearby watercourse;
 - n) details of protection measures surrounding ecological buffer zones;
 - o) details of wildlife protection measures during demolition and construction (based on the recommendations set out within Section 8 of the Ecological Impact Assessment (May 2023)).

Reason: To limit the impact the development has on the amenity of the locality.

- 4) No development shall commence on site until the following has been submitted to, and approved in writing by the Local Planning Authority:
- a. Report of Preliminary Investigation comprising a Desk Study, Conceptual Site Model, and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with UK Land contamination risk management (LCRM) national guidance and including BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice, and, unless otherwise agreed with the Local Planning Authority,
 - b. Report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation and in accordance with BS10175:2011+A2:2017, and BS 8576:2013 and unless otherwise agreed with the Local Planning Authority,
 - c. Detailed site-specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring
- Such a scheme shall include the nomination of a competent person to oversee the implementation of the works.

Reason: To minimise the risk from land contamination for the safety of future users.

- 5) The development hereby permitted shall not be brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 4(c) that any remediation scheme required and approved under the provisions of condition 4(c) has been implemented fully in accordance with the approved details (unless varied with the written permission of the Local Planning Authority in advance of implementation). Unless agreed in writing with the Local Planning Authority such verification shall comply with UK Land contamination risk management (LCRM) and the guidance contained in EA Guidance for the Safe Development of Housing on Land Affected by Contamination - R&D Publication 66: 2008. Typically such a report would comprise:
- a. A description of the site and its background, and a summary of relevant site information,
 - b. A description of the remediation objectives and remedial works carried out,
 - c. Verification data, including - data (sample locations/analytical results, as-built drawings of the implemented scheme, photographs of the remediation works in progress, etc.
 - d. Certificates demonstrating that imported and/or material left in situ is free from contamination, gas/vapour membranes have been installed correctly.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(c).

Reason: To minimise the risk from land contamination for the safety of future users.

- 6) In the event that any evidence of potential contamination is found at any time when carrying out the approved development, and that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared in accordance with the verification condition stipulated above, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To minimise the risk from land contamination for the safety of future users.

- 7) Prior to the commencement of development, full details of site drainage based on the submitted Flood Risk Assessment & Sustainable Drainage Strategy (September 2022) and Sustainable Drainage Strategy Addendum no.2 (May 2023) (including foul and SuDS schemes) and its location shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways, Southern Water and Local Lead Flood Authority). These details shall include:

- a) A foul water system maintenance and management plan – including responsibility for monitoring the system on a 24/7 basis and an emergency plan (in case of spills during servicing by the tanker or any other malfunctions)
- b) Specify the responsibilities of each party for the implementation of the SuDS scheme
- c) Specify a timetable for implementation for all drainage (foul & SuDS)
- d) Provide a management and maintenance plan for the lifetime of the development (including any arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime)

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first use of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted onto the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To ensure that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and paragraph 59 of DfT Circular 01/2022.

- 8) Prior to any development being undertaken along the boundary with the M27, a boundary treatment plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The plan shall include as a minimum:

- a) details of the fencing location, type, construction method and maintenance;
- b) details for management of existing boundary planting to include an Arboricultural Tree Survey and Tree Protection Plan with a Method Statement for any works required to address the removal, retention and management of trees along this boundary.

All works shall be undertaken in accordance with the agreed plan and shall be completed prior to first use, and maintained as such thereafter.

Reason: To mitigate any adverse impact from the development on the M27 and to ensure that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 9) Prior to the commencement of the development hereby permitted a Landscape Management Plan and Planting Schedule, (including all hard and soft landscaping, trees, all other means of enclosure along boundaries not adjoining the M27, and details of implementation and maintenance), shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The agreed details (except planting) shall be implemented in full prior to first use of the development hereby permitted. The planting shall be implemented in full within the first planting season post first occupation (at the latest), and maintained as such thereafter.

Reason: To protect the National Highways estate, protect public safety and ensure the safe and efficient operation of the Strategic Road Network, and in the interests of the visual amenity of the locality, and biodiversity.

- 10) For a period of no less than 10 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

Reason: To ensure the development meets the essential requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development', and in the interests of the visual amenity of the locality.

- 11) Prior to commencement of development, an updated badger survey/walkover shall be submitted to and approved in writing by the Local Planning Authority. The report should cover mitigation measures in the event badgers/ a badger sett is found. No development shall commence until the agreed mitigation measures have been implemented in full (if any required). Works to the development hereby permitted shall commence within 4 months of the date of the approved report, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting protected species.

- 12) Prior to the commencement of development a Bird Hazard Management Plan, detailing measures for flat, shallow pitched and green roofs which may be attractive to nesting, roosting and loafing birds and in compliance with Wildlife Hazards Around Aerodromes, shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Southampton Airport. The agreed Bird Hazard Management Plan shall then be implemented in full by completion of the development and shall remain in situ for the lifetime of the development. No subsequent alterations shall be undertaken, unless first submitted to and approved in writing by the Local Planning Authority in consultation with Southampton Airport.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June.

- 13) Prior to first use of the development hereby permitted, details of biodiversity enhancements, including a Biodiversity Environmental Management Plan (BEMP) and timings, shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and maintained for the lifetime of the development.

Reason: In the interests of the visual amenity of the locality, and biodiversity.

- 14) The development hereby permitted shall not be first used until the access, including the footway and/or verge crossing which shall be constructed in accordance with the S278 process, with lines of sight provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety.

- 15) The development hereby permitted shall not be first used until the access road, including any areas of widening has been constructed in accordance with the approved plans. The access road shall be kept free of any obstruction and shall be subsequently maintained thereafter.

Reason: To provide satisfactory access and in the interests of highway safety

- 16) The development hereby permitted shall not be first used until a Delivery Vehicle Management Plan has been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This plan shall outline the methodology that will be utilised by the site management to ensure that HGV / Articulated vehicles are able to enter and exit site unobstructed by other vehicles travelling in opposing directions. The development shall be carried out in accordance with the approved details.

Reason: To provide satisfactory access and in the interests of highway safety.

- 17) Prior to first use of the development hereby permitted, a permanent external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme implemented in full. This shall include mitigations measures, to protect wildlife and the adjoining SSSI, which shall then be implemented and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting wildlife and the adjoining SSSI.

- 18) The development must accord with the arboricultural report reference AIA/AMS-KC/CH/MOORLANDS/001 Rev C. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plans reference TPP-KC/MOORLANDS/001 Rev D Sheets 1 and 2. Tree protection measures shall be retained in their approved form for the duration of the work and may only be modified subject to written agreement from the Local Planning Authority.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality.

- 19) Notwithstanding the approved plans /details, no development above slab level shall commence until full details of the following:

- a) Parapet/ coping details
- b) Details of fenestration insets/ frames
- c) Junction details between different facing materials
- d) Details of rainwater goods

and materials (and samples where requested) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

- 20) The development hereby permitted shall, in accordance with the layout shown on drawing 7912_D01/P be used only for purposes of light industrial floorspace, warehouse floorspace and estate office within Use Classes E(g)(ii), E(g)(iii), B8, and E(g)(i) (respectively), of the schedule to the Town

and Country Planning [Use Classes] Order 1987, [or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification] and for no other purposes.

Reason: In the interests of highway safety and local amenity.

- 21) The development hereby approved shall follow the recommendations of the submitted BREEAM Pre-Assessment (dated October 2022), and within 12 months of first use of the development, a BREEAM 'excellent' final stage certificate/ a final Non-Domestic Building Energy Performance Certificate shall be submitted to the Local Planning Authority, demonstrating that the completed development has achieved a minimum BREEAM 'Excellent' / 'A' energy performance rating.

Reason: To ensure the development meets the essential requirements of the adopted Supplementary Planning Document 'Environmentally Sustainable Development'.