

**WESTERN AREA PLANNING COMMITTEE
ON 29 AUGUST 2018**

UPDATE REPORT

Item No: (2) **Application No:** 18/01553/OUTMAJ **Page No.** 29-40

Site: Land off Faraday and Kelvin Road, Newbury

Planning Officer Presenting: Michael Butler

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: N/A

Supporter(s) speaking: N/A

Applicant/Agent speaking: Katherine Miles
Steven Smallman

Ward Member(s): Councillor Dennis Benneyworth
Councillor James Fredrickson

Update Information:

Members will note in para 5.3 of the agenda report that the application is technically a departure from the Development Plan. In normal circumstances it would be appropriate, if the application were resolved to be approved at this meeting, for the Committee to refer the matter to DPC. However, in the context of the long site history and the extant consent, plus the fact that other housing schemes have been approved in the LRIE area over recent years, the Development Control Manager has advised that, in this context, there is no need to refer the matter up, if approved.

The applicant has submitted an email following publication of the Agenda Report disputing the fact that if this permission is granted the speed at which the scheme might be delivered will slow up. He notes that the opposite may be the case, in that if phases are built out in turn this will assist cash flow and so viability of the overall scheme, and so it will be beneficial.

Whilst he recognises that land ownership is not a planning matter, he notes that he is in negotiations with the Council as freeholder to either buy the freehold, or restructure the existing leases. He notes in addition the financial benefits to the Council such as Business Rates retention which will flow should the scheme be built out.

Officer note - the last paragraph cannot be taken into consideration by the Committee. It is only mentioned in this report as the applicant noted it, for completeness.

For information, on the update sheet [below] is the original list of conditions attached by the Inspector at appeal on the renewal application as permitted, the subject of this s73 application - for comparison purposes only.

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Schedule of Conditions

Details

- 1) The development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - i. three years from the date of this decision, or
 - ii. the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.
- 2) Full details of the appearance, landscaping and layout of the building(s) (the 'reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site having due regard to the parameters and principles for such matters as contained or referred to in the approved drawings originally forming part of planning permission 08/01255/0855/OUTMAJ which is replaced by this permission and comprising the following drawings and plans, namely, 3595/PL21, 25-30 and the plans received on 20 January 2009 comprising 3595/PLL22-24, Revision A, plus plan number JNY6431-13 also received on 20 January 2009.
- 3) The development must be carried out in accordance with the reserved matters approvals obtained in accordance with condition 2 and other relevant approvals to be obtained from the Local Planning Authority in accordance with the conditions set out in this permission.
- 4) No building, hereby permitted, shall be higher than 26m above the agreed prevailing ground level of the existing site within the application site area.
- 5) No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved levels.
- 6) Except for works relating to the new link road from the A339, development shall not commence until a scheme showing the location and distribution of the 48 affordable dwellings has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

Floor-space and scale

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, none of the uses permitted by this planning permission shall exceed the following specified gross external floor-space:
 - i. the floor-space for B1 office uses shall not exceed 7,234m²,
 - ii. the floor-space for Class A1 retail uses shall not exceed 2,200m² and the combined floor-space for use classes A1 and A2 shall not exceed 3,984 m²,
 - iii. the floor-space for A3 and A5 uses shall not exceed a combined total of 1,376m², and
 - iv. the floor-space for C1 hotel uses shall not exceed 3,562m² or 100 bedrooms.For clarity and the avoidance of doubt the floor-space specified above relates to the gross external area of buildings (or parts of buildings) used for the specified purpose.

No more than 330 car parking spaces shall be provided.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the total gross external floor-space of the buildings permitted by this decision shall not exceed 26,554m².

Access

- 9) Development shall not commence until full details of a new access road linking the A339 to Faraday Road and into the site has been submitted to, and approved in writing by, the Local Planning Authority. This link road shall either be based on the indicative drawing number JNY6431-13 Revision B or it shall be in accordance with deemed planning permission 14/03039/FUL. No part of the development, hereby permitted, shall be occupied until the link road and access works have been completed in accordance with the approved details.

Drainage, flood risk and groundwater

- 10) No development shall commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by, the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public sewer system until the approved drainage works have been completed.
 - 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2012, and produced by SMA, and the following mitigation measures detailed within the FRA:
 - i. limiting the surface water run-off generated by the 1:100 year critical storm event plus 30% (to allow for climate change) so that it will not exceed the greenfield run-off from the undeveloped site and not increase the risk of flooding off-site;
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- ii. identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- 12) No development (save and except for the access road) shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied and where appropriate shall continue to be implemented after occupation. The scheme shall also include details of how the scheme shall be maintained and managed after it is occupied, SUDS selection based on the management train outlined in the FRA, measures to ensure there are no soak-aways through contaminated land and where soak-aways are shown to be suitable they shall be constructed such that they do not penetrate the water table, and they shall not in any event exceed 2 metres in depth below existing ground levels.
- 13) Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The relevant part of the development shall be carried out in accordance with the approved details.

Noise and odour

- 14) No development shall commence until a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. All works forming part of the approved scheme shall be completed before any dwelling is first occupied. There shall be no open balconies overlooking the western boundary of the site onto the A339. Noise levels in any amenity area provided shall not exceed $L_{eq}=55dB(A)$, as recommended in WHO guidance. No residential facade shall be less than 10m from the edge of the A339.
- 15) No development shall commence until the following has been submitted to the Local Planning Authority:
- i. the findings of a noise survey (undertaken in accordance with BS 4142 (or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed development;
 - ii. written details and calculations showing the likely impact of noise from the development;
 - iii. a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;
 - iv. written approval of a scheme under (iii) above has been given by the Local Planning Authority.
- All works forming part of the scheme shall be completed before any of the dwellings are first occupied.
- 16) The daytime internal noise level (0700-2300) arising from external sources shall not exceed $L_{eq}=40dB(A)$ within any bedroom of the hotel development. The internal night time noise level (2300-0700) arising from external sources shall not exceed $L_{eq}=35dB(A)$ within any bedroom of the hotel. Individual noise events measured with F-time weighting, during the night time period, shall not exceed $L_{max}=45dB(A)$. Details of compliance with this standard shall be submitted to the Local Planning Authority prior to any part of the hotel being occupied. Where compliance to this standard is only achievable with windows closed, an alternative scheme of ventilation shall be submitted to and approved by the Local Planning Authority.
- 17) No development on those parts of the scheme where air handling plant is to be incorporated and used shall commence until details of the following have been submitted to the Local Planning Authority:
- a. written details concerning any proposed air handling plant associated with the relevant part of the development including:
 - i. the proposed number and location of such plant as well as the manufacturer's information and specifications;
 - ii. the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice;
 - iii. the intended operating times;
 - b. calculations showing the likely impact of noise from the relevant part of the development;
 - c. a scheme of works or such other steps as may be necessary to minimise the effects of noise from the relevant part of the development;
- The relevant part of the development shall not commence until written approval of a scheme prepared under (c) above has been given by the Local Planning Authority. All works forming part of the scheme shall thereafter be completed before any of the development is first occupied.
- 18) No relevant part of the development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of odour and noise from the preparation of food associated with the development. The relevant part of the development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The scheme once approved shall be implemented and maintained on the site.

Tree protection

- 19) No development shall commence until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It
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shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Ecology

- 20) No part of the development, hereby permitted, shall be occupied until a scheme to position 10 bat and 10 swift nest boxes of a type to be agreed has been submitted to, and approved in writing by, the Local Planning Authority. Such approved plans will be implemented and the features shown maintained thereafter.

Contamination

- 21) No development shall commence until full details of how the spoil will be removed from the site have been submitted to and approved in writing by the Local Planning Authority. The spoil shall be disposed of in accordance with these approved details.
- 22) No development shall commence until two copies of a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and approved in writing by the Local Planning Authority. The contaminated land assessment shall include a desk study, details of investigative works and sampling, a risk assessment and a remediation strategy:
- i. the desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study;
 - ii. a suitably qualified Consultant shall be appointed to investigate the nature and extent of any contamination, if any, in, on or under all parts of the land to which this permission refers. All investigative works and sampling on site, together with the results of analysis must be submitted to the Local Planning Authority;
 - iii. if a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to wildlife, livestock, ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons.
- 23) Approved remediation works shall be carried out in full on site. If during any works any significant underground structure or contamination is discovered which has not previously been identified then the additional structure or contamination shall be fully assessed. No further remediation works shall take place until a report detailing the nature and extent of the previously unidentified structures and contamination, together with a further remedial action plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan.
- 24) On completion of all remediation works, a closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice; consignment notes demonstrating the removal of contaminated materials; certification to show that new material brought to the site is uncontaminated; and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority.

Construction method statement

- 25) The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to 07.30hrs to 18.00hrs on Mondays to Fridays, 07.30hrs to 13.00hrs on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.
- 26) No development shall commence until the applicants have submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The scheme once approved shall be implemented and maintained on the site
- 27) No development shall commence until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for both the preparatory and construction works. The Plan should detail items such as phasing of construction, lorry routing and potential numbers, types of piling rig, pneumatic breakers and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations. In addition the Plan should make note of any temporary lighting that will be used during the preparatory and construction phases of the development. The Plan shall be implemented in full and retained until the development has been fully constructed. Any deviation from the Plan shall be first agreed in writing with the Local Planning Authority.

