



Appeal Decision

Hearing held on 14 May 2024

Site visit made on 15 May 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/V1260/W/23/3333238

Advertising Corner, The Grove and Barrack Road, Christchurch BH23 2EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Fortitudo Limited against Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/23/0294/OUT, is dated 24 April 2023.
 - The development proposed is the erection of a drive-thru restaurant, selling food and drink for consumption on and off the premises (sui generis).
-

Decision

1. The appeal is allowed, and planning permission is granted for a drive-thru restaurant, selling food and drink for consumption on and off the premises (sui generis) at Advertising Corner, The Grove and Barrack Road, Christchurch BH23 2EX, in accordance with the terms of planning application Ref 8/23/0294/OUT, dated 24 April 2023, subject to the conditions in Annex C.

Application for Costs

2. An application for costs was made by Fortitudo Limited against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal is for outline planning permission with access and layout applied for in full and all other matters reserved. I reflect this throughout my Decision as appropriate.
4. In the lead up to, at, and after the Hearing additional documents were submitted, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the additional documents.
5. The Development Plan includes the Christchurch and East Dorset Local Plan Part 1 - Core Strategy, 2014 (the CS) and saved policies of the Christchurch Local Plan, 2001 (the LP). The emerging Local Plan (the eLP) is in the early stages of production, will be the subject of further modifications, and it is common ground, and I agree, that it has very limited weight.

6. The appeal is made against the failure of the Council to issue a decision within the prescribed period. There is therefore no decision notice for the application. The Council confirmed in its Statement of Case that if it had determined the application then it would have refused the application on five grounds. However, the Statement of Common Ground, dated 9 and 10 May 2024 (SoCG) confirms that the Council no longer disputes the proposal with regard to walking and cycling conditions, servicing and delivery strategy, or flood risk sequential testing.
7. In addition, following the submission of further evidence by the appellant prior to the Hearing, the Council confirmed verbally at the Hearing that it would withdraw its objection to the proposal with regard to the creation of safe and acceptable access. However, this was under the proviso that the information provided by the appellant was accurate, which the Council did not confirm either way because it did not have time to consult with the Environment Agency (the EA).
8. I have reviewed the documentation. The EA confirms that the correct climate change allowance (CC) to be used is +47%, which leads to a 1 in 100 year + CC flood level of 4.48m AOD. The appellant has used 2D flood modelling, as requested by the EA because it is more refined than 1D modelling. Using this, it has been demonstrated that the flood level at the proposed vehicular and pedestrian access point would be 400mm. This equates to "Danger for Some" in the flood hazard ratings. However, there would be an alternative access and egress route for pedestrians above the flood level, at 4.70m AOD, directly onto Barrack Road.
9. Overall, given that there would only be limited flooding in an extreme flood scenario towards the end of the lifetime of the development, I agree with the Council that the proposal would result in the creation of safe and acceptable access. I am also satisfied that the information in front of me is sufficiently detailed and clear so as not to require any further consultation with the EA.

Main Issues

10. The main issues are, therefore:
 - whether or not the appeal site is an appropriate location for development of this type, having regard to the sequential test for retail use;
 - the effect of the proposed development on highway safety and on the efficient operation of the highway network in the vicinity of the appeal site;
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on the living conditions of the occupiers of nearby properties, with regard to air quality.

Reasons

Location

11. The appeal site lies outside the Christchurch town centre boundary and approximately 400m from the nearest designated local centre. A drive-thru restaurant is proposed, which is a main town centre use. Policy KS7 of the CS therefore requires a sequential test to be undertaken to demonstrate that there are no sequentially preferable sites. The appellant has undertaken a sequential

test. The potential town centre sites have been considered and discounted due to the inadequate access provision for a drive-thru and the size of the units. The Council agrees with this assessment, as do I, because of the need to take account of the business model for a drive-thru restaurant and the requirement for good access by car including a drive-through lane.

12. The sequential test only considers town centres in Christchurch and the Council contend that sites within the Bournemouth town centre should also be considered. However, the adopted Development Plan does not cover Bournemouth, which is covered by a separate Plan. This is because the Bournemouth, Christchurch and Poole Council area was established by the merging of Councils after the current Development Plan was adopted.
13. There is no requirement in adopted policy to consider cross-boundary effects. It is not, therefore, reasonable to expect a sequential test to include sites within an area covered by a different adopted Development Plan. The eLP will consider the spatial strategy in this regard, including Bournemouth, but this is currently in the early stages of production and has very limited weight. In addition, the underlying aim of the policy is to protect the vitality and viability of town centres. The appeal site is closer to Christchurch than Bournemouth town centre and the proposal would, therefore, have a greater effect on Christchurch than Bournemouth. I have been provided with no substantiated evidence that the likely catchment area for the proposed drive-thru would include significant customers that would otherwise have visited Bournemouth.
14. The proposal is for a main town centre use in an out-of-centre location, however it has been satisfactorily demonstrated through a robust sequential assessment that there are no suitable and available sites in a sequentially preferable location. Therefore, the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance. The proposal complies with Policy KS7 of the CS and with Paragraphs 91 and 95 of the National Planning Policy Framework (the Framework) which reflect the sequential test approach set out in Policy KS7.

Highway safety and free-flow of traffic

Free-flow of traffic

15. The appeal site is located on the corner of Barrack Road and The Grove, where they meet at Jumpers Roundabout. Jumpers Roundabout currently operates over capacity and there is regular congestion on both Barrack Road and The Grove.
16. The appellant has assessed the likely effects of the proposal, including through modelling. I acknowledge that modelling includes a number of assumptions. However, in this instance the appellant has conducted sensitivity testing and poisson distribution analysis that provide comfort regarding the conclusions of the modelling. The modelling methodology and results are also uncontested by the Council. I therefore am confident in the robustness of the assessment.
17. The roundabout would continue to operate over capacity following the proposed development. However, because a drive-thru is proposed the main parties agree that the majority of future customers would be from people who were already driving along either The Grove or Barrack Road. It is predicted that only 20% of visitors would be making a specific journey to the restaurant.

Given the nature of a drive-thru restaurant, I see no reason to disagree with this assessment.

18. The traffic generated by the proposal would therefore be low and the corresponding increases to traffic queues and travel times would not be significant. For example, the modelling has found that the maximum increase in delays along The Grove would be ten seconds, in the Saturday peak. There would also be some effect on traffic flow caused by vehicles waiting to turn right into the appeal site. However, a 'keep clear' marking on the road would partially mitigate this. The modelling has found a maximum delay caused by this of five seconds. There would not, therefore, be a material or unacceptably harmful increase in queueing traffic along either The Grove or Barrack Road as a result of the proposal.
19. The appeal site has the capacity to accommodate 13 vehicles in a queue within the drive-thru lane and an additional three or four vehicles waiting within the car parking area. The appellant has demonstrated that the likelihood of the queue being longer than this is essentially zero. Even a queue of 11 cars is 0.01%. I have been provided with no substantiated evidence that this calculation is incorrect and the appellant confirmed at the Hearing that the length of the queues would not materially change depending on the final operator of the proposed restaurant. There is therefore no realistic possibility that queues for the drive-thru restaurant would back-up onto the surrounding road network.

Highway safety

20. Because the increases in traffic numbers and queueing would be relatively small, as set out above, there would also not be a materially harmful effect on highway safety. In addition, it is proposed to provide a toucan crossing for pedestrians on the eastern arm of Barrack Road and a zebra crossing over The Grove. It is also proposed to relocate a bus stop along The Grove, and to remove a small cycle lane on the western arm of Barrack Road. This could all be secured by a Grampian condition, and the detail agreed by a s278 Agreement.
21. The small cycle lane is sandwiched between two car lanes and its removal would likely be beneficial to cyclists. The proposed zebra crossing would replace an informal current arrangement which obliges pedestrians to cross partially across the entrance to Stourvale Avenue as well as The Grove. The toucan crossing would replace a crossing with only dropped kerbs and no other measures to aid pedestrians. These measures combined would therefore improve highway safety at Jumpers Roundabout, both for visitors to the proposed development and other vehicles, pedestrians and cyclists.

Conclusion

22. For the reasons set out above, the proposal would not unacceptably worsen the free-flow of traffic in the area, and it would likely improve highway safety as a result of the proposed mitigation measures. It therefore complies with Policy KS9 of the CS, which requires development to be supported by transport improvements that will benefit existing and future communities. It also complies with Policy KS11 of the CS, which seeks appropriate mitigation against negative transport impacts and to protect highway safety.

Character and appearance

23. The appeal site comprises an open, grassed area to the front with a dwarf brick wall, relatively large advertisement hoardings and, behind the hoardings, a concrete area which is currently empty but has planning permission to be used for storage. The open, grassed area to the front is private land which is currently publicly accessible. However, it is an incidental patch of land that has limited useability although it does provide breathing space and a sense of visual softening in an otherwise primarily urban area. It is a prominent site located on the corner of two busy roads.
24. Immediately to the north is a residential property with a residential area stretching away further to the north and west. Immediately to the east is a petrol station with commercial units to the rear. The area is therefore characterised by a mix of uses including both residential and commercial. On the opposite side of Jumpers Roundabout is the beginning of an open area of land but this is both visually and physically divorced from the appeal site by the roundabout and Barrack Road.
25. It is proposed to construct a drive-thru restaurant, selling food and drink for consumption on and off the premises, car parking spaces, vehicular access from The Grove, pedestrian from The Grove and Barrack Road, and associated works. The detailed design is not yet before me but a drive-thru restaurant would be likely to be commercial in appearance and architecturally undistinguished. However, it would be located directly adjacent to the existing petrol station, and nearby to existing commercial units to the rear, and would therefore be in-keeping with the character and appearance of the area.
26. There would be the potential for limited tree planting and potentially a hedgerow along Barrack Road, depending on the final specification of the internal site access road. Although there would be some opportunities for soft landscaping, which could be secured through future reserved matters submissions, the majority of the site would therefore be hard landscaped. However, the existing site provides only very minimal visual amenity from the incidental patch of green land. It is already partially commercial in character and appearance from the prominent advertising hoardings, even without the area for storage being actively used behind them. The limited opportunities for soft landscaping would not, therefore, be harmful to the character and appearance of the area.
27. The proposal would not, therefore, harm the character and appearance of the area, and it would comply with Policies HE2 and HE3 of the CS, which require high quality design and the protection of landscape quality including within settlements.

Living conditions

28. The Council confirmed at the Hearing that if it is concluded that traffic generation and queuing is not a material issue then nor would air quality. This is because the concern with air quality is with regard to it being worsened for existing residents as a result of increase in traffic. As set out above, there would be no materially harmful increase in traffic or queuing as a result of the proposal. Opportunities to mitigate effects on air quality could be secured by conditions relating to construction management and delivery and servicing. The proposal would not, therefore, be unacceptably harmful to the living conditions

of existing occupiers with regard to air quality. In addition, as a result, an air quality management plan or monitoring condition is not necessary.

29. The proposal therefore complies with Policies ENV3 of the LP, which seeks to protect living conditions including with regard to air quality. Policy HE2 of the CS is referenced in the relevant putative reason for refusal, however this policy does not relate to air quality and is not therefore relevant to this main issue.

Other Matters

Local residents

30. A number of objections have been submitted by local residents, including a petition that was provided at the Hearing. Concerns have been raised regarding a number of matters that are covered above, or below in the 'Conditions' section. The local residents have also raised further concerns regarding a number of other matters, which I turn to below.
31. There is no requirement to demonstrate a need for the proposed use, so the existing of other drive-thru restaurants nearby to the appeal site is not a relevant consideration. I must consider the acceptability of the proposal on its own merits.
32. No substantiated evidence has been provided that the proposed restaurant would give rise to unacceptable levels of noise, anti-social behaviour, or littering.
33. There is no evidence before me that the eventual operator(s) of the drive-thru would provide food that is unhealthy. There is no policy in the Development Plan in this regard, in any event, and it is not for the planning system to regulate this issue.
34. It is alleged that some drivers illegally perform U-turns along Barrack Road when existing the petrol station. However, I must assume that drivers will obey the highway code unless substantiated evidence is provided otherwise, which has not been provided in this case. I acknowledge that Barrack Road is likely to be a main route for emergency services because it is a main road into and out of Christchurch. However, as set out above, there would be no meaningful increase in travel times as a result of the proposal. The proposed traffic mitigation measures could potentially lead to additional congestion, ie use of the toucan crossing. However, there are already pedestrian crossing points in those locations and the proposal would only be to formalise this. The likely increase in congestion would therefore be limited.

The Council

35. The Council, in the SoCG, notes that the appeal site falls within a Higher Potential Ecological Network area. However, it does not identify any specific harm from the proposal in this regard. I do not, therefore, need to consider this matter further.
36. Also in the SoCG, the Council highlights that the appeal site is close to the Green Belt. However, again no specific harm is identified to the Green Belt, nor could it be because the setting of Green Belt is not protected by policy. I do not, therefore, need to consider this matter further.

Conditions

37. The Council suggested a schedule of conditions and this was discussed at the Hearing. In light of this discussion and government guidance on the use of conditions in planning permissions, I have considered and amended the Council's schedule. With regard to the specific conditions:
- in addition to the standard time limit conditions and the requirement to submit the relevant reserved matters applications, a condition specifying the relevant drawings provides certainty;
 - the Construction Method Statement (CMS), highways works, Travel Plan, Delivery and Servicing Plan (DSP), visibility splay, and means of access conditions are necessary with regard to highway safety and the free-flow of traffic;
 - the Travel Plan and cycle parking conditions are necessary to provide a reasonable alternative to the car for the future employees of the proposal;
 - the CMS, DSP, external lighting, hours of operation, and building services plant conditions are necessary to protect the living conditions of neighbouring occupiers;
 - the CMS and external lighting conditions are necessary to protect the character and appearance of the area;
 - the contamination, Surface Water Management Plan and Electric Vehicle Charging Points Scheme conditions are necessary to ensure the proposal is acceptable with regard to these technical considerations; and,
 - the finished floor levels condition is necessary to ensure the proposed development would be suitably protected against fluvial flooding.
38. The CMS, contamination and finished floor level conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.
39. I have not included requirements for Variable Message Signage or a Drive-thru Management Plan because there is no realistic possibility that queuing traffic would back-up onto the public highway. I have not specified the hours of delivery and servicing because the Council can control this as appropriate through the discharge of the DSP condition. I have amended the hours of opening of the proposed restaurant to start at 06:00 not 08:00 hours. This reflects the opening hours of the adjacent petrol station. Because of this, and that the restaurant and point where drivers order food would be located on the part of the site furthest from surrounding residential properties, the extended opening hours would still suitably protect the living conditions of neighbouring occupiers. I have not attached a specific landscaping condition because 'landscaping' is a reserved matter and the detail could be controlled by the relevant reserved matter submission.

Conclusion

40. I have found that the proposal complies with the relevant Development Plan policies. Therefore, it complies with the Development Plan, when considered as a whole, and the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Scott Stemp	Barrister, No 5 Chambers
Simon Ible MRTPI	Head of Planning, Fortitudo
Amol Pisal CIHT	Managing Director, Magna Transport Planning
Nick Bosanko MCIWEM C.WEM	Technical Director – Hydrology & Hydrogeology, SLR
Ethan Brighton	Development Director, Fortitudo
Richard Carr	Chief Executive, Fortitudo

FOR THE LOCAL PLANNING AUTHORITY:

Dr Senjuti Manna MRTPI	Team Leader, Bournemouth, Christchurch and Poole Council (BCP)
Laura Archer MRTPI	Senior Planning Officer, BCP
Jonathan Salmon MRTPI	Senior Planning Officer, BCP
Alexis Edwards MRTPI MTPS	Transport Development Manager, BCP

INTERESTED PERSONS:

Cllr Margaret Phipps	Ward Cllr, Commons Ward
Vivienne Charrett	Mayor of Christchurch
Michelle Finch	Local resident
Mike Marsh	Local resident
Phil Duffin	Local resident
Juanita Duffin	Local resident
Clodie Sutcliffe	Local resident
Jack Prescott	Local resident
Will Phillips	Local resident
Sue Fotheringham	Local resident
Morag Tyler	Local resident

ANNEX B: DOCUMENTS

- 1 Environment Agency letter, dated 2 May 2024
- 2 Statement of Common Ground, signed 9 and 10 May 2024
- 3 Illustrative Landscape Proposals drawing Ref 2388/1A, dated 1 May 2024
- 4 Rebuttal to Environment Agency Response, dated 13 May 2024
- 5 Costs application, dated 13 May 2024
- 6 Petition
- 7 Email from Michele Finch, dated 15 May 2024
- 8 Attendance list email from Simon Ible, dated 15 May 2024
- 9 Email from Senjuti Manna, dated 14 May 2024, regarding drive-thru addresses
- 10 Email from Michele Finch, dated 15 May 2024

ANNEX C: CONDITIONS SCHEDULE

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 23-187-SK06 Rev B, 24082023-JCD Rev B.

Pre-commencement

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
 - i. the hours where construction or demolition work can take place;
 - ii. a construction programme including phasing of works;
 - iii. 24 hour emergency contact number;
 - iv. expected number and type of vehicles accessing the site;
 - v. the use of a consolidation operation or scheme for the delivery of materials and goods;
 - vi. phasing of works;
 - vii. means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction) eg through programming, waste management, construction methodology; shared deliveries, car sharing, travel planning, local workforce, parking facilities for staff and visitors, on-site facilities, a scheme to encourage the use of public transport and cycling;
 - viii. routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
 - ix. locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - x. locations for storage of plant/waste/construction materials;
 - xi. arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - xii. arrangements to receive abnormal loads or unusually large vehicles;
 - xiii. swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - xiv. any necessary temporary traffic management measures;
 - xv. measures to protect vulnerable road users (cyclists and pedestrians);

- xvi. arrangements for temporary facilities for any bus stops or routes;
- xvii. method of preventing mud being carried onto the highway;
- xviii. a Dust Management Plan; and,
- xix. methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to, and approved in writing by, the local planning authority. This Assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The Assessment shall include:
 - i. a survey of the extent, scale and nature of contamination;
 - ii. the potential risks to:
 - 1. human health;
 - 2. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - 3. adjoining land;
 - 4. ground waters and surface waters;
 - 5. ecological systems; and,
 - 6. archaeological sites and ancient monuments.
- 7) No development shall take place where (following the Risk Assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to, and approved in writing by, the local planning authority. The Scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The Scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved Scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to, and approved in writing by, the local planning authority before the development is first occupied.
- 8) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to, and approved in writing by, the local planning authority. The approved Scheme shall thereafter be implemented in accordance with the approved Scheme
- 9) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to, and approved

in writing by, the local planning authority. The development thereafter be carried out in accordance with the approved levels.

Pre-specific part of development

- 10) Prior to the relevant works, a Surface Water Management Plan must have been submitted to, and approved in writing by, the local planning authority. The submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Pre-occupation

- 11) Prior to first occupation of the development, the following works must have been provided and/or constructed, in broad accordance with the details as set out in drawing Ref 23-187-SK06 Rev B:
- i. Provision of a zebra crossing across the northern arm of Jumpers Roundabout;
 - ii. Provision of a toucan crossing across the eastern arm of Jumpers Roundabout;
 - iii. Provision of a bus cage and Real Time Information equipped bus shelter;
 - iv. Removal of the existing bus layby on The Grove and realignment of the kerbing necessary to facilitate the development;
 - v. The realignment of the kerb edge at the junction of Stourvale Avenue and The Grove;
 - vi. Alterations to street lighting, highway draining and road markings or road signage as necessary as a result of the above works; and,
 - vii. The widening and resurfacing of the footway on The Grove.
- 12) Prior to first occupation of the development, a Travel Plan must be submitted to, and approved in writing by, the local planning authority. The Travel Plan shall include:
- i. targets for sustainable travel arrangements;
 - ii. effective measures for the on-going monitoring of the Plan;
 - iii. a commitment to delivering the Plan objectives for a period of at least five years from first occupation of the development; and,
 - iv. effective mechanisms to achieve the objectives of the Plan by the occupiers of the development.

The development must thereafter be implemented only in accordance with the approved Travel Plan.

- 13) Prior to first occupation of the development, details of a Delivery and Servicing Plan, including servicing arrangements, locations, times and frequency, shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter operate strictly in accordance with the details so approved.

- 14) Prior to first occupation of the development, the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.
- 15) Prior to first occupation of the development, an Electric Vehicle Charging Points Scheme shall be submitted to, and approved in writing by, the local planning authority. The Scheme shall include details of both passive and actual provision and how this may change over time.
- 16) Prior to first occupation of the development, the cycle parking facilities shown on the hereby approved plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.
- 17) Prior to first occupation of the development, the means of access to the site must have been constructed in accordance with full details that have previously been submitted to, and approved in writing by, the local planning authority.
- 18) Prior to first occupation of the development, a scheme for external lighting, which shall conform to the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light - Guidance Note 01:20, shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

For observation

- 19) The use hereby permitted shall only take place between the hours of 06.00hrs and 23.00hrs Monday to Saturday and 06.00hrs and 22.00hrs Sunday and Bank Holidays.
- 20) All building services plant (including air conditioning units and any air handling plant etc.) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of 5dB below the background noise level determined at the nearest noise sensitive receptor, when the plant is intended to operate.
- 21) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

===== END OF SCHEDULE =====