

Planning Committee

13 December 2017



Application No.	17/01274/FUL
Site Address	Former Brooklands College, Church Road Ashford
Proposal	Planning application for the redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and five storeys to accommodate 357 dwellings (within use class C3), 619 sq m (GIA) of flexible commercial floorspace (use classes A1, A2, A3, A4, A5, B1(a)) and 442 sq m (GIA) of education floorspace (use class D1), the provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works.
Applicant	Brooklands Helix Developments Ltd
Ward	Ashford Town
Case Officer	Paul Tomson/Kelly Walker
Recommended Decisions	<p>It is recommended that:</p> <ol style="list-style-type: none">1. The Planning Committee agrees the amendments to the conditions set out below; and2. Delegates any further amendments to the conditions and informatives to the Planning Development Manager in consultation with the Planning Committee Chairman.

This matter is urgent and cannot reasonably be deferred to the next meeting because officers are working towards issuing completing the s106 agreement and issuing the decision notice. This will enable the appeal proposal, which is due to be considered at a public inquiry in February 2018, to be withdrawn.

Background

1. At the Planning Committee meeting on 15 November 2017, it was resolved to approve planning application 17/01274/FUL subject to a number of planning conditions and the prior completion of a s106 agreement. The s106 agreement is being progressed and the applicants have indicated that once this is signed and the decision

notice issued, the appeal scheme, 16/00972/FUL, which is due to be heard at an Inquiry in February 2018 will be withdrawn.

2. Following the November Planning Committee meeting, officers have been in communication with the applicants over the planning conditions following a request to amend some of the draft conditions.
3. The National Planning Policy Framework and National Planning Guidance (NPG) advises that conditions must meet the following six tests:
 - Necessary;
 - Relevant to planning, and;
 - To the development to be permitted;
 - Enforceable;
 - Precise and;
 - Reasonable in all other respects.
4. The NPG also advises on specific circumstances where conditions should not be used. These include conditions requiring compliance with other regulatory requirements (eg Building Regulations, Environment Protection Act) because these will not meet the test of necessity and may not be relevant to planning. The NPG also warns against using conditions that prevent development until the requirement of the conditions have been met (conditions precedent). This includes conditions which state *no development shall take place until....or prior to any works starting on site*. The NPG further advises:

Such conditions should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission. A condition precedent that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached. Development carried out without having complied with a condition precedent would be unlawful and may be the subject of enforcement action.
5. More recently, in the Government White Paper *Fixing our Broken Housing Market*, February 2017, the Government has announced that proposals will be brought forward to prohibit conditions that do not meet the national policy tests and to ensure that pre-commencement conditions can only be used with the agreement of the applicant.
6. Following further consideration of the advice in the NPG, it is considered that some of the conditions recommended by the planning officer and agreed by the Planning Committee should be amended or removed. It is necessary to consider this as an urgent item to enable the planning permission to be issued as soon as possible.

7. The proposed amendments to the conditions are set out below with the numbering as in the original report.

Conditions

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

Reason: - This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

2055-01-DR-0001 Rev. P01; 0099 Rev. P01; /0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103 Rev. P01; /0104 Rev. P01; /0110 Rev. P01; /0400 Rev. P01; /0401 Rev. P01; /0402 Rev. P01; /0403 Rev. P01; /0404 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01; /0603 Rev. P01; /0604 Rev. P01; /0605 Rev. P01; /0606 Rev. P01; /0650 Rev. P01; /0651 Rev. P01 received 21 August 2017.

2055-11-DR-0099 Rev. P01; 0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103 Rev. P01; /0104 Rev. P01; /0450 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01; /0603 Rev. P01; /0604 Rev. P01 received 21 August 2017.

2055-16-DR-0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0600 Rev. P01 received 21 August 2017.

2055-21-DR-0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01 received 21 August 2017.

2055-31-DR-0099 Rev. P01; /0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103 Rev. P01; /0104 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01 received 21 August 2017.

Topographical Survey drawings 1, 2, 3 & 4 received 21 August 2017.

INL20124-01 (North 1 of 2), INL21373-03 (North 1 of 2), ~~INL20124-01 (North 1 of 2)~~, INL20124-01 (South 2 of 2), INL21373-03 (South 2 of 2), INL21373 10, INL21373 15 received 21 August 2017.

Plan no. 2055-01-SK-0003 Rev. P03 received 13 November 2017.

Reason: - For the avoidance of doubt and in the interest of proper planning

3. Before **the construction of each block** ~~any work on the development hereby permitted~~ is first commenced details of the materials and detailing to be used for the external surfaces of the building and other external surfaces of the development be submitted to and approved by the Local Planning Authority.

Reason:- To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. No development shall take place until:-

(a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.

(b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason:-

- (a) To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team

on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected by Contamination: Guidance to Help Developers Meet Planning Requirements" providing guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

- 4 5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

- 5 6. No construction on the buildings **above damp proof course (DPC) level** shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason:- To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

6. 7. No **building hereby permitted shall be occupied** ~~construction shall take place~~ until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The trees and shrubs shall be planted on the site **before the buildings are occupied and the** ~~within a period of 12 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the~~ planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next

planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

7. 8. That within ~~3~~ 6 months of the commencement of each block hereby approved ~~of any part of the development permitted~~, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. 9. Before the installation of any external lighting commences ~~any construction—commences~~, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details and be implemented prior to the occupation of the units.

Reason:- To safeguard the amenity of neighbouring residential properties, in the interest of security, and in the interest of wildlife.

9. 10. Notwithstanding the approved plans the proposed development shall not be occupied until the access with Church Road has been constructed with tactile paving in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, all to be permanently retained.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

Conditions missing: following conditions to be re-numbered

- ~~12~~ 11. Notwithstanding the approved plans details of the proposed traffic calming measures for the first 90 metres of the access road into the site from Church Road shall be submitted to and approved in writing by the Local Planning Authority. The approved layout shall be provided before occupation of the proposed development.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- ~~13~~ 12. A raised table with ramps and tactile paving or other suitable pedestrian improvements shall be provided at the junction of College Way with Church Road between the carriageway edge of Church Road and the back of the footway on the north side of Church Road in accordance with a scheme to be submitted to and approved in writing the Local Planning Authority, all to be permanently retained.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- ~~14~~ 13. The development shall not be occupied until a Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented upon first occupation and for each subsequent occupation of the development.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- ~~15~~ 14. Notwithstanding the submitted plans, the proposed development shall not be occupied until a minimum of 98 car parking spaces for the 347 one and two-bedroom apartment units have been fitted with electrical infrastructure for electric vehicle trickle charging points and for a minimum of seven spaces to be provided with charging points with the remainder to be provided in accordance with additional demand when all of the first seven charging points have been used. The development shall also not

be occupied until each of the 10 three-bedroom dwellings units have been fitted with one electric vehicle trickle charging point, all to be permanently retained.

Reason: The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF

- 46.15. Notwithstanding the submitted Construction Management Plan dated July 2017, no development shall commence until a Construction Transport Management Plan, to include details of:
- (a) loading and unloading of plant and materials
 - (b) provision of boundary hoarding behind any visibility zones
 - (c) HGV deliveries and hours of operation
 - (d) vehicle routing
 - (e) measures to prevent the deposit of materials on the highway
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and policy CC2 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

- 47.16. Notwithstanding the submitted travel plan, prior to the commencement of the development a revised Travel Plan to include details of monitoring of the full travel plan, electric vehicle charging point use and car club vehicle use shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, and thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF

- 48.17. The development of each block ~~The development hereby permitted~~ shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

- a) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS
- b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change storm events, during all stages of the development (Pre, Post and during).
- c) Details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite.
- d) Details of how the Sustainable Drainage System will be protected and maintained during the construction of the development, to include details on how the existing soakaways will be protected.
- e) Evidence that the permeable paving is protected against ingress of silt and debris and the methodology of inspection for maintenance of such measures.
- f) Finalised drawings ready for construction to include: a finalised drainage layout detailing the location of SUDs elements, pipe diameters and their respective levels and long and cross sections of each SuDS Element.
- g) Details of management and maintenance regimes and responsibilities.

Reason: To ensure the design meets the technical stands for SuDS and the final drainage design does not increase flood risk on or off site.

~~19-18~~. Prior to **the occupation of each block**, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure the Sustainable Drainage System is built to the approved designs.

~~20-19~~. The precautionary measures to safeguard bats during demolition shall be carried out strictly in accordance with the recommended mitigation measures in Section 6.5 of the Aspect Ecology Ecological Appraisal July 2017.

Reason:- In the interest of safeguarding bats on the site.

~~21.~~~~20.~~ Prior to the ~~construction~~ **occupation** of the buildings, a biodiversity enhancement scheme to be implemented on the site in line with the recommendations in Section 6.6 of the Aspect Ecology Ecological Appraisal July 2017 shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved scheme and thereafter maintained **prior to occupation of the buildings**.

Reason:- To encourage wildlife on the site.

~~22.~~~~21.~~ The rated noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises.

Reason:- To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012.

~~23.~~~~22.~~ That the commercial premises shall not be used for the purposes hereby permitted before 8.00am or after 11.00pm on any day.

Reason: To safeguard the amenity of neighbouring properties.

~~24.~~~~23.~~ Any deliveries or collections to the commercial units shall only be between the following hours: 08:00hrs to 20:00hrs on Monday to Saturday and not at all on Sunday.

Reason:- To ensure that occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2012,

~~25.~~~~24.~~ Any self-illuminated lighting fixtures on any facade of the development that face towards residential accommodation shall not exceed a surface brightness of 350 candelas/m² from 21.00 – 07.00hrs.

Reason:- In the interests of amenity and protection of nearby residents from potential light nuisance, in accordance with The National Planning Policy Framework 2012,

~~26.~~~~25.~~ No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the

works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

~~27~~**26**. The proposed construction timetable, methods, and tree protection measures shall be carried out strictly in accordance with the details provided in the ACD Environmental Arboricultural Impact Assessment and Method Statement received 21 August 2017 and the Tree Protection Plans INL21373-03 (North 1 of 2) and INL21373-03 (South 2 of 2) received 21 August 2017.

Reason:- To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.

~~28~~**27**. Details of any proposed surgery to trees on site which are shown to be retained shall comply with best arboricultural practice as set out in British Standard 3398 2010 and be submitted to and approved by the Local Planning Authority prior to the commencement of any work to the trees.

Reason:- To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009.

~~29~~**28**. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties.

~~30~~**29**. That the parking spaces shown on the submitted plan be constructed and the spaces shall be completed prior to the completion of the dwellings to which they relate, and thereafter the approved facilities together with the means of access thereto shall be maintained as approved, and be reserved for the benefit of the development hereby permitted.

Reason:- To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway(s) and to ensure that the

facilities provided are reserved for the benefit of the development for which they are specifically required, in accordance with policy CC3 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

~~31~~**30**. Prior to the ~~construction~~ **occupation** of the buildings hereby approved, details of the Local Equipped Area of Play (LEAP), including details of the number and type of equipment to be installed, means of enclosure, surface materials, seating, litter bins, planting and signage, shall be submitted to and approved in writing by the Local Planning Authority. The Local Equipped Area of Play shall be implemented in accordance with the approved details prior to the occupation of the buildings and thereafter maintained.

Reason:- To ensure that a satisfactory children's play area is provided on the site.

~~32~~**31**. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), the commercial premises adjacent the Town Square shall be used only for purposes within Use Class A1, A2, A3, A4, A5 or B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason:-.To safeguard the amenity of neighbouring properties and in the interest of maintaining the vitality and viability of Ashford Town Centre.

~~33~~**32**. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), the College premises shall be used only for purposes within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason:-.To safeguard the amenity of neighbouring properties and in the interest of maintaining the vitality and viability of Ashford Town Centre.

~~34~~**33**. The existing stone porch shall be relocated on-site in a position to be agreed in writing by the Local Planning Authority prior to the demolition of the existing building. The porch shall thereafter be retained in the approved position.

Reason:- To ensure that the stone porch is retained on the site.

~~35-34~~. Prior to the construction of ~~the buildings~~ Block A hereby approved details of privacy screens to be installed on the roof terraces of 3rd floor Unit A2.3.13 and fourth floor Unit A2.4.10 shall be submitted to and approved in writing by the Local Planning Authority. The agreed privacy screens shall be installed prior to the occupation of the Units and thereafter retained as approved.

Reason:- To safeguard the amenity of neighbouring properties.

~~36-35~~. Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason:- To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

~~37-36~~. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

~~38-37~~. The public open space and children's playground hereby approved shall be made permanently available and accessible to members of the public during the following times, unless otherwise agreed in writing by the Local Planning Authority:

- 08.00 to 16.00 hours November, December and January
- 08.00 to 17.00 hours February
- 08.00 to 18.00 hours October and March
- 08.00 to 20.00 hours April, May, June and July
- 08.00 to 20.00 hours August
- 08.00 to 19.00 hours September

Reason:- To ensure that the public open space and playground is made permanently available to the public.

~~39-38.~~ Prior to the ~~construction~~ ~~occupation~~ of the buildings details of all street furniture to be installed on the site together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The street furniture shall be carried out in accordance with the agreed details and timetable.

Reason:- To ensure that a satisfactory level and quality of street furniture is provided on the site.

~~40-39.~~ Notwithstanding the submitted plans, the proposed development shall not be occupied until space for storing a minimum of 347 bicycles in a secure and covered location has been provided for the flats and a minimum of 10 secure cycle spaces has been provided for visitors in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, all to be permanently retained.

Reason:- The above condition is required in recognition of Section 4 (Promoting Sustainable Transport) of the NPPF

~~41.—The dwellings hereby permitted shall be designed to ensure that the following internal noise levels specified by BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings are not exceeded due to environmental noise:
Bedrooms—35dB LAeq T *, 30 dB LAeq T †, 45dB LAFmax T *
Living rooms—35dB LAeq T †
Dining room—40 dB LAeq T †
*—Night-time 8 hours between 23:00-07:00
†—Daytime 16 hours between 07:00-23:00.~~

~~Reason:—To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with the National Planning Policy Framework 2012.~~

~~42.—The habitable rooms within the development sharing a party wall shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that the party wall meets a minimum of 5dB improvement on the Building Regulations standard set out in Approved Document E.~~

~~Reason:—To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the adjacent premises accordance the National Planning Policy Framework 2012.~~

~~43. The habitable rooms within the development sharing a party ceiling/floor element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that noise from the commercial premises does not exceed NR25 (NR20 if the future use of the commercial unit is known to be a license premises or to contain loud processes or equipment.)~~

~~Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises accordance with the National Planning Policy Framework 2012.~~

~~44. A scheme of sound insulation shall be installed to ensure that the L_{Fmax} sound from amplified and non-amplified music and speech shall not exceed the lowest $L_{90;5min}^{-1m}$ from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8 kHz.~~

~~Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities associated with non-residential premises in accordance with the National Planning Policy Framework 2012.~~

~~45. Private and communal external amenity areas shall be designed to attain 55dB(A) LAeq, 16hr †.
†Daytime – 16 hours between 07:00-23:00hrs.~~

~~Reason: To ensure that the users of the proposed development do not suffer a loss of amenity by reason of excess environmental noise in accordance with the National Planning Policy Framework 2012.~~

~~46. The development must be designed to ensure that habitable rooms in the residential element of the development are not exposed to vibration dose values in excess of 0.13 m/s during the night time period of 23.00 – 07.00hrs.~~

~~Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources in accordance with the National Planning Policy Framework 2012.~~

47.40. No demolition, site clearance or building operations shall commence until a Dust Management Plan detailing dust suppression and other mitigation measures during demolition and construction shall be submitted to and approved in writing

by the Local Planning Authority. The agreed measures shall be implemented in accordance with the approved details.

Reason:- To safeguard the amenity of neighbouring properties.

Recommendation

It is recommended that:

1. The Planning Committee agrees the amendments to the conditions set out above; and
2. Delegates any further amendments to the conditions and informatives to the Planning Development Manager in consultation with the Planning Committee Chairman.