

**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)**  
**ORDER 2015**

<b>Application number:</b>	18/00852/FUL
<b>Validated on:</b>	13 <sup>th</sup> July 2018
<b>Site address:</b>	Kingsway Local Centre Thatcham Avenue Kingsway
<b>Proposal:</b>	Erection of new building to provide 22 self contained units of supported living accommodation and associated works, including car and cycle parking and landscaping

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

**Condition 1**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason**

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

**Condition 2**

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers  
Site context plan PA101B  
Proposed site and roof plan 3102 PA110L  
Proposed floor plans PA111F  
Proposed elevations PA 112E  
Fencing types 392 PA 134b  
Landscape proposals 1018-01B  
except where these may be modified by any other conditions attached to this permission.

**Reason**

To ensure that the development is carried out in accordance with the approved plans  
ALL DRAWING NUMBERS NEED CHECKING

**Condition 3**

No work above floor plate level shall be carried out until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason**

To ensure that materials are in keeping with the surrounding area and to provide for high quality design

**Condition 4**

During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00am to 6.00pm, Saturday 8.00 am to 1.00 pm nor at any time on Sundays, Bank or Public Holidays.

**Reason**

To protect the noise climate and amenity of local residents.

**Condition 5**

Prior to commencement of any development within a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress including routing of construction traffic
- b. Staff/contractor facilities and parking arrangements
- c. Dust mitigation
- d. Noise and vibration mitigation
- e. Mitigation of the impacts of lighting proposed for the construction phase
- f. Measures for controlling leaks and spillages, managing silt and pollutants
- g. Plans for the disposal and recycling of waste
- h. provision for wheel washing

Development shall take place only in accordance with the approved CEMP.

**Reason**

To protect local amenity from the impacts of short term exposure to noise, traffic movements, vibration, light and dust nuisance.

**Condition 6**

All planting, seeding, or turfing in the approved details of landscaping as detailed on drawings comprising Landscape proposals 1018-01B, Fencing types 392 PA 134b shall be carried out in the first planting and seeding season following the occupation of the respective building(s) or completion of the respective developments, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason**

In the interests of visual amenity.

**Condition 7**

The building shall not be occupied until refuse bin storage facilities have been provided in accordance with the approved plans. The approved facilities shall thereafter be maintained for the lifetime of the development.

**Reason**

To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design.

**Condition 8**

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 25m distance in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level unless otherwise agreed with the Local Highways Authority.

**Reason**

To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 9**

The building hereby permitted shall not be occupied until the site access, vehicular parking, turning and loading/unloading facilities have been laid out and constructed in accordance with the submitted Proposed site and roof plan 3102 PA110L and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 10**

The building hereby permitted shall not be occupied until a delineated at grade pedestrian corridor from the parking bays linking to the building entrance(s), as detailed with the submitted Proposed site and roof plan 3102 PA110L, have been made available for use and those facilities shall be maintained available for those purposes thereafter.

**Reason**

To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

**Condition 11**

The building hereby permitted shall not be occupied until the cycle storage provision as detailed on drawing Proposed site and roof plan 3102 PA110L has been provided and those facilities shall be maintained for the duration of the development.

**Reason**

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

**Condition 12**

Noise levels within the building hereby permitted shall not exceed those set out in BS8233:2014 "Sound Insulation and Noise Reduction for Buildings". Noise levels measured from enclosed outdoor private amenity areas (gardens) should attain the 50dB(A) desirable criteria (Considered by WRS to be the LOAEL) and not exceed the upper limit recommended within BS8233:2014 being 55dB(A) (Considered by WRS to be the SOAEL)\*\*.

**Reason**

To ensure a satisfactory living environment for residents.

**Condition 13**

The development hereby approved shall not be brought into use until a maximum of two electric vehicle charging points have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

**Reason**

To encourage sustainable travel and healthy communities

**Condition 14**

No development shall start until a detailed design, maintenance and management strategy and timetable of implementation for the surface water drainage strategy that accords with the principles as set out in the Phoenix Design Surface Water Design Strategy dated October 2020 and including further detail on both 1 in 30 year and 1 in 100 year rainfall events, has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first put in to use/occupied.

**Reason**

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

**Condition 15**

No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence WML-OR112 (Version 3) and with the proposals detailed on plan 'Kingsway Specialist Housing Local Centre: Impact Map for great crested newts district licensing (Version 1)', dated 3rd November 2021.

**Reason**

In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112 (Version 3)

**Condition 16**

No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 (Version 3)

**Reason**

In order to adequately mitigate impacts on great crested newts.

**Condition 17**

No work above floor plate level shall be carried out until a scheme for biodiversity enhancement for the site and a timetable for provision, have been submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for the lifetime of the development for their designed purpose in accordance with the approved scheme.

**Reason**

To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area

**Condition 18**

Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

**Reason**

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 offsite receptors.

**Condition 19**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

**Reason**

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Condition 20**

Immediately prior to the commencement of any ground works/vegetation removal, an ecologist should inspect the site for common toads and hedgehogs, which are NERC Priority Species. Should any hedgehogs, toads or other amphibians be found, then they should be moved to a safe location away from development activities. The Local Planning Authority shall be notified seven working days prior to the inspection being undertaken and provided with details of the re-location area.

**Reason**

To ensure proper provision is made to safeguard species and in the interests of biodiversity.

**Note 1**

This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

**Note 2**

The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.



**Jon Bishop** - Planning and Development Control Manager

**Decision date: 11<sup>th</sup> August 2022**

**PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET**