

Conditions

1. The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

2. **No development shall commence until a constructional phasing plan has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved phasing plan.**

Reason: To ensure a satisfactory form of development and in the interests of highway safety.

3. **No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall be based upon the principles contained within the agreed surface water drainage strategy (dated October 2011; reference RCEF16106-002R revision 1; compiled by RPS) and the additional information supplied, and shall include, as necessary:

- **Full details of the existing surface water drainage system;**
- **Detailed drawings of the proposed drainage system containing information of location, position, gradients, levels, dimensions and connections of all collection, conveyance, storage and discharge facilities within the proposed system;**
- **If appropriate to the final proposals, further detailed infiltration testing demonstrating appropriate rates of soakage for any infiltration drainage proposed;**
- **Detailed results of storm simulation modelling, including information relating to inputs, parameters, boundaries and any assumptions made. This should be performed for a range of storm events including the Q_1 (or Q_{BAR}), Q_{30} and Q_{100} plus climate change storm events of critical duration and season;**
- **Details of any overland flows in the event of system failure or exceedence;**
- **Full calculations demonstrating the amount of storm water attenuation storage volume required;**
- **Full details of the proposed maintenance of the drainage system in its entirety.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system and in accordance with the principles of the National Planning Policy Framework.

4. **No development shall commence until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:**

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 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 express written consent of the local planning authority. The scheme shall be implemented solely as approved.

Reason: To protect the quality of controlled waters in accordance with Policy P9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and in accordance with the principles of the National Planning Policy Framework.

5. **No development shall commence until, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation detailed in Condition 4 above has been submitted to and approved, in writing, by the local planning authority. The report**

shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the quality of controlled waters in accordance with the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and in accordance with the principles of the National Planning Policy Framework.

6. If, during the implementation of the development hereby permitted, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect the quality of controlled waters in accordance with Policy P9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and in accordance with the principles of the National Planning Policy Framework.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be solely carried out in accordance with the approved details.

Reason: To protect the quality of controlled waters in accordance with Policy P10-3 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and in accordance with the principles of the National Planning Policy Framework.

8. **Subject to the restrictions imposed in this condition. No deliveries shall be taken at or despatched from the service yard serving the Northern Retail Terrace / Retail Units A to H outside of 06.00hrs to 22.00hrs Monday to Saturday and 09.00hrs and 18.00hrs Sundays and Public Holidays. Should it be intended that deliveries are to be undertaken between the hours of 06.00hrs and 07.00hrs Monday to Saturday this shall not occur until the applicant has submitted a methodology of how these deliveries will take place including any noise mitigation measures has been**

submitted to and approved in writing by the Local Planning Authority.

Any deliveries between the hours of 06.00hrs to 07.00 hrs Monday to Saturday shall be solely undertaken in accordance with the approved scheme for a period of 12 months from the date of approval. If deliveries are to continue beyond this period between 06.00 hrs to 07.00 hrs Monday to Saturday an updated methodology shall be submitted and approved in writing by the Local Planning Authority and implemented solely in accordance with the approved scheme.

Reason: To safeguard the amenities of occupiers of adjoining properties and in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

9. **Prior to the construction of any of the Retail units identified as A to H which for the Northern Retail Terrace, a scheme for each unit shall be submitted to and approved in writing demonstrating that noise from fixed plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a distance from the noise sensitive building to be agreed in writing with the Local Planning Authority.**

Reason: To safeguard the amenities of adjoining properties and in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

10. **No power driven machinery/plant and/or equipment shall be installed or operated in the service yards serving the Northern Retail Terrace / Retail Units A – H outside the delivery hours defined in Condition 8 above without the prior consent, in writing of the Local planning Authority.**

Reason: To safeguard the amenities of adjoining properties and in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

11. **Details of the final layout and construction methodology of the 3.6 metre acoustic barrier, to be erected along the Northern Boundary of the development site shall be submitted to the Local planning Authority for their approval prior to the first unit hereby permitted being first brought into use. No such barrier shall be erected until approval has been obtained in writing from the local planning authority. The boundary treatment will be implemented solely in accordance with the approved details prior to construction of the units hereby permitted and maintained in perpetuity.**

Reason: To safeguard the amenities of adjoining properties.

12. Vehicle access to the service yard to the rear of Units A to H shall be prohibited by the means of a secure locked gate or barrier outside of the agreed permitted delivery hours. Details of the proposed secure locked gate or barrier shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be wholly implemented prior to the first occupation of any of the units A to H (inclusive).

Reason: For the avoidance of doubt and in the interests of residential amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

13. **No development shall commence until a lighting design scheme and lighting impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land uses has been submitted to and approved in writing by the Local Planning Authority. Only the details thereby approved shall be implemented prior to the first use of development hereby permitted.**

If within a period of 12 months following the first use of the lighting columns the Planning Authority requires the alignment of the lights to be adjusted and/or hoods or shields to be fitted, this shall be carried out in accordance with an agreed scheme within 7 days of official notification. The means of illumination shall thereafter be implemented only in accordance with the agreed scheme.

Reason: In the interests of residential amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

14. **No development shall commence until details of all hard surfacing for the car parking areas and service areas have been submitted to and agreed in writing by the Local Planning Authority. The hard surfacing shall be implemented solely in accordance with the approved details.**

Reason: To ensure a that the areas are finished to the satisfaction of the Local Planning Authority and in accordance with Policy DM3 of the Core Strategy and Development Management Policy (2009).

15. Within three months of the implementation of the development hereby permitted, details of the pedestrian crossing arrangements on London Road shall be submitted to and agreed in writing by the Local Planning Authority. The pedestrian crossing arrangements shall be wholly completed in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: In the interests of pedestrian and highway safety and in accordance with Policy DM3 of the Core Strategy and Development Management Policy (2009).

17. **No development shall commence until a site wide travel plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of:**

- **Proposed land uses across the site;**
- **Initiatives of joint working with local employers and shared travel plan activities across London Road Retail Park and Plot 'S';**
- **Predicted travel journeys to and from the site and targets to reduce car journeys;**
- **Details of both existing and proposed transport links, to include pedestrian and cycling links and details of public transport to and from the site;**
- **A timetable to implement the identified measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice;**
- **The mechanism for monitoring and review annually for a period of 5 years from the date that the Travel Plan within this Condition has been approved in writing by the Local Planning Authority or a period of 5 years from occupation of the last retail unit hereby permitted, whichever occurs later;**
- **Details of Cycle Parking;**
- **Details of the appointment and role of the travel plan co-ordinator;**
- **Promotion of the approved Travel Plan to all occupiers of the site hereby permitted.**

The development, hereby permitted, shall only be first brought into use solely in accordance with the approved Site Wide Travel Plan and the timetable agreed to implement measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice.

Reason: To ensure that the proposal does not result in a detrimental impact upon the highway and in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and the principles contained within the National Planning Policy Framework

- 18. No development shall commence until details of landscaping and a landscape management plan to include details of the proposed irrigation system for the site hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved details in accordance with the timetable identified within the landscape management plan and agreed by the Local Planning Authority.**

Reason: In the interests of the character and appearance of the area and to mitigate against the removal of TPO trees in accordance with Policies DM3 and DM14 of the Core Strategy and Development Management Policies (2009).

- 19. No development shall commence until details (including samples) of materials for the development hereby permitted have been submitted to and approved in writing. The development shall be constructed solely in accordance with the approved details.**

Reason: To protect the character and appearance of the area and to ensure a high quality development in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 20. No development shall commence until a scheme for storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained thereafter in accordance with the approved details.**

Reason: To ensure no open storage of rubbish on the site and to protect the character and appearance of the surrounding area in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

21. The development hereby approved for the units referred to as A, B, D, E, F, G, H, J, K, L, M, N, P, Homebase, 1 & 2 as shown on plan no. 8659 P02 Revision G shall be used for A1 (retail) but shall not be used for the sale of food, as a post office, for the sale of tickets, as a travel agency, for hairdressing, for the direction of funerals, for the exception of goods to be washed, cleaned or repaired, as an internet café where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet or as a pharmacy.

Reason: To define this permission and to ensure that the Local Planning Authority retain planning control over the retail functions of the site.

22. The development hereby approved for unit C as shown on plan no. 8659 P02 Revision G shall be used for A1 (retail) and up to a maximum of 975 sq m of A1 (food) but shall not be used as a post office, for the sale of tickets, as a travel agency, for hairdressing, for the direction of funerals, for the exception of goods to be washed, cleaned or repaired, as an internet café where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet or as a pharmacy.

Reason: To define this permission and to ensure that the Local Planning Authority retain planning control over the retail functions of the site.

23. No unit as defined by plan no. 8659 P02 Revision G hereby permitted shall be sub divided to provide a unit of no less than 500 sq m (5,382 sq ft) without the express written consent of the Local Planning Authority.

Reason: To ensure the vitality and vibrancy of the existing Town Centre, for the avoidance of doubt, and in accordance with the intentions contained within the National Planning Policy Framework (2012).

24. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [8659 P 02 G; CBC001 (Tree Constraints Plan Rev A August 2011 Drawing Sheet 01); CBC002 (Tree Constraints Plan Rev A August 2011 Drawing Sheet 02); CBC003 (Tree Constraints Plan Rev A August 2011 Drawing Sheet 03); 11-09-04 Rev E; 8659 E03 B; 8659 P03 A; 8659 P01 A; 8659 P04 A; 8659 P05; 8659 P06 A; 8659 P07 B; 8659 P08 C; 8659 P09; 8659 P10; 8659 P11; 8659 P12; 8659 P13; 8659 P14; 8659 P20 G; 8659 E02 A; 8659 E04 B; 8659 E05 A; 8659 E06; 8659 E07; 8659 S01 A; 8659 S02 A;

Reason: For the avoidance of doubt.

DECISION

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