

Development Control Committee

Minutes

28 October 2020 at 6.00 pm

Present:

Councillor Taylor (Chair); Councillors Agbley, Ali, Bridgen, Campbell, Donelon, Franks, A. Hussain, M. Hussain, Rivers and Roche

77 Minutes - Ref 2.1

Resolved: That the minutes of the meeting of the Committee held on the 30 September 2020 be taken as read, approved as a correct record and signed by the Chair in due course.

78 Disclosure of interest - Ref 4

Councillor A. Hussain advised of a non-pecuniary interest in the Agenda Item 7 due to being a Member of the Constitution Committee.

Councillor A Donelon advised that due to the associated approved planning permission on the site that she was therefore pre-determined in respect of Agenda Item 8.

79 Member Site Visit Protocol for Development Control Committee - Ref 7

The Development Management Officer presented the report (Ref 7), which to formalise arrangements for Member site visits for the Development Control Committee.

Members were advised that the adoption of the Member Site Visit Protocol would provide a formal protocol for Members to follow for conducting Member site visits, which replaced the existing inefficient, informal procedure that had simply developed over time in the absence of anything formal. He added that whilst it would shift the onus on Members to conduct their own site visits for publically accessible sites where they were able, which many Members already did, the protocol simply reaffirmed the procedure.

He went on to say that on the few occasions when an application site was not publicly accessible, not viewable from a public area or required the presence of the landowner, or if members still considered a site visit necessary for a publically accessible site, the request to defer for a site visit could be democratically voted upon and formal arrangements made by Officers to facilitate the process.

Resolved: That the Member Site Visit Protocol as set out in the report of the Head of Development Management (Ref: 7) be adopted by the Development Control Committee.

80 Former Children's Home, Buckle Close, Luton- Ref 8

The Development Management Officer referred to Minute 81/19 and reported on Application No. 20/00764/FUL submitted by Luton Borough Council, for planning permission in relation to the erection of a 3/4 storey building comprising of 34 flats composed of 7 one bed units, 19 two bed units and 8 three bed units with associated car parking, bin & cycle storage and landscaping works as approved under application 19/00489/FUL, along with the erection of an additional 1/2 storey building comprising three further flats composed of two, 1-bedroom and one 2-bedroom flats with associated external works and alterations to the approved parking layout as set out under application 19/00849/FUL at the former children's home, Buckle Close, Luton.

An update to the report was circulated to Members in advance of the meeting.

She further reported that 24 properties in close proximity had been notified of the application, a site notice and a press notice had also been issued. One letter of representation of objection to the proposal had been received.

The Development Management Officer stated that Appendix 4 referenced within the Report for this application which was to contain the original Committee Report dealing with the erection of the 3/4 storey building comprising of 34 flats to the application site, was omitted from the publication of the Committee Report.

She therefore explained that as the report had been omitted there was a risk in the current application being considered by Members at Development Control Committee.

In accordance with the right to speak procedure (RTS), Councillor Donelon as Ward Councillor and not as a Member of the Committee addressed the Committee in objection to the application. She took no further part in the debate or vote.

Resolved: (i) That Application No. 20/00764/FUL be delegated to the Head of Development Management to determine, taking into account the views and comments expressed by Members. Members raised no concerns relating to the application however sought further clarification as to the type of affordable housing that would be provided to the site. The Development Management Officer has sought confirmation that this is to be 27 units of affordable rented accommodation with 7 dwellings for shared ownership with the new development providing two, one bed mobility flats and one two bed flat likely to be let to residents with high medical needs. Any approval to be subject to the conditions and their reasons set out below with a further condition included relating to a refuse and recycling management plan, and subject to the satisfactory completion of the necessary mechanisms to secure delivery of 37 units of affordable housing, with a mechanism to require a viability review and payment of

contributions towards education should the site ever fall below 100% affordable housing and that if the site is ever sold, to enter into a formal s106 agreement with the relevant parties in relation to these matters,:

- (01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. (Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990).
- (02) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan and document numbers: 03190-PCS-SI-00-DR-A-00001 LOCATION PLAN, 03190-PCS-SI-00-DR-A-00002 SITE LOCATION PLAN, 03190-PCS-SI-00-DR-A-00004 ROOF SITE PLA, 03190-PCS-SI-00-DR-A-00005 BLOCK PLAN, 51673-10 TOPOGRAPHICAL |SURVEY, 51673-2 - TOPOGRAPHICAL SURVEY, 61353-BC-001 - ARBORICULTURAL SURVEY, DC01 - DESIGN AND ACCESS STATEMENT REV A, DC02 -ASBESTOS SURVEY REPORT, DC03 - SUPPORTING STATEMENT, RESIDENTIAL-DWELLING-UNITS_SUPPLEMENTARY INFORMATION, 03190-PCS-SI-00-DR-A-00006 P1 - BLOCK PLAN, 03190-PCS-XX-XX-DR-A-20001 P1 Elevations, 03190-PCS-XX-XX-DR-A-20003 P1 Street Scene, D3190-PC-XX-00-DR-A-10 001 S8 P1 – GROUND, FIRST FLOOR AND ROOF PLAN, DC04-Transport Statement and 03190-PC-SI-00-DR-A-00007-Site Layout Plan V3. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (03) Prior to occupation of the development full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting shall be submitted to the Local Planning Authority in writing for approval, and all grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with the approved details and at those times. Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (04) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas shall be submitted to the Local Planning Authority in writing for approval prior to the occupation of the development. The landscape management plan shall be carried out as approved and shall remain in force for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).

- (05) Prior to first use of the development, a management plan, including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area).
- (06) Full details of the proposed boundary treatment of the site shall be submitted to the Local Planning Authority in writing for approval prior to occupation of the development and the approved treatment shall be installed before the development hereby permitted is occupied. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (07) Prior to the occupation of the development, a scheme for external lighting to the site shall be submitted in writing to the Local Planning Authority for approval. The scheme, lighting equipment and levels of illumination shall comply with the Institution of Lighting Professionals in their publication, "Guidance Notes for the Reduction of Obtrusive Light Ref: GN01:2011" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of the Local Planning Authority. (Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime).
- (08) Prior to the first occupation of the building, a comprehensive scheme of site security measures, to provide for matters of CCTV and secure entry systems, in addition to including details of the ongoing management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime).
- (09) The parking provision as identified on Plan No: 03190-PC-SI-00-DR-A-00007-Site Layout Plan V3 shall be laid out and shall be ready for use prior to the occupation of the development hereby permitted. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (10) The bin/cycle storage facilities as identified on Plan No: 03190-PC-SI-00-DR-A-00007-Site Layout Plan V3 shall be laid out and shall be ready for use prior to the occupation of the development hereby permitted. The storage facilities shall be retained for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (11) No development, including any works of demolition, shall take place until a Construction Method Statement (CMS) has been submitted in writing to the Local

Planning Authority for approval. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:

- (i) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities;
- (viii) measures to, where appropriate, manage the safe removal and disposal of asbestos material;
- (ix) measures to control the emission of dust and dirt during construction; and
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall then proceed only in strict accordance with those approved details. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area during construction).

- (12) Prior to the commencement of above-ground works, full details of the materials to be used in the construction of the external surfaces of the developments hereby approved shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (13) Prior to occupation of the development hereby approved, a scheme supported by a noise impact assessment, shall be submitted in writing to the Local Planning Authority for approval, to secure the protection of occupiers of the dwellings from: noise from adjacent industrial and commercial units and; noise from road traffic; the development shall not be occupied until the scheme providing protection for occupiers of the development has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter. (Reason: To protect the amenity of future occupiers of the development hereby approved).
- (14) No occupation of the development hereby permitted shall commence until details of a noise barrier or other suitable scheme for protecting the neighbouring dwelling and future occupiers of the three unit development from noise arising from vehicles using the proposed resident's car parking area has been submitted in writing to the Local Planning Authority for approval. The development shall not

be occupied until such a scheme has been implemented in accordance with the approved details, and it shall be retained in accordance with those details thereafter. (Reason: To protect the amenity of future occupiers of the development hereby approved).

- (15) Noise resulting from the operation of any fixed plant installed in connection with the development hereby approved shall not at any time exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014. (Reason: To protect the amenity of future occupiers of the development hereby approved).
- (16) No development approved by this permission shall take place until a Remediation Method Statement, to address the asbestos contamination risks identified in the previously submitted ListersGeo Ground Investigation report dated May 2018 (Ref: 18.03.021), has been submitted in writing to the Local Planning Authority for approval. The remediation strategy shall include full details of the remediation measures required and how they are to be undertaken. The strategy shall also include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action. Remediation works, including any contingency action, shall be carried out in strict accordance with those details thereby approved. (Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment).
- (17) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing. (Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990).
- (18) No soakaways shall be constructed in contaminated ground. If there is no or only inconclusive evidence as to whether or not the ground is contaminated a detailed site investigation must be carried out to determine this before any construction is commenced. (Reason: To prevent an increased risk of flooding and surface and ground water pollution).
- (19) The construction of the surface and foul water drainage system shall only be carried out in accordance with details to be submitted to the Local Planning Authority in writing for approval in consultation with the Thames Water Utilities before the development is commenced. (Reason: To prevent an increased risk of flooding and surface and ground water pollution).
- (20) Before occupation of the development commences, a set of 'as built' drawings of the above drainage systems together with a written confirmation by a suitably

qualified person that the system operates as designed, should be submitted to the Local Planning Authority in writing for approval. The systems should subsequently be maintained over the lifetime of the development. (Reason: To prevent an increased risk of flooding and surface and ground water pollution).

- (21) Prior to the first occupation of the development, a scheme for the production of renewable energy, the reduction of energy and water demand, conservation and best-use of generated resources, and mitigation against wastage, together with details of management, maintenance and servicing, shall be submitted in writing to the Local Planning Authority for approval. All measures thereby approved shall be installed and implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority as a part of those submitted details and shall be retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability and the mitigation of climate change).
- (22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no electronic communications installations/equipment shall be erected, constructed, installed or placed on or the development hereby permitted without the prior permission of the Local Planning Authority. (Reason: To prevent adverse implications upon the high quality design of the development to the detriment of the amenities of the surrounding area).
- (23) Prior to first occupation of any part of the development, a refuse and recycling management plan, including management responsibilities, cleaning and maintenance schedules and security measures for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. The refuse and recycling management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area).

Informatives

- (01) Thames Water would advise that the developer follow the sequential approach to the disposal of surface water. Where it is proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Further information can be obtained from the following website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- (02) The applicant is informed that water supply within the area is covered by the Affinity Water Company. For further information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
- (03) The design and construction details of the proposed new vehicular crossovers/accesses and footpath will be subject to the approval of the Highway Authority. The developer will be required to enter into a Section 184 of the Highways Act Agreement to enable him to carry out the necessary construction works, including the removal of any redundant crossovers, within the public

highway. Surface water from driveways or hardstandings must not be discharged to the highway or any highway drain. Further advice can be obtained from the Highway Development Manager on 01582 546508.

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions including adding or deleting (should any be required);

(iii) That, following the grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments to the development (Section 73 applications)) or minor variations to the accompanying legal agreement (Section 106A) applications) .

81 Land at Butterfield Technology Park, Great Marlings, Luton - Ref 9

The Development Management Officer reported on application No. 20/01083/FUL submitted by Henry Boot Developments Ltd, in respect of the erection of Commercial Units Comprising 7,617sq.m (GIA) of Flexible Use Class E (light industry), B2 and B8 Floorspace, Together with Parking, Landscaping, Access, Lighting and Other Associated Works, at Land at Butterfield Technology Park, Great Marlings, Luton.

An update report had been circulated to Members in advance of the meeting.

She further reported that the application was notified to 8 properties in close proximity to the site and a site notice posted. No letters of representations objecting to the application received.

In accordance with the right to speak procedure (RTS), the applicant in support, and Councillor Wynn as Ward Councillor addressed the Committee in objection to the application.

Resolved: (i) That Application No. 20/01083/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report, and subject to the satisfactory completion of the necessary mechanisms to secure the delivery of the local labour, goods and services and the monitoring fee of £5,000 and if the site is ever sold, to enter into a formal s106 agreement with the relevant parties in relation to:

- (01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. (Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990).
- (02) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and document Nos.: 1683-JSAXX-XX-DR-A_01001 Rev P2, Site Location Plan; 1683-JSA-XX-XX—DR-A_02004 Rev P9 P10, Proposed Site Plan; 1683-JSA-XX-XX—DR-A_02500 Rev P2, Proposed Landscape Plan; 1683-JSA-05-XX-DR_A_02002 Rev P2, Unit 5 Floor Plans; 1683-JSA-05-XX-DR_A_02003 Rev P1, Unit 5 Roof Plan; 1683-JSA-05-XX-DR_A_03001 Rev P1, Unit 5 GA Sections; 1683-JSA-05-XX-DR_A_04001 Rev P3, Unit 5 Elevations; 1683-JSA-06-XX-DR_A_02002 Rev P1, Unit 6 Floor Plans;

1683-JSA-06-XX-DR_A_02003 Rev P1, Unit 6 Roof Plan; 1683-JSA-06-XX-DR_A_03001 Rev P1, Unit 6 GA Sections; 1683-JSA-06-XX-DR_A_04001 Rev P3, Unit 6 Elevations; 1683-JSA-07-XX-DR_A_02002 Rev P4, Units 7A & 7B Floor Plans; 1683-JSA-07-XX-DR_A_02003 Rev P1, Units 7A & 7B Roof Plan; 1683-JSA-07-XX-DR_A_03001 Rev P1, Units 7A & 7B GA Sections; 1683-JSA-07-XX-DR_A_04001 Rev P3, Units 7A & 7B Elevations; 1683-JSA-08-XX-DR_A_02002 Rev P3, Unit 8 Floor Plans; 1683-JSA-08-XX-DR_A_02003 Rev P1, Unit 8 Roof Plan; 1683-JSA-08-XX-DR_A_03001 Rev P1, Unit 8 GA Sections; 1683-JSA-08-XX-DR_A_04001 Rev P3, Unit 8 Elevations; NT0788-AG-EX-XX-DR-E-2401 Rev P02, External Lighting Plan; 4026.Butterfield.5-8.RHDHV.AIP, Arboricultural Implications Plan, 4026.Butterfield.5-8.RHDHV.TPP, Tree Protection Plan and Workplace Travel Plan by Pulsar August 2020. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).

- (03) Prior to the commencement of any construction works a Construction Method Statement shall be submitted in writing to the Local Planning Authority for approval. Construction shall only then commence in accordance with those approved details. The Statement shall provide for:
- (i) operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;
 - (iv) loading and unloading of plant and materials;
 - (v) storage of plant and materials used in constructing the development;
 - (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vii) wheel washing facilities;
 - (viii) measures to control the emission of dust and dirt during construction; and
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.

(Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses).

- (04) Prior to the commencement of above-ground works, full details of the materials to be used in the construction of the external materials of the buildings hereby approved shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (05) Prior to the occupation of the development, a scheme for external lighting to the site shall be submitted in writing to the Local Planning Authority for approval.

The scheme, lighting equipment and levels of illumination shall comply with the Institution of Lighting Professional in their publication, "Guidance Notes for the Reduction of Obtrusive Light Ref: GN01:2011" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of the Local Planning Authority. (Reason: To ensure a satisfactory standard of development, in the interests of security and the prevention of crime and to protect the amenity of existing neighbouring uses from adverse artificial light impacts).

- (06) No above ground works shall take place until full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting, has been submitted in writing to the Local Planning Authority for approval. All grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with those details and at those times. Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason: Further details pursuant to the submitted planting/landscaping scheme are required to ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area).
- (07) A landscape management plan, setting out management and maintenance responsibilities, including timetables for implementation, for all hard and soft landscape areas, shall be submitted in writing to the Local Planning Authority for approval prior to the occupation of the development for its permitted use. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence. (Reason: To ensure a satisfactory standard of development and in the interests of visual amenity).
- (08) The area to be used for car parking in connection with the development hereby permitted shall not be used for any purpose other than for the parking of cars and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the development hereby permitted. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest highway safety and the free flow of traffic).
- (09) Before the development is commenced, a surface water drainage plan, based on the "Sustainable Drainage Statement" prepared by BWB Consulting Ltd in August 2020 should be submitted in writing to the Local Planning Authority for approval. The drainage plan should demonstrate that the surface water run-off generated by critical storms up to and including the 100 year + 40 % climate change uplift, will not exceed the drainage capacity of the site. (Reason: To prevent an increased risk of flooding and surface water and groundwater pollution).

- (10) No infiltration shall be implemented in contaminated ground. If there is no or only inconclusive evidence as to whether or not the ground is contaminated a detailed site investigation must be carried out to determine this before any construction is commenced. (Reason: To prevent an increased risk of flooding and surface water and groundwater pollution).
- (11) No building shall be first occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted in writing to the Local Planning Authority for approval. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control Mechanism. (Reason: To prevent an increased risk of flooding and surface water and groundwater pollution).
- (12) All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the submitted Ecology Report prepared by Royal HaskoningDHV dated 07 May 2020. Within three months of the first occupation of the employment units hereby approved, an ecological site inspection report shall be submitted in writing to the Local Planning Authority for approval. (Reason: In the interests of nature conservation).
- (13) Prior to the commencement of development a Phase 2 intrusive soil investigation shall be undertaken to assess the degree and nature of any contamination present, and to determine its potential for pollution of the water environment and risk to other receptors via a qualitative risk assessment. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Council's Environmental Protection service beforehand and the investigation shall be undertaken prior to the commencement of the development. (Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors).
- (14) Subject to the result of the studies required by Condition 13, a remediation strategy setting out a timetable of works and the proposed means of dealing with any contamination on site, including provisions for monitoring any specified actions and validating the outcomes, shall then be submitted in writing to the Local Planning Authority for approval in consultation with the Council's Environmental Protection service before the development commences. The development shall then proceed in strict accordance with the approved remediation strategy. If during development contamination not previously identified is found to be present at the site, no further development shall be carried out. An investigation and risk assessment should be undertaken and where remediation is necessary a new remediation strategy must be submitted in writing to the Local Planning Authority for approval. (Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors).
- (15) Following completion of any remediation works, the developer should submit a Verification Report to the Local Planning Authority for approval prior to occupation of any of the units. The Verification Report should provide confirmation that all

measures outlined in the approved Remediation Strategy have been completed including where appropriate validation testing. (Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors).

- (16) Prior to the commencement of above ground works, details of a scheme of measures to mitigate the impacts of climate change and to deliver sustainable and resource efficient development through energy use reduction and efficiency and renewable and decentralised energy shall be submitted in writing to Local Planning Authority for approval. The scheme should achieve the 2013 Building Research Establishment Environmental Assessment Method (BREEAM) 'Good' status. The scheme shall be installed before occupation of the development and shall be used, retained and maintained thereafter for so long as the development remains in existence. (Reason: In the interests of sustainability).
 - (17) A management plan, including management responsibilities and maintenance schedules, for all external and shared/common areas of the development shall be submitted in writing to the Local Planning Authority for approval prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved upon occupation of the development. (Reason: To ensure a satisfactory standard of development and in the interests of visual amenity).
 - (18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the commercial units hereby permitted shall only be used for Class E (g), B2 and B8 purposes and for no other purposes specified in the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority. (Reason: To restrict the development to the relevant uses as assessed during the course of the planning application).
 - (19) The acoustic barrier as reference in the revised Noise Impact Assessment (LNH2039) from BWB dated October 2020 shall be erected prior to the occupation of any of the units hereby permitted. The constructed acoustic barrier shall thereafter be retained in perpetuity for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to protect the amenity of existing neighbouring uses from adverse noise impacts).
- (ii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions, including adding and deleting conditions, following any Committee resolution to grant permission (should any be required);
- (iii) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications).

(Notes: (i) Agenda Items were considered in the following order: 8, 9 and 7:

(ii) Councillor A. Hussain advised of a non-pecuniary interest in Agenda Item 7 due to being a Member of the Constitution Committee.

(iii) The meeting ended at 7.50 pm)