



Appeal Decision

Site visit made on 23 January 2019

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 April 2019

Appeal Ref: APP/Z0116/W/18/3210502

Site ND6, Avon Street, St Philips, Bristol BS2 0PS

- 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 planning permission.
 - The appeal is made by Legal and General Property Ltd against Bristol City Council.
 - The application Ref 17/04673/F, is dated 18 August 2017.
 - The development proposed is the erection of a 6-11 storey building comprising 120 no. PRS residential units (1, 2 and 3 bed), 524 sqm of flexible commercial floorspace (Use Classes A1, A2, A3, A4, B1a, D1 or D2) at ground floor level and associated development, including landscaping, public realm, bin storage, plant areas and cycle parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 6-11 storey building comprising 120 no. PRS residential units (1, 2 and 3 bed), 524 sqm of flexible commercial floorspace (Use Classes A1, A2, A3, A4, B1a, D1 or D2) at ground floor level and associated development, including landscaping, public realm, bin storage, plant areas and cycle parking at Site ND6, Avon Street, St Philips, Bristol BS2 0PS in accordance with the terms of the application, Ref 17/04673/F, dated 18 August 2017, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Legal and General Property Ltd against Bristol City Council. This application is the subject of a separate decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. The parties have had the opportunity to comment on any relevant changes during the course of the appeal. Since the site visit, the revised Framework has been updated on 19 February 2019. On that date, the Government also published Housing Delivery Test (HDT) results for local authorities in England. On the 28 March 2019 the Office for National Statistics published the updated annual affordability ratios.
4. The parties have not suggested that the Council does not have a 5-year housing land supply. In the circumstances of this case it is not necessary to seek the further views of the parties. I am required to consider the appeals on the basis of the current Framework.

5. During the appeal process the appellant has submitted a certified and executed copy of a Section 106 Legal Agreement (S106). I will return to this matter below.

Background and Main Issue

6. The planning application was considered by the Council's Development Control Committee A (Committee) on 21 June 2018 and the Officer's Report recommended approval subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (S106). However, the Committee resolved that the proposed scheme should provide 23 affordable dwellings and not 4 as contained within that report. The appellant was not prepared to enter into a S106 on that basis and submitted the appeal that is before me. The application was reconsidered by the Committee on 17 October 2018 and it resolved that it would have refused planning permission as the proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Policy BCS17 of the Bristol Development Framework Core Strategy (CS).
7. Given the above, the main issue is whether the proposed development would make adequate provision for affordable housing.

Reasons

8. CS Policy BCS17 states, amongst other things, that affordable housing will be required in residential developments of 15 dwellings or more and that a target of 40% in Inner East Bristol will be sought through negotiation. The policy also states that where scheme viability may be affected, developers will be expected to provide full development appraisal to demonstrate an alternative affordable housing provision. The supporting text to this policy states that a viability assessment was commissioned to understand the capacity of private development to deliver affordable housing.
9. The proposal would provide 120 dwellings as a Build to Rent scheme (BtR) and commercial floorspace. A number of viability assessments were submitted during the determination of the planning application. The viability assessment submitted by GVA on 29 May 2018 (GVAVA), in support of the planning application, appraises 2 scenarios one with affordable housing being provided at Local Housing Allowance rents (LHA) and the other with the affordable housing provided with a rental value set at a 20% Discount to Market Rent (DMR). That assessment considers that the proposal could deliver 12 dwellings (10%) with the tenure at DMR or 4 dwellings (3%) at LHA and would be viable.
10. Annex 2 of the 2018 version of the Framework revised the definition of what constitutes affordable housing. It now includes affordable housing for rent where, amongst other things, the rent is at least 20% below local market rents. It also states that on BtR schemes affordable housing for rent is expected to be the normal form of affordable housing provision.
11. The Framework (paragraph 34) sets out that development plans should set out the contributions expected from development including the levels and types of affordable housing provision required. It goes on to state at paragraph 57 that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The Planning

Practice Guidance (PPG) on viability has been revised and it states that the role for viability assessment is primarily at the plan making stage¹.

12. In September 2018 the PPG was updated to include guidance on BtR². It states that 20% is generally a suitable benchmark for the level of affordable homes to be provided in any BtR scheme and that the guidance on viability permits developers, in exception, the opportunity to make a case seeking to differ from this benchmark.
13. The GVAVA and the previous viability assessments produced to support the planning application were independently reviewed for the Council by DVS. The DVS review of GVAVA indicates that the scenarios as proposed are at best only marginally viable as it considers that deficits of somewhere between £149,000 and £165,000 are indicated utilising its figures on residual land value against a benchmark land value of £2.64 million.
14. The GVAVA is based on the Argus toolkit and the DVS review on a bespoke Excel toolkit and they both appear to utilise the government's overall recommended approach to viability assessment for planning. The only area of disagreement between the 2 main parties relates to whether Stamp Duty Land Tax (SDLT), taking into account Multiple Dwelling Relief (MDR), on the residential element of the scheme should be included as part of the costs contained within the viability assessment. The Council considers that if SDLT is excluded on that part of the scheme that it would be viable whilst providing 23 affordable homes at LHA.
15. I acknowledge that the appellant has stated that they are likely to retain the development as a long-term investment and that SDLT is not specifically cited in the costs outlined in the PPG³. The Royal Institute of Chartered Surveyors (RICS) published a guidance note, in 2018 that was effective from October of that year, in relation to valuing residential property purpose built for renting (GN). It states that the valuation of assets of this nature will typically be derived from the capitalisation of the net income, with a deduction made for purchaser's costs which would include SDLT as this reflects an investor's true net position.
16. The GN does not form part of the PPG or the Framework but it sets out an approach for accepted good practice for competent and conscientious practitioners. The GN states that it is directed to the valuation of completed assets rather than those under development. Nevertheless, to assess the viability of the scheme its value as a completed development is reasonable and necessary.
17. DVS has stated that, in its experience, there has been no consistency on the valuation of BtR schemes in relation to the application of SDLT and MDR. Furthermore, the viability assessment carried out by Alder King in 2016 on the adjacent site (ND7), which is also owned by the appellant, did not include SDLT and MDR as part of the costs associated with the residential element of the scheme. However, the GN is a comprehensive and detailed document that clearly states the approach to be taken to value BtR schemes and it is likely that it will lead to more consistency in such valuations. Moreover, DVS accepts

¹ Paragraph: 002 Reference ID: 10-002-20180724

² Paragraph: 002 Reference ID: 60-002-20180913

³ Paragraph: 012 Reference ID: 10-012-20180724

in its review of the GVAVA that purchasers' costs must be taken into account but at a rate which reflects MDR due to the GN.

18. Therefore, I consider that it is reasonable to consider that the Net Development Value of the scheme should include a deduction for SDLT taking into account MDR. As such, I consider that the evidence demonstrates that the scheme would be likely to be viable with the level of affordable housing included in the GVAVA.
19. The LHA scenario would only provide 3% of the overall residential scheme as affordable housing and this is appreciably below the 20% benchmark suggested within the PPG. However, this benchmark is based on a minimum rent discount of 20% and the Council have stated that such a discount would not address the main affordable housing needs within Bristol, which is for rental properties where the rent is capped at LHA maximum levels. The LHA maximum levels results in a discount of between 40% and 50% when compared to private market rents. As such, it accepts that fewer affordable dwellings would be provided than in the DMR scenario.
20. CS Policy BCS17 was adopted prior to the publication of the Framework. With regard to paragraph 213 of the Framework this policy is not entirely consistent with the revised definition of affordable housing in Annex 2 of the Framework. Moreover, the viability assessment that was undertaken as part of the CS would also have been based on an earlier definition of affordable housing. As such, considering the particular type of development (BtR) proposed the need for a viability assessment to support the scheme is justified and it has substantial weight.
21. With regard to the GVAVA I consider that the proposed development would make adequate provision for affordable housing. Moreover, the S106 also includes provisions for a viability review before the first letting of the 25th open market residential unit. This would ensure that if the viability of the scheme improves by that stage that either additional on-site affordable units would be provided or an additional financial contribution towards affordable housing would be made. It follows that the proposal would comply with CS Policy BCS17.

Other matters

22. Objections to the proposal, from consultations, were on a wider basis including in respect of residential use on the site, the height of the building and its impact upon surrounding development with regard to loss of light, the parking provision (including for cycles and arrangements for deliveries) and the design of the building and the public realm including facilities for pedestrians. These did not form part of the Council's reason for refusal and I have no reason to dispute the findings in the Council's Officer Report of the 21 June 2018 in relation to these matters. As such, I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal.
23. While I understand that my decision will be disappointing for the objectors to the scheme, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Planning obligation

24. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (CIL) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
25. The signed and completed S106 covers the timetable, management and implementation of the affordable housing units. It also requires the appellant to make financial contributions of £33,714 towards public transport improvements relating to upgrading the New Kingsley Road and Avon Street bus stops, £10,000 towards a real time display, £3,500 in relation to the managing and auditing of the travel plan and £5,395 index linked for each traffic order or notice relating to the proposed loading bay and temporary restrictions on Old Bread Street. The Council have submitted evidence to indicate how the requirements of the S106 are compliant with the 3 tests of CIL Regulation 122, whether the requirements of the obligation would overlap or not with the Council's CIL Regulation 123 list and the pooling restrictions outlined within the Planning Practice Guidance (PPG).
26. I have no reason to dispute the findings of that evidence. The delivery of affordable homes and the need for long term arrangements to secure their continued availability for affordable housing use is necessary to make the development acceptable in planning terms. The obligations in this respect in the S106 are fairly and reasonably related to the achievement of those objectives. I am, therefore, satisfied that the obligations in relation to affordable housing included in the S106 meet the necessary tests and that they can be afforded weight. I am satisfied that the proposed financial contributions are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development, in accordance with CIL Regulation 122. I have therefore also attached weight to them in reaching my decision.

Conditions

27. I have considered the suggested conditions put forward by the Council on the planning application against the requirements of the PPG and the Framework. In the interests of conciseness and enforceability the wording of some of the suggested conditions has been amended.
28. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition to secure a construction method statement is necessary to ensure there are no significant adverse impacts upon the living conditions of local residents or upon the highway. In the interests of the safe operation of the highway a condition is necessary requiring a general arrangement plan and engineering details for a number of highway works. I have removed the reference to a specific plan number within the condition as this avoids duplication and the Council would have control over the details submitted. I have not included the Council's suggested condition 4 as it does not appear to be necessary as the highway works required by condition 3 would ensure the safe operation of the highway.
29. A condition is necessary to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated

- into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.
30. 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 off site receptors a condition in this respect is necessary. I have added an additional part to the condition to make it precise as to what actions are required if contamination is found following the risk assessment/intrusive investigation. The appellant has had the chance to comment on this alteration.
 31. The condition in relation to materials is necessary in the interests of character and appearance.
 32. A condition is necessary to ensure that the development achieves BREEAM rating level Excellent or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.
 33. To ensure the development contributes to minimising the effects of and can adapt to a changing climate a condition is necessary in relation to connecting the development to the district heat network.
 34. To ensure that adequate facilities are provided for cycle and waste storage a condition requiring details in these respects is necessary. In the interests of the amenity of the area details of the public art to be secured by the development is necessary. However, I do not consider that it is essential that these details are provided before the development commences therefore, I have amended the conditions.
 35. I have not included the Council's suggested condition 12 as I observed there is very little vegetation on the site and in any case nesting birds are protected by other legislation. Therefore, I do not consider that this condition is necessary. In the interests of the character and appearance of the area a condition requiring details of the hard and soft landscaping is necessary. Given, the lack of trees and hedges on the site I have altered the wording of the condition.
 36. To help conserve legally protected birds details of swift boxes to be incorporated in to the scheme are necessary. The Council has control over the details to be approved therefore I have removed the guidance part of the suggested condition.
 37. In the interests of safeguarding the living conditions of future and existing occupiers' conditions requiring compliance with the submitted Acoustics report, a further noise assessment in relation to the commercial uses, details of the extract/ventilation systems and odour management plan are necessary. I have amalgamated the Council's suggested conditions 15 and 20 together and 17 and 18 together to avoid duplication and I have deleted wording from the conditions that is not required. Conditions in relation to the hours for; use of the refuse and recycling facilities; any deliveries and customers being present

on any A3 premises are also necessary in this respect. I have altered the wording of these conditions to ensure that they are precise and enforceable.

38. To support sustainable transport objectives a condition requiring compliance with the Framework Travel Plan is necessary.
39. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990 the written agreement of the appellant to the terms of the pre-commencement conditions is required through a Regulation 2(4) Notice of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. The appellant has stated that it is willing to accept the suggested pre-commencement conditions. In the case of all of the pre-commencement conditions, I consider that the resolution of the matters specified is required before the development commences as they are fundamental to the scheme.

Conclusion

40. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004). I consider, that given my findings above, that the proposal would comply with the development plan as a whole and there are no material considerations, including the Framework, that indicate that the decision should be determined other than in accordance with the development plan.
41. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

- Attached schedule -

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) Unless modified by the conditions below the development hereby permitted shall be carried out in accordance with the approved plans: A2796 102 R1 Proposed Site Plan; A2796 200 R3 Proposed Ground Floor Plan; A2796 201 R3 Proposed First Floor Plan; A2796 202 R3 Proposed Second Floor Plan; A2796 203 R3 Proposed Third Floor Plan; A2796 204 R3 Proposed Fourth Floor Plan; A2796 205 R3 Proposed Fifth Floor Plan; A2796 206 R3 Proposed Sixth Floor Plan; A2796 207 R3 Proposed Seventh Floor Plan; A2796 208 R3 Proposed Eighth Floor Plan; A2796 209 R3 Proposed Ninth Floor Plan; A2796 210 R3 Proposed Tenth Floor Plan; A2796 211 R3 Proposed Eleventh Floor Plan; A2796 300 R3 Section AA; A2796 301 R3 Section BB; A2796 350 R1 Ladder Section 1; A2796 351 R1 Ladder Section 2; A2796 352 R1 Ladder Section 3; A2796 400 R3 Proposed South & East Elevation; A2796 401 R3 Proposed North & West Elevation; A2796 402 R3 Proposed Long East Elevation; A2796 501 P1 Type 1; A2796 502 P1 Type 2; A2796 503 P1 Type 3; A2796 504 P1 Type 4; A2796 505 P1 Type 5; A2796 506 P1 Type 6; A2796 507 P1 Type 7; A2796 508 P1 Type 8; A2796 509 P1 Type 9; A2796 510 P1 Type 10; A2796 511 P1 Type 11; A2796 512 P1 Type 12; A2796 513-A P1 Type 13 (Adapted).

Pre-commencement conditions

- 3) No development shall take place until a construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicle of site operatives and visitors
 - Routes of construction traffic
 - Hours of operation
 - Method of prevention of mud being carried onto highway
 - Pedestrian and cyclist protection
 - Proposed temporary traffic restrictions
 - Arrangements for turning vehicles
 - Arrangements to receive abnormal loads or unusually large vehicles
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
 - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.

- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

- 4) No development hereby permitted shall take place until a general arrangement plan and engineering details for the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:

- Resurfacing of Providence Place Carriageway immediately adjacent to the application site.
- Resurfacing of Old Bread Street carriageway immediately adjacent to the application site.
- Installation of a raised table with bitumen finish on Old Bread Street/ New Kingsley Road junction and Anvil Street/ New Kingsley Road junction with new tactile paving on each arm of the X-road on the footway.
- New build outs on Old Bread Street/New Kingsley Road junction and Anvil Street/New Kingsley Road junction the kerbing will have a 25mm upstand transition between the footway and raised carriageway.
- Provision of a loading bay on New Kingsley Road.
- Resurfacing of the footways immediately surrounding the application site with paving slabs.

The development hereby permitted shall not be occupied nor use commenced until the agreed highway works have been completed in accordance with the approved engineering details.

- 5) The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

- 6) A site-specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of the site contamination and whether or not it originates from the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The results of this investigation shall be considered along with the report submitted with the application, Preliminary Ground Conditions Risk Assessment, AECOM, 21 July 2016, Project Number 60539303. The written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to any works (except demolition) in connection with the development, hereby approved, commencing on site.

No development shall take place where, following the risk assessment and intrusive investigation cited above, land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has 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 remediation 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 remediation 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 occupied.

- 7) Sample panels of the all external materials to the building demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.
- 8) No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final BREEAM level. No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating Excellent has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.
- 9) Prior to commencement of development, full details demonstrating how the development shall connect to the district heat network for the provision of all space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation, the development shall connect to the district heat network in accordance with the approved details. The connection shall thereafter be retained and maintained.

Pre-occupation conditions

- 10) No building or use hereby permitted shall be occupied or the use commenced until full details of the cycle stores and the recycling and waste store have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to any part of the development being brought into use or occupied. The stores shall be kept free of obstruction and used solely for their designed purposes for the lifetime of the development
- 11) No building or use hereby permitted shall be occupied or the use commenced until a Public Art Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out the specific commissions developed and programme illustrating how the public art commission for the development would accord with the City Council's Public Art Policy and Strategy. The Public Art Plan shall also contain a timetable for delivery and details of future maintenance responsibilities and requirements. The delivery of public art shall then be carried out in full accordance with the agreed Public Art Plan.

- 12) No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation. The approved hard landscaping scheme shall be implemented prior to the occupation of the building.
- 13) No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority details of the specification, orientation, height and location of eight swift boxes to be incorporated into the development. The approved scheme shall be implemented before the development is brought into use and shall be maintained thereafter.
- 14) All recommendations detailed in the Acoustics Report, Hoare Lea, 18/08/2017, Revision P3 submitted with the application with regards to sound insulation, ventilation of residential properties and the rating level of any noise generated by plant and equipment installed as part of the development shall be implemented in full prior to the commencement of the use of the development permitted and shall be permanently maintained.
- 15) No commencement of each use hereby permitted, within Use Classes A3, A4, D1 or D2, shall take place until an assessment on the potential for noise from the development affecting residential properties as part of this development and existing residential properties in the area has been submitted to and approved in writing by the Local Planning Authority.

The assessment shall include noise from:

- (a) Music;
- (b) Customers (including customers in any outside area);
- (c) Ventilation, refrigeration and air conditioning plant or equipment;
- (d) Servicing (deliveries and refuse collections).

If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of each unit within Use Classes A3, A4, D1 or D2. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

- 16) No commencement of any Class A3 use within the development shall take place until details of the ventilation system for the extraction and dispersal of cooking odours and an odour management plan have been submitted to and approved in writing by the Council. The details/plan shall include specifications for the flue, method of odour control, noise levels and noise

attenuation measures and shall set out odour monitoring, extraction system cleaning and maintenance, filter replacement policies and mitigation measures to be taken should an odour nuisance be established. The approved details/plan shall be implemented prior to the commencement of the use and shall be permanently maintained thereafter.

Monitoring and management

- 17) The development hereby approved shall be implemented in full accordance with the Framework Travel Plan, Transport Planning Associates (TPA), August 2017 including the timescales specified therein, unless alternative timescales are agreed in writing with the Local Planning Authority. The Framework Travel Plan shall be monitored and reviewed in accordance with the targets in it to the satisfaction of the Local Planning Authority.
- 18) Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles in connection with the commercial uses in the development shall only take place between 08:00 and 20:00 Mondays to Saturdays and at no time on Sundays.
- 19) Deliveries relating to the commercial uses in the development shall be taken at or despatched from the site only between 08:00 and 20:00 on any day.
- 20) Customers shall only be permitted on the premises, of any Class A3 use within the development, between 08:00 and 23:00 on any day.