
Appeal Decision

Site visit made on 21 September 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/F0114/W/21/3275528

Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath BA2 3LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Barchester Health Care Ltd against the decision of Bath & North East Somerset Council.
 - The application Ref 20/01765/FUL, dated 15 May 2020, was refused by notice dated 17 December 2020.
 - The development proposed is the demolition of the existing buildings and structures, and redevelopment to provide a 68-bed Care Home (Class C2) with associated access, parking and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing buildings and structures, and redevelopment to provide a 68-bed Care Home (Class C2) with associated access, parking and landscaping at Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath BA2 3LY in accordance with the terms of the application, Ref 20/01765/FUL, dated 15 May 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. The appellants have provided a signed Unilateral Undertaking (UU) dated 17 September 2021. This includes obligations to provide a financial contribution of £10,000 (index linked) towards a Traffic Regulation Order or Orders, or to be used towards the provision of a Residents Parking Zone. In addition, provisions are made for Targeted Recruitment and a Training Method Statement in relation to the construction phase of the proposal. I shall consider the UU later in this decision.
3. The Government published its revised National Planning Policy Framework (the Framework) on 20 July 2021. The main parties have had the opportunity to refer to it as part of the appeal process.

Main Issue

4. The main issue is whether the loss of the industrial use of the site would be inappropriate having regard to local planning policies.

Reasons

Loss of industrial use

5. Wansdyke Business Centre (WBC) comprises a collection of commercial buildings divided into 22 units, which are now in a poor state of repair. Although vacant for some time, the evidence suggests that the units were previously in mixed industrial and office uses¹ (comprising mostly former B1a and B1c use classes)². In addition, despite not having planning permission, some fitness and gym uses (formerly Class D2) were at the site. In total, there is approximately 2113m² floorspace³. The proposed development would demolish the majority of the existing buildings and redevelop the site as a Care Home (Class C2), thereby displacing any industrial use of the site.
6. Policy B1 of the Bath and North East Somerset Core Strategy, July 2014 (CS) sets out the Bath Spatial Strategy. Section 2 of the Strategy relates to Economic Development, two sub-paragraphs of which are pertinent to the proposal. Sub-paragraph (a) plans for an overall net increase in jobs of 7,000, rising from 60,200 in 2011 to 67,200 in 2029. Sub-paragraph (e) plans for a contraction in the demand of industrial floor space from about 167,000m² in 2011 to about 127,000m² in 2029 but retains a presumption in favour of industrial land in the Newbridge Riverside area.
7. The approach to industrial premises is expanded in policies ED2A and ED2B of the Bath and North East Somerset Placemaking Plan, July 2017 (PMP). The policies make a distinction between identified Strategic and Primary Industrial Estates and non-strategic industrial premises. There is a presumption in favour of retaining the former in Class B1c, B2 and B8 uses, whereas non-strategic industrial premises are not afforded the same level of protection. There is no dispute that the appeal site is a non-strategic industrial premises for the purposes of the development plan. In relation to such premises, policy ED2B(2) of the PMP states that applications for residential development will normally be approved unless there is a strong economic reason why this would be inappropriate.
8. The policy goes on to state that '*Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal*'. Essentially, the parties disagree as to whether there is a strong economic reason that would render the residential development of the site inappropriate. In addition, the Council considers that unsuccessful marketing that meets that described in policy ED2B(2) has not been shown.
9. The reference to residential development being 'normally approved' in the wording of policy ED2B(2) is generally permissive. It is only by exception that this would not as a rule be supported, and even then, such a reason must be a 'strong' economic one. There is no definition or indicative criteria set out in the PMP or a Supplementary Planning Document to define what might amount to a strong economic reason. In contrast to its sister policy ED2A, there is no requirement for applicants to provide compelling evidence that there is no reasonable prospect of land or premises being used for industrial purposes. Neither is it specified that the non-viability of reusing vacant premises or their redevelopment for industrial uses must be established as a pre-cursor to permitting non-industrial uses. In these circumstances, the onus lies with the

¹ Leasing History Review, CSquared dated 17 May 2021, Appendix 1, Appellants' Grounds of Appeal

² Town and Country Planning Use Classes Order 1987 (as amended)

³ Planning application form, Section 17

Council to show that a strong economic reason exists such that the proposal should be prevented.

10. The Council refers to the Guidance Note prepared on the implementation of policy ED2B of the PMP dated January 2020. This sets out factors which it considers contribute to 'strong economic reasons' and particularly highlights the losses and gains in industrial floorspace from 2011 to 31 March 2019. Table 2 shows that since 2011 over 44,241m² of industrial space has been lost in Bath, and taking account of permissions and plan allocations, the total loss would be in the order of 60,381m². This is significantly more than the 40,000m² by 2029 referred to in policy B1 of the CS. Nevertheless, the guidance note carries little status. In any event, it is written in neutral terms. It does not actually stipulate that the figures revealed via monitoring amount to a strong economic reason to prevent further loss of industrial floorspace, nor does it expressly say that there has been consequential economic harm.
11. The Council contend⁴ that further losses beyond the planned contraction of industrial floorspace set out in policy B1(2e) of the CS would result in a negative impact on the local economy and point out that completions of industrial floorspace are not being replaced elsewhere. However, policy B1(2e) does not establish a cap beyond which the contraction of industrial land should be resisted. Neither does policy ED2B(2) of the PMP set a moratorium with reference to B1(2e) setting aside the normal presumption in policy ED2B(2).
12. I accept that there are general signals that economic development in the city is not unfolding in a manner or rate entirely consistent with the strategy envisaged by the development plan. Nevertheless, the reasons underlying such a complex and dynamic subject area are better suited to a review of the policy, which is acknowledged by the Council⁵. This would allow for comprehensive testing of evidence and consideration of the likely consequential impact to the respective sectors of the local economy. I note that the Council is undertaking a Local Plan Partial update and that greater protection of industrial land may result. Nevertheless, this has not yet been established in a revised policy and therefore, is of limited weight.
13. Neither has the negative economic impact alluded to been fully explained or quantified in relation to the specific proposal before me. This is due to the following factors. Firstly, the condition of the buildings on the site are relevant to my determination. The Economic Condition Report⁶ (ECR) states that the existing buildings are in a dilapidated state, which is consistent with my general observations. Furthermore, asbestos has been widely used in the building fabric and poses a health risk. Additionally, many of the units fall below the Minimum Energy Efficiency Standards required to lawfully let the buildings, with the remainder marginally above the minimum rating. Attempts to renew Energy Performance Certificates based on fresh assessments are likely to fail the necessary threshold.
14. The Council does not dispute the poor condition of the buildings but considers that the owner is responsible for their present state. Representations received also suggest the site has been neglected. Be that as it may, it does not detract from the findings of the ECR or their practical consequences for the future use

⁴ Paragraph 4.19 Council's Statement of Case

⁵ Paragraph 4.21 Council's Statement of Case

⁶ Prepared by Colston and Colston, dated April 2020, Appendix D Council's Statement of Case

of the site. Furthermore, the leasing history review⁷ provided indicates that the site was in a poor condition from at least 2007, which led to lower than market value rents. Moreover, the ECR refers to the ownership having changed several times in the intervening period⁸. It follows that the findings outlined in the ECR reflect a longstanding situation.

15. There are also other physical impediments to the site performing well for industrial uses. These include those highlighted in the Council's industrial market report⁹ that formed part of the evidence base to the development plan. The estate dashboard for the WBC states that the site is overdeveloped, with each premises benefitting from very little external loading/car parking space. It goes on to say that its situation within an almost entirely residential area, makes it likely to be better suited for residential redevelopment rather than industrial use.
16. Thus, the existing buildings represent poor quality accommodation for industrial purposes and in particular, there would need to be a significant upgrade of the buildings to meet lettable modern thermal insulation requirements. Therefore, it is doubtful that the buildings are currently fit for any commercial occupation. Consequently, based on the limited details provided, it is not shown that the present site would lend itself to any of the 31 enquiries for industrial uses¹⁰ made to the Council's Economic Development Team in 2020. For similar reasons, it is not shown that the proposal would directly harm future aspirations for the creation of jobs associated with climate measures as is asserted¹¹.
17. My attention is drawn to the Commercial Edge report Spring 2019 produced by Carter Jonas¹². This market overview refers to industrial stock levels in Bath being critical, with few opportunities for new industrial development. However, a market report specific to the appeal site is provided that has been prepared by the same organisation. Notwithstanding the wider market context, this concludes that the circumstances of the appeal site would make it unviable for a commercial redevelopment. Given its greater specificity this attracts more weight than the more general market overview. It also reinforces the economic assessment given in the ECR on the refurbishment and the rebuilding options for WBC, both of which were found not to be viable investments.
18. The Council consider that the viability information does not cover all scenarios and does not accord with the methodology advocated in Planning Practice Guidance (PPG). Even if I were to accept that point, this is not a requirement of policy ED2B(2) of the PMP. I am not provided with alternative technical viability evidence that demonstrates that the redevelopment of the site for light industrial purposes would be a realistic prospect.
19. The Council further highlight that demand for good quality industrial space is strong¹³ which is reinforced by the levels of enquiries made directly to the Economic Development team and supporting evidence for a recent planning

⁷ Leasing History Review, CSquared dated 17 May 2021, Appendix 1, Appellants' Grounds of Appeal

⁸ Section 2.4

⁹ B&NES Industrial Market report prepared by Lambert Smith Hampton dated 26 November 2015, page 91, Appendix 3, Appellants' Grounds of Appeal

¹⁰ Appendix H, Council's Statement of Case

¹¹ Paragraph 4.31 Council's Statement of Case

¹² Appendix 1 to Carter Jonas Market Statement September 2020, Appendix F, Council's Statement of Case

¹³ Paragraph 4.28, Council's Statement of Case

application at the Jubilee Centre, Bath primarily relating to warehouse space¹⁴. They contend that if the appeal site were refurbished to a reasonable standard, then there would be demand. However, this is not the proposal before me. For the reasons outlined, the appeal site does not currently provide good quality space and the balance of evidence indicates that there is little prospect of the site being refurbished or redeveloped for industrial purposes.

20. Therefore, the culmination of the evidence presented indicates that in the event that the appeal is dismissed, rather than providing valuable usable industrial space, the site would be more likely to remain vacant, thereby making a negligible contribution to the economy of the city.
21. In contrast, the proposed care home would be likely to generate 68 full time equivalent jobs¹⁵ which is a significant consideration. This represents an uplift in the number of jobs even if the site were to be refurbished for industrial use. In addition, building the development would provide construction work and a planning obligation is provided with measures to target recruitment to a proportion of new entrant trainees. On this basis, the proposal would align with the net increase in jobs in the spatial strategy, set out in policy B1(2a) of the CS. It is not shown that a distinction is made in the policy between different sectors of the economy whereby jobs in one sector are valued more highly than others. Furthermore, given the accessibility of the site and proximity to a residential area it would not necessarily conflict with the Council's longer term vision¹⁶ to provide opportunities for people to work closer to home or travel shorter distances.
22. Taking these factors together, and specifically in relation to the circumstances of the appeal site and proposal before me, I am not persuaded that the factors outlined by the Council amount to a strong economic reason that would make the proposal inappropriate. As such, it would be supported by policy ED2B(2) of the PMP. It follows that there is no requirement for the appellant to provide evidence of unsuccessful marketing in these circumstances. Therefore, it is not necessary for me to consider the merits of the marketing undertaken as it would not be determinative in this case.
23. Accordingly, I find that despite the proposed development for a care home resulting in the loss of the industrial use of the site, there would be no conflict with policy B1 of the CS, and it would be supported by policy ED2B(2) of the PMP.

Other Matters

Special Area of Conservation

24. The site lies within an identified consultation zone due to its proximity to the Bath and Bradford on Avon Bats Special Area of Conservation (SAC), a habitat recognised under the Conservation of Habitats and Species Regulations 2017 (the Regulations) as being of international importance for horseshoe bats and their habitat. All species of bat are protected species in the UK.

¹⁴ Planning application reference 20/01794/FUL, Appendix G, Council's Statement of Case

¹⁵ Letter dated 13.8.20 from Barchester Health Care to Highway Authority & Paragraph 8.1, Appellants' Grounds of Appeal

¹⁶ Paragraph 4.25, Council's Statement of Case

25. The appeal site is adjacent to a linear park which is a known dispersal corridor for horseshoe bats. Furthermore, the submitted bat survey¹⁷ revealed the presence of a lesser horseshoe bat night roost within a building at the appeal site.
26. Recent caselaw¹⁸ requires the decision maker, when considering the effect that a proposal may have on such a European Site, to consider mitigation within an Appropriate Assessment rather than at screening stage. In the absence of mitigation measures and using a precautionary approach, the development would result in the loss of the night roost. Furthermore, cognisant of the sensitivity of horseshoe bats to light, given its proximity to the linear park, the development could generate levels of artificial lighting likely to affect the commuting and foraging routes of horseshoe bats. As such, there is a risk of a significant effect on the internationally important interest features of the SAC.
27. Section 8 of the bat survey confirms that the works would need to be conducted under the terms of a European Protected Species Mitigation Licence. It goes on to outline mitigation and compensation measures necessary to ensure that no bats would be harmed due to the works. They include a bat barn close to the linear park to compensate for the roost lost, as well as enhancement measures for other bat species and native planting to support bat habitat. Planning conditions could be used to ensure the development proceeds in accordance with the measures outlined.
28. Furthermore, an ecologically sensitive lighting scheme to retain a dark zone on the southern boundary of the proposal could avoid harmful light spill into the linear park. A landscape strategy¹⁹ and lighting scheme²⁰ have been submitted to show that this could be achieved. Planning conditions could secure the agreement of the detailed specification and on-going monitoring of lighting at the site to ensure the dark zone would be safeguarded.
29. In response to consultation under Regulation 63(3) of the Regulations, Natural England have confirmed that the mitigation measures proposed in this case would be sufficient to avoid an adverse impact to the integrity of the SAC and would be appropriately secured through the use of planning conditions, which given their specialist knowledge, attracts considerable weight. I concur with that view and am therefore satisfied that the mitigation measures identified are sufficient to avoid the likely impact of the development on the SAC and can be secured. I am not aware of any other developments that would, when taken in combination with the appeal proposal, lead me to a different view.
30. I therefore conclude on the evidence before me that the proposed development would not adversely affect the integrity of the SAC and would not cause harm to a protected species.

Other matters raised in representations

31. Many of the representations that raise an objection to the proposal refer to concerns regarding the adequacy of the 20 on-site parking spaces shown to serve the development. Concerns include problems with overspill parking from

¹⁷ Bat Survey Report, CMS Ecology dated June 2020

¹⁸ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

¹⁹ Drawing number AGM-WAN-LS-001 Rev D

²⁰ Lighting Impact Assessment prepared by Hydrock and drawings 12055-HYD-XX-XX-DR-E-9001 P03 & 12055-HYD-XX-XX-DR-E-9000 P04

employees and visitors to the care home causing increased competition for on-street parking spaces. During the application, it was confirmed²¹ that the number of staff at the proposed care home would never normally exceed 25. In these circumstances the Council's parking standard sets a maximum of 24 off-street spaces. In addition, given the proximity of the site to bus and rail public transport provision, there are a number of means by which employees and visitors could travel to the site. A travel plan has been submitted to encourage non-car modes of transport. Furthermore, a planning obligation of £10,000 is provided towards a Residents Parking Zone. This would assist in mitigating against the impact of any overspill on-street parking arising from the development. I am satisfied these measures would prevent the proposal from unduly affecting residents looking to park in the vicinity.

32. Some representations raise concerns regarding the suitability of the proposed design and its impact on a longstanding industrial building. However, the Design and Access Statement²² provided explains how the proposed design takes cues from the industrial history of the site and would retain and incorporate the existing machine shop component that faces Monksdale Road, which the Council consider to be a non-designated heritage asset. Based on my observations of the site and its context, I am satisfied that the proposed massing, height and appearance of the proposal would contribute positively to the street scene.
33. Furthermore, the proposed siting would increase views from the north west to the church of Our Lady and St Alphege, a Grade II* listed building and designated heritage asset. The significance of the 20th Century church results from a number of components, but includes its aesthetic qualities, designed by a notable ecclesiastical architect and how it reflects the social and cultural evolution of this part of the city. I have a general duty²³ to have special regard to the desirability of preserving the listed building or its setting. The proposal would affect the setting of the building but would improve the ability to appreciate the significance of the church, which weighs in its favour. Therefore, the proposal would not be harmful to the historic environment, including the outstanding universal value of the city of Bath world heritage site which is principally derived from the Roman and Georgian cultural and historic attributes of the city.
34. Concerns regarding the potential for the proposed care home to generate noise or smell disturbance to residents living nearby could be adequately prevented by planning conditions. On that basis, the proposal would be unlikely to give rise to unacceptable impacts to nearby residents.

Planning obligations

35. The appellants have provided a signed and dated legal agreement with obligations to provide a financial contribution to be used towards the provision of a Residents Parking Zone or Traffic Regulation Order. As outlined above, the Highway Authority considers this would be necessary to prevent any overspill on street parking from having a harmful impact on residents nearby. In addition, provisions are made for Targeted Recruitment and a Training Method Statement in relation to the construction phase of the proposal in line with the

²¹ Letter dated 13.8.20 from Barchester Health Care to Highway Authority

²² Design and Access Statement prepared by Harris Irwin Associates dated 15.5.20

²³ Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

Council's Planning Obligations Supplementary Planning Document originally adopted April 2015.

36. On the evidence provided, I am satisfied that these obligations are necessary to make the development acceptable in planning terms, that they are directly related to the development and are fairly and reasonably related in scale and kind to the development.

Planning Balance

37. The proposal would provide considerable benefits including the provision of a care home in an accessible location that would provide specialist accommodation, which the parties agree would assist in addressing a continuing and increasing need. Economic benefits would be derived from the provision of jobs associated with the care home as well as during construction. In addition, the proposal would develop a currently vacant brownfield site, general support for which can be found in the Framework.
38. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise²⁴. It will be seen from my reasoning above that I have found no conflict with the development plan. It follows that the development should be approved without delay.

Conditions

39. The Council have suggested 21 conditions. A condition relating to the commencement of development is necessary, as is reference to the approved plans in the interests of certainty.
40. To ensure the quality of the proposal it is necessary to agree the external finish of the materials to be used. There is little before me to suggest that the proposed landscape strategy, arboricultural method statement and tree protection plan provided would be deficient. As such, there is no need to require further such details as suggested by the Council, rather the development should proceed in accordance with the information submitted. Hence, corresponding conditions are imposed in relation to these matters to secure the quality of the development.
41. To secure adequate surface water drainage, a detailed drainage scheme that follows the strategy established should be agreed. In order to be effective this needs to be done at an early juncture and therefore, prior to the substantive commencement of the development.
42. Given the proximity of the appeal site to residential properties, the church and school, it is necessary to agree a construction method statement to minimise disturbance to nearby people during the construction phase. Logic dictates this must be agreed prior to the start of works. In addition, I have specified in the matters to be agreed, how the existing machine-shop built fabric, a non-designated heritage asset, will be supported during construction as this is an important component of the design quality.
43. It will be seen from my reasoning above that it is necessary to impose conditions in order to secure mitigation measures to protect the SAC. I have

²⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

adjusted the wording of the ecological conditions suggested by the Council to broadly differentiate between measures to protect the SAC and other more general ecological enhancements. Accordingly, conditions are imposed in relation to bat mitigation implementation, a lighting strategy and ongoing monitoring of their effectiveness. In addition, a condition is imposed to secure ecological enhancements including the provision of additional bird and bat boxes and the protection of nesting birds and habitat within the linear park. These measures require agreement prior to the commencement of development as otherwise avoidable damage to wildlife may occur.

44. In order to safeguard the living conditions of the future occupants of the development, a condition is imposed to specify noise levels. Furthermore, to protect existing occupants nearby, conditions in relation to plant noise and ventilation equipment are imposed to limit disturbance from noise and smell.
45. Although I have amalgamated some of the suggested condition wording, in the interests of highway safety, there is a need to secure the proposed access, car and bicycle parking prior to the first occupation of the development and their retention thereafter. A service plan should also be agreed to minimise pressure on the local highway network. In addition, a travel plan supports the level of on-site parking provision. However, there is no need to submit a further version, rather the updated version found acceptable by the Highway Authority²⁵ should be implemented.
46. Finally, the development should adhere to the post completion requirements contained in the Council's Sustainable Construction Checklist Supplementary Planning Document, Adopted November 2018 and a condition is imposed in relation to this.

Conclusion

47. Accordingly, for the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

²⁵ Consultation response Highways & Traffic dated 10 June 2020 – updated comments dated 21 October 2020 in relation to Travel Plan

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plan Drawing Number 01001 Rev P2
 - Location Plan Drawing Number 01002 Rev P2
 - Proposed Ground Floor Plan Drawing Number 02001 Rev P3
 - Proposed First Floor Plan Drawing Number 02002 Rev P3
 - Proposed Second Floor Plan Drawing Number 02003 Rev P3
 - Proposed Roof Plan Drawing Number 02003 Rev P5
 - Existing Ground Floor Plan with blue line Drawing Number 02005 Rev P2
 - Proposed Section AA & BB Drawing Number 03001 Rev P4
 - Elevation CC & Section DD Drawing Number 03002 Rev P3
 - Section EE & Elevation FF Drawing Number 03003 Rev P3
 - Proposed Elevations Drawing Number 03004 Rev P4
 - Landscape Strategy Drawing Number AGM-WAN-LS-001 Rev D
 - Tree Protection Plan Drawing Number AA/TPP-23.04.20
 - Drainage Strategy Drawing Number 0550 Rev P01
- 3) No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) The development shall take place in accordance with the submitted Arboricultural Method Statement prepared by Atworth Arboriculture and Tree Protection Plan (drawing number AA/TPP-23.04.20).
- 5) The development shall be carried out in accordance with the submitted landscape strategy (drawing number AGM-WAN-LS-001 Rev D) before any part of the development is first occupied or otherwise in accordance with an implementation programme agreed in writing with the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.
- 6) No development shall commence, except ground investigations and remediation, until a detailed drainage design based on the approved drainage strategy (prepared by Clarkebond reference B05256 v2) has been submitted to and approved in writing by the local planning authority. The development shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 7) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The CMS shall provide for:
- (i) details of how the section of retained machine shop building adjacent to Monksdale Road will be supported and protected during the construction
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel washing facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (ix) delivery, demolition and construction working hours.

The approved CMS shall be adhered to throughout the construction period for the development.

- 8) Prior to the commencement of development the following details shall be submitted to and agreed in writing by the local planning authority.
- (i) A method statement for nesting birds and protection measures for the adjacent linear park Site of Nature Conservation Interest.
 - (i) Proposed details of additional biodiversity enhancements and replacement roost habitat including at least 10 integrated bat and bird boxes (including swift boxes) and connectivity measures for hedgehog and timetable for their provision.
 - (ii) Details of native and beneficial planting including habitat adjacent to the compensatory horseshoe bat roost including planting timetable.
- The development shall be carried out in accordance with the approved details.
- 9) The development shall be carried out in accordance with the advice and recommendations described in Section 8 of the Bat Survey Report (CSM Ecology, June 2020) which outlines mitigation and compensation measures. Prior to commencement of any works with potential to impact on bats or their roost locations either, full and final details of proposed bat mitigation and enhancement measures or, a copy of a European Protected Species licence showing that a licence has already been granted, together with details of any additions or minor revisions to the Bat Mitigation and compensation measures described in the Bat Survey Report shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details. Prior to the first occupation of the development a report produced by a suitably experienced ecologist shall be submitted to and approved in writing by the local planning authority confirming that the bat mitigation requirements have been implemented.

- 10) No new internal or external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the local planning authority. These details shall be consistent with Drawings 12055-HYD-XX-XX-DR-E-9000 P04 and 12055-HYD-XX-XX-DR-E-9001 P03 prepared by Hydrock. The details shall include:
1. Lamp models and manufacturer's specifications, positions, numbers and heights;
 2. Predicted lux levels and light spill;
 3. Details of automated blinds and timers to minimise the impact of any internal light spill;
 4. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.
- Lighting shall be installed, retained and operated thereafter in accordance with the approved details.
- 11) Prior to the first occupation of the development a schedule of ongoing monitoring of the compensatory bat roost provision and operational light spill levels to monitor use of the site by horseshoe bats and collect lux level data at times when peak bat activity and light usage coincide shall be submitted to and agreed in writing by the local planning authority. The monitoring programme shall include proposed reporting to the local planning authority and specify timescales and frequency of monitoring. The programme shall also include proposed further mitigation and remedial action should operational light spill levels exceed the predicted light spill levels. Any necessary remedial action or further mitigation required shall be implemented in accordance with specifications to be agreed in writing with the local planning authority.
- 12) Prior to the first occupation of the development an assessment from a competent person to demonstrate that it has been constructed to provide sound attenuation against external noise shall be submitted to and approved in writing by the local planning authority. The assessment should demonstrate that the following levels shall be achieved: Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.
- 13) The cumulative level of plant noise associated with the development shall comply with the limits in Table 3 Static Plant Limits of Noise Assessment for Planning (page 23) prepared by Inacoustic dated 16 April 2020.
- 14) Before the first occupation of the development, equipment to control the emission of fumes and smell from the premises shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per 2 hour, and the efflux velocity. All equipment installed as

- part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 15) Prior to the first occupation of the development the vehicle access shall be constructed with a bound and compacted surfacing material and space shall be laid out within the site in accordance with Site Plan drawing no. 01001 Rev P2 for 20 cars to be parked. That space shall thereafter be kept available at all times for the parking and turning of vehicles.
 - 16) Prior to the first occupation of the development bicycle storage for at least 20 bicycles shall be provided in accordance with details previously submitted to and approved in writing by the local planning authority and shall thereafter be kept available for the parking of bicycles.
 - 17) The development shall be operated in accordance with the submitted Travel Plan prepared by Clarkebond, reference B05256 dated 23.9.20.
 - 18) Prior to the first occupation of the development a Service Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be operated in accordance with the approved Service Management Plan.
 - 19) Prior to the first occupation of the development the relevant tables as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document, Adopted November 2018 shall be completed in respect of the completed development and submitted to the local planning authority together with the Building Regulations Part L post-completion documents.