

**PLANNING AND HIGHWAYS (WEST) COMMITTEE MEETING
30th November 2021**

Additional information for Members

ITEM 1 – APP. REF. 20/01591/FU4

Outstanding matters

At the time of writing the main report, matters relating to sustainable drainage, ecology and ground conditions/land contamination had not yet been fully resolved and discussions were ongoing with the relevant consultees to reach resolutions. The following update can now be provided in relation to these matters:

Sustainable drainage

Following the preparation of the main report, the applicant's drainage consultant has addressed the issue identified by the Lead Local Flood Authority (LLFA) in relation to discharge rates within the development. The submitted Flood Risk Assessment and Drainage Strategy has been amended and the LLFA have confirmed that the scheme is now acceptable from a flood risk and sustainable drainage perspective.

The LLFA have requested that a condition be imposed which requires verification of the agreed drainage strategy being implemented on site. The recommended wording is set out at condition no. 4 of the consolidated list provided at the end of this report.

Ecology

Final consultation comments from the Council's Ecology consultant have now been received. In summary, the Council's Ecology consultant has advised that whilst the documents provided do not clearly demonstrate a net gain of biodiversity units for the proposed project, a range of measures (including hedgerow creation and the installation of bat and bird boxes) are provided which will enhance conditions on site for a range of species and serve to deliver marginal net gains in biodiversity.

As set out in the main report, there is currently no statutory or policy requirement to deliver a set percentage of biodiversity net gains; rather, at this time, local and national policies seek to ensure that net gains can be secured. In this case, it is considered that marginal net gains in biodiversity can be achieved by the implementation of on- and off-site mitigation and enhancement measures and this is considered acceptable in the context of current local and national policy requirements and in the context of the wider benefits of the development proposed by the planning application and its compliance with the site's allocation for new commercial development.

The Council's Ecology consultant has recommended the imposition of a series of conditions designed to secure the mitigation and enhancement measures set out by the applicant's ecology reports and biodiversity net gain proposals. These conditions are set out in the consolidated list at the end of this report (please see condition nos. 25 – 30). Subject to the imposition of the recommended conditions, it is considered that the implications of the development relative to ecology and biodiversity are acceptable.

Coal Authority consultation

The Coal Authority have reviewed the additional information supplied by the applicant in respect of the location and treatment of redundant mineshafts within the site and have confirmed there are no objections to the development progressing, subject to the imposition of condition no. 11 set out in the consolidated list at the end of this report.

Environment Agency consultation

In response to queries raised by the Environment Agency, further information has been supplied by the applicant and their land contamination/ground conditions consultant in relation to the storage of fuel at the site (in association with the petrol filling station), the treatment of mineshafts and proposed methods of construction. In particular, the applicant is intending to use piling construction techniques and the additional information provided is seeking to enable the Environment Agency to agree that current condition 16 can be removed or re-worded.

This information supplied by the applicant is currently being reviewed by the Environment Agency, however final consultation comments from the Environment Agency are not yet available. It is anticipated that the Environment Agency will soon be in a position to confirm there are no objections to the progression of the development and their final comments will also provide a final list of recommended conditions.

Other matters

In addition to the outstanding matters referenced in the main report and addressed above, some further discussions have taken place with the applicant and their planning agent in relation to a number of matters, including the wording of the draft conditions. The discussions and conclusions can be summarised as follows:

Changes to amount of retail floorspace

Since the preparation of the main agenda report, the applicant's planning agent has advised that the occupiers of the two new retail units within the development have requested minor revisions to the amount of retail floorspace available within the units. To this end, the following revised amounts are being sought:

Unit 1 (Tesco)

Net sales area – 2857 sq. metres

Net convenience goods sales area – 2285 sq. metres

Net comparison goods sales area – 572 sq. metres

Unit 2 (Home Bargains)

Net sales area – 1674 sq. metres

Net convenience goods sales area – 837 sq. metres

Net comparison goods sales area – 837 sq. metres

The figures set out above represent slight increases in the net sales areas and, conversely, the net convenience goods and comparison goods sales areas, available within the two new stores. The proposed revisions to the amount of retail floorspace available have been discussed with the Council's retail planning consultant,

HollissVincent, who advise that given the very slight increases being proposed, the revisions do not affect the conclusions reached in relation to the impacts of the development on the vitality and viability of Houghton town centre and other local centres within the Coalfields area.

HollissVincent recommend that draft conditions 19 and 20 are amended to reflect the revisions set out above, with the relevant figures rounded up to the nearest 10 sq. metres to assist with enforcement of the conditions (if ever necessary). The applicant's planning agent has also suggested that for clarity, it would be preferable if conditions 19 and 20 could be restructured to set out the amount of floorspace available at each unit, rather than giving a combined figure. This is considered to be a reasonable suggestion and again would assist with the enforceability of the conditions if necessary.

Given the above, and with regard to HollissVincent's advice, it is considered that there are no concerns raised by the requested revisions to the retail floorspace within each unit in terms of impacts on existing centres and it is consequently recommended that Members agree to revised wording to draft conditions 19 and 20, as set out in the consolidated list provided at the end of this report.

Refuse storage

The applicant's planning agent has clarified that both Tesco and Home Bargains currently intend to house their refuse and recycling facilities within their respective buildings. As such, although details of external bin storage facilities were originally provided with the application submission, these are no longer required.

An additional condition (no. 24) is recommended to address a scenario where external refuse storage facilities are required by occupiers of the units; recommended wording is set out in the consolidated list of conditions provided at the end of this report.

Travel plan condition

The applicant's agent has requested that the condition relating to the adoption of the submitted Framework Travel Plan (condition no. 7) be revised, on the basis that it may be not be possible for the respective occupiers of the two units to fully adopt all measures set out in the Framework Travel Plan. The revised condition would instead require the measures to be adopted in respect of each unit to be agreed with the Council via the submission of Subsidiary Travel Plans.

It is considered that the requested revision to the condition is reasonable, as it will afford the occupiers of the units a degree of flexibility in identifying the sustainable transport measures realistically able to be adopted whilst still affording the Council as Local Planning Authority a final say over the scope and content of the Subsidiary Travel Plans required to be submitted and agreed. The recommended revised wording of condition no. 7 is provided in the consolidated list provided at the end of this report.

Landscaping

At the applicant's behest, some very minor changes have been made to the submitted landscaping scheme, including a minor realignment of the footpath at the

northern end of the site. The changes made are not considered to materially affect the scheme and with Members' agreement, the new landscaping plan will be inserted into the list of approved plans, as per condition no. 2 in the list provided at the end of this report.

CONCLUSION

As set out above, the proposed development is considered to be acceptable in relation to sustainable drainage and ecology, subject to the imposition of the relevant conditions. The Coal Authority has also confirmed there are no objections to the development, subject to the recommended condition.

It is also recommended that minor revisions be made to the conditions relating to the maximum available retail floorspace for each new unit, the agreement of subsidiary travel plans and the final landscaping proposals. An additional condition relating to external refuse storage is also recommended. A revised, consolidated list of conditions is provided at the end of this report and it is recommended that Members agree to the imposition of these conditions.

Final discussions are, however, ongoing with the Environment Agency in relation to the conditions they require to ensure construction works and fuel storage is undertaken in a manner which is sensitive to contamination risks at the site. It is anticipated that a conclusion to these discussions will be reached shortly and that the Environment Agency will soon be in a position to confirm there are no objections to the progression of the development and confirm the conditions they require.

Given that the proposed development is considered to be acceptable with regard to all other relevant material planning considerations and in order to enable the advancement of the planning application, it is recommended that Members be Minded to Grant Consent for the proposed development, subject to officers concluding discussions with the Environment Agency and establishing any revised or additional conditions required in relation to the matters still under consideration. Consent would then be granted subject to the conditions provided below and any revised or further conditions requested by the Environment Agency.

RECOMMENDATION: MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the conditions below and any additional or revised conditions required following the conclusion of discussions with the Environment Agency.

Recommended conditions:

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2. The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan (drawing no. 1485 (SP)001 A1)
Existing site plan (drawing no. 1485 (SP)010 A1)
Proposed amended site plan (drawing no. 1485 (SP)31 P3)
Site sections plan (drawing no. 1485 (SP)021 P1)
Unit 1 - proposed elevations (drawing no. 1485(0)02 P6)
Unit 1 - proposed elevations with plant (drawing no. 1485(0)05 P2)
Unit 1 - proposed floorplan (drawing no. 1485(0)01 P5)
Unit 1 - proposed roof plan (drawing no. 1485(0)03 P2)
Unit 1 - proposed roof plan with plant (drawing no. 1485 (0)06 P1)
Unit 1 - proposed section (drawing no. 1485 (0)04 P1)
Unit 2 - proposed elevations (drawing no. 1485 (0)12 P3)
Unit 2 - proposed floorplan (drawing no. 1485 (0)11 P1)
Unit 2 - proposed roof plan (drawing no. 1485 (0)13 P2)
Unit 2 - proposed section (drawing no. 1485 (0)14 P1)
Proposed cycle parking plan (drawing no. 1485 (0)32 P2)
Proposed trolley shelter plan (drawing no. 1485 (0)31 P4)
Petrol filling station plans (drawing no. 1485 (0)21 P1)
Sprinkler tank plans (drawing no. 1485 (0)51 P1)
Electricity substation plans (drawing no. 1485 (0)41 P1)
Landscape plan (drawing no. c-1802-01, revision K)
Tree protection plan (drawing no. BA9563TTP-S)

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3. No development shall commence until a Construction Environmental and Traffic Management Plan (CETMP) for the development has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall, for the avoidance of doubt, include the following:

- o Executive Summary;
- o Project Background
- o Outline of Project
- o Framework of this CETMP
- o Legal Compliance
- o Summary of the Requirements of Condition 3
- o Site Information and Consented Development
- o Site and Surrounding Area
- o Scheme Description
- o Sensitive Receptors
- o Control of the Construction Process
- o Roles and Responsibilities
- o Training and Raising Awareness
- o Reporting
- o Monitoring, Continual Improvement and Review

- o Environmental Complaints and Incidents
- o Public Relations and Community Relations
- o Construction Management
- o Description of Construction Works
- o Phasing of Construction Works
- o Construction Equipment
- o Hours of Working (Hours of Site Operation)
- o Construction Traffic Management Plan
- o Storage of Plant and Materials
- o Handling of Plant and Materials
- o Health and Safety Management
- o Security On-Site
- o Considerate Constructors
- o Phase-specific Construction Method Statements (CMS)
- o Environmental Control Measures
- o Public Access and Traffic Management
- o Waste and Materials Management and Storage
- o Noise and Vibration
- o Dust & Air Quality
- o Measures to be implemented to minimise the risk of harm to/ensure the protection of protected and notable species present at the site and those habitat features to be retained through the works and to ensure the control/management of invasive species, including information on key working methods, timings and monitoring measures.
- o Contaminated Land Procedures
- o Hydrology & Water Quality
- o Visual Impacts
- o Artificial Lighting
- o Emergency Procedures
- o Conclusions

Appendices

Appendix A - Sensitive Receptor Locations

Appendix B - Landscape Resource Information
(including hedgerow and tree group numbers)

Appendix C - Potential for Archaeological Mitigation Requirement Plan

Appendix D - Site Access Locations

Appendix E - Proposed Temporary Construction Access

The development shall then be undertaken in accordance with the approved CETMP.

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network and local wildlife and its habitat and to comply with policies BH1, NE2 and ST3 of the CSDP.

4. Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the extent of the SuDS features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority. The verification

report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance."

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

5. Prior to the opening of the approved retail units, a car parking management plan shall be submitted for the approval of the Local Planning Authority. The operation of the car park shall then be undertaken in accordance with the approved management plan.

Reason: in the interests of ensuring the appropriate operation of the car parking for the development and to comply with the objectives of policy ST3 of the CSDP.

6. Prior to the opening of the retail units and petrol filling station hereby approved, a Delivery and Servicing Management Plan shall be submitted for the approval of the Local Planning Authority. The servicing and deliveries associated with the operation of the units and filling station shall then be undertaken in full accordance with the approved Plan for the lifetime of the development.

Reason: in the interests of ensuring delivery and servicing arrangements are appropriate in relation to prevailing local highway conditions and to comply with the objectives of policy ST3 of the CSDP.

7. Prior to first occupation of any unit hereby approved, a Subsidiary Travel Plan for the unit to which it relates shall be submitted to and approved, in writing, by the Local Planning Authority. The document shall be in broad accordance with the Framework Travel Plan prepared by SAJ Transport Consultants Ltd, dated June 2021. The approved Subsidiary Travel Plan(s) for each unit shall then be implemented and reviewed in accordance with the timetable set out within the approved document(s).

Reason: in order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

8. All car parking for the development shall be laid out in accordance with the approved plans and all electric vehicle charging points and cycle parking facilities shall be provided in full accordance with the submitted details prior to the opening of the site to members of the public.

Reason: in order to ensure appropriate car parking and sustainable transport provision is available for customers, in accordance with the objectives of policies ST2 and ST3 of the CSDP.

9. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations for any groundworks that involve excavations deeper than 0.80m below current ground level at the eastern extent of the site. This work is required to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF and Core Strategy Policies BH8 and BH9.

10. The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (9) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF and Core Strategy Policies BH8 and BH9.

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing, in consultation with the Coal Authority. This document shall confirm the completion of any remedial works and/or mitigation strategy necessary to address the risks posed by past coal mining activity. It should also include the submission of the approved layout plan to illustrate the location of the 3 no. on-site mine entries and their calculated zone of influence.

Reason: to ensure the risks from previous coal mining activity at the site have been addressed and to comply with the objectives of the NPPF and policy HS3 of the CSDP.

12. No development, other than any site investigations required in relation to this condition, shall commence until an updated Ground Investigation Report, which addresses the comments made by the Council's Land Contamination consultant dated 12th August 2021 and 30th November 2021, has been submitted for the written approval of the Council as Local Planning Authority. The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP. The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment

13. Development shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the remediation scheme shall include the following:

This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP. The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

14. The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and policy HS3 of the CSDP.

16. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority, in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason(s): To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and policy HS3 of the CSDP.

17. Upon opening of the development to the public, the pedestrian and cycle routes shown in red and orange on drawing ref. Figure 5.7 'Pedestrian Movement Plan' in the submitted Design and Access Statement, shall be made available and kept open in perpetuity to members of the public to pass and repass on foot and on cycle. The routes shall not be gated or closed off by any means, either temporarily or permanently, to prevent the passage of pedestrians and cyclists unless required in connection with temporary maintenance, improvement or emergency works. No means of enclosure shall be formed along the boundary that prevents pedestrian and cycle access into the site.

Reason: in the interests of ensuring appropriate pedestrian routes are provided within and to/from the site to surrounding areas and to comply with the objectives of the NPPF, saved policy HA31 of the UDP and policies VC1, VC2 and ST3 of the CSDP.

18. The total quantum of development in use class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) at the application site shall not exceed 6,200 sq. metres gross.

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and saved policy HA31 of the UDP and policies VC1 and VC2 of the CSDP.

19. The maximum net sales area devoted to use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (which is 'for the display or retail sale of goods, other than hot food, principally to visiting members of the public') at the two retail units within the development hereby approved, as shown on Proposed amended site plan (drawing no. 1485 (SP)31 P3), shall not exceed the following:

Unit 1 - 2,860 sq. metres

Unit 2 - 1,680 sq. metres

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and saved policy HA31 of the UDP and policies VC1 and VC2 of the CSDP.

20. The maximum net sales area devoted to the sale of convenience goods within use class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) at the two approved retail units within the development hereby approved, as shown on Proposed amended site plan (drawing no. 1485 (SP)31 P3), shall not exceed the following:

Unit 1 - 2,290 sq. metres

Unit 2 - 840 sq. metres

Reason: in order to reflect the basis on which the application proposal has been assessed and to comply with the objectives of the NPPF and saved policy HA31 of the UDP and policies VC1 and VC2 of the CSDP.

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: in the interests of visual amenity and to comply with policy BH1 of the CSDP.

22. No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed without the prior consent of the Council as Local Planning Authority.

Reason: in the interests of visual amenity and to comply with policies BH1 and NE3 of the CSDP.

23. The tree protection measures set out within the submitted Arboricultural Impact Assessment (Barnes Associates Ltd, dated 04.06.2021) and accompanying Tree Protection Plan (drawing no. BA9563TTP-S) shall be implemented in full prior to works commencing on site and must remain in place until the construction works at the site are complete.

Reason: in the interests of ensuring retained trees at the site are not unacceptably damaged or harmed by the development and to comply with the objectives of policy NE3 of the CSDP.

24. No retail unit shall be occupied until details of any external refuse storage and recycling facilities for that unit (excluding the public recycling facilities adjacent to the petrol filling station) have been submitted to and approved by the Local Planning Authority. The approved external refuse and recycling storage facilities shall be implemented before that unit is occupied. Thereafter, the refuse and recycling storage facilities shall operate in accordance with the approved details.

Reason: in the interests of the amenity of the area and to comply with the objectives of policies HS1 and BH1 of the CSDP.

25. No development shall take place unless undertaken in full accordance with the protection, mitigation and compensation measures provided in the submitted Preliminary Ecological Appraisal report (Penn Associates, 29th July 2020) and Biodiversity Net Gain technical notes (Wardell Armstrong, 9th June 2021 and associated letter of 21st October 2021).

Reasons: in order to ensure the implications of the development relative to ecology and biodiversity are acceptable and to accord with the objectives of the NPPF and policy NE2 of the CSDP.

26. No development shall commence until a Landscape and Biodiversity Management Plan (LBMP) for the site and mitigation areas 1 and 2 (as identified by the Biodiversity Net Gain technical note by Wardell Armstrong, 09.06.2021), which covers new and retained habitats and includes a detailed landscaping plan and planting scheme, is submitted to and agreed by the LPA. The LBMP should, in particular, include:

- a proposed programme for, and details of, the management of the proposed offsetting provisions to ensure the successful establishment of species-rich grassland, including aftercare;
- a proposed programme of monitoring following completion of landscaping elements, to measure whether the predicted biodiversity units have been achieved. The proposed monitoring programme shall include proposed timings for the submission of the results of monitoring to the Local Planning Authority.

All planting and landscaping and subsequent management and monitoring shall then be undertaken in accordance with the agreed details and programmes. In the event the monitoring undertaken determines that this habitat establishment is not successful the management/aftercare of the site should be reconsidered and an alternative form of offsetting and associated management and monitoring programmes shall be agreed with the local planning authority within six months of submission of the relevant monitoring results. The agreed alternative offsetting shall then be implemented in accordance with the submitted details.

Reason: in order to ensure the success of the proposed biodiversity net gain measures and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

27. Site clearance works shall not take place within the bird nesting period (March - August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason: in the interests of ensuring works do not affect nesting birds at the site and to comply with the objectives of policy NE2 of the CSDP.

28. Gaps measuring at least 13cm x 13cm will be created or maintained in the base of all boundary features;

Reason: to ensure the site remains permeable to species such as hedgehog and to comply with the objectives of the NPPF and policy NE2 of the CSDP.

29. The development shall not be occupied until a lighting strategy has been submitted to and approved by the Local Planning Authority, which includes input from a Suitably Qualified Ecologist (SQE), is in line with current best practice guidelines and includes measures to ensure that the proposals do not have a

negative impact upon nocturnal species such as bats. The approved lighting details shall be implemented before the development is occupied and retained as such thereafter.

Reason: in the interests of ensuring lighting at the site is appropriate in relation to species and comply with the objectives of the NPPF and policy NE2 of the CSDP.

30. Development will not commence until a plan has been submitted to and approved in writing by the Council as Local Planning Authority which confirms the location and specification of bat and bird boxes to be installed within the site. The approved details shall be implemented before the development is occupied.

Reason: in the interests of delivering biodiversity enhancements at the site and to comply with the objectives of the NPPF and policy NE2 of the CSDP.