



## Report to West Area Planning Committee

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<b>Application Number:</b>	17/06446/FUL
<b>Proposal:</b>	Demolition of electrical substation (redundant). Erection of B1 office over ground and first floors. Ancillary accommodation in basement. Associated parking and landscaping at ground floor. Green roofs and part roof mounted services with corner staircase access.
<b>Site Location:</b>	Electricity Sub Station North Riley Road Car Park Riley Road Marlow Buckinghamshire
<b>Applicant:</b>	Premier Financial Management Ltd
<b>Case Officer:</b>	Alexia Dodd
<b>Ward(s) affected:</b>	Previous Marlow North And West Ward
<b>Parish-Town Council:</b>	Marlow Town Council
<b>Date valid application received:</b>	5th June 2017
<b>Statutory determination date:</b>	31st July 2017
<b>Recommendation</b>	Approve

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for the erection of a new office building in Riley Road. The site is within the area that is identified as an area of predominantly businesses use with some retail frontage on West Street.
- 1.2 The proposed office building falls within the land-use for businesses.
- 1.3 The proposal is in accordance with policy.
- 1.4 The application has been called in by Councillors Collingwood and Marshall.

### 2.0 Description of Proposed Development

- 2.1 The proposal is for a bespoke/ landmark building on the cleared substation site within Riley Road.

- 2.2 The office building would have a total height of 8.28m, with a footprint of about 125m<sup>2</sup>.
- 2.3 Office accommodation would be spread over the basement, ground floor and first floor (375m<sup>2</sup>).
- 2.4 The building would be 2-storey with flat green roofs. The building would have a green roof with building plant and lift housing with access to roof terrace.
- 2.5 There would be living walls facing Town Lane and the rear of West Street.
- 2.6 Within the west elevation there would be three under-croft parking bays with a decorative and perforated security screen.
- 2.7 The 2-storey office will have a modern, striking appearance with recessed glazing. The wall would curve on the northwest side of the building as it turns the corner.
- 2.8 To the east of the plot is Town Lane with Riley Road to the north, while the southern elevation would be presented to the rear of West Street.
- 2.9 The substation was of no historic interest within the Marlow Conservation Area. It has been removed and the plot is currently vacant.
- 2.10 The application is accompanied by:
  - a) Application forms
  - b) Coving letter
  - c) Design & Access statement
  - d) Factsheet
  - e) Original plans
  - f) SUDs reports
  - g) Surface water drainage details
  - h) Travel plan
  - i) Additional statement (inc. conservation area)
  - j) WDC Riley Road Development Brief
  - k) WDC Marlow conservation area character study
  - l) Brick samples
  - m) Living wall/ roof details & assessment
- 2.11 The application was submitted without the benefit of pre-application discussions with the LPA. The plot is important because a thoughtful development would make a positive contribution to Riley Road and the conservation area. Due to the sensitivity of the site it was necessary to seek details that were missing from the initial submission. The information required included the proposed materials and finishes, together with details of articulation and relief.
- 2.12 The concept of a living wall was discussed during an application meeting and the benefits it could bring to the town centre location.
- 2.13 Amended plans were worked up following negotiations with officers. Once the visual design was ready, the technical information including details of the green roofs and living wall needed to be submitted, with the help of additional consultants.
- 2.14 In addition details in respect of Sustainable Urban Drainage were critical due to the physical constraints of the plot. It took a considerable time to agree the SUDs details

with the Lead Local Flood Authority. This led to changes in the design and functionality of the green roof and living walls.

- 2.15 Changes were also made in response to early comments from the Highways Team in respect of the corner of the site with Town Lane. The proposed building was pulled away from the southeast corner to allow for vehicle movements.
- 2.16 Given the importance of the site the LPA were of view that the contribution the proposal could make to the town centre warranted the extra time given to resolve the issues in relation to the application.
- 2.17 The site is located within:
- Marlow Conservation Area
  - Primary Shopping Area
  - Town Centre
  - Archaeological Notification Site
  - Riley Road Development Brief
- 2.18 To the north adjacent to Riley Recreation Ground, is an attractive town centre park.
- 2.19 Around Riley Road there is a mixture of retail, businesses uses, public and private car parks and a number of residential units dating from around 2014.
- 2.20 Marlow is an attractive market town to the south of the County on the River Thames. Marlow has a good level of connectivity by road. In addition it is served by a branch railway line connecting to the Thames Valley. It is also within practical travelling distance to Heathrow Airport.

### **3.0 Relevant Planning History**

- 3.1 None

### **4.0 Policy Considerations and Evaluation**

#### **Principle and Location of Development**

Local Plan 2019: CP1 (Sustainable development), CP6 (Securing vibrant & high quality town centres), CP9 (Sense of place), DM20 (Matters to be determined in accordance with the NPPF), DM35 (Place-making & design), DM37 Small scale non-residential developments)

Adopted Delivery & Site Allocation Plan 2013: MR3 (Riley Road)

- 4.1 Riley Road suffers from a poor environmental quality. It is dominated by car parking and servicing functions. It has the negative characteristics associated with backland sites. There are opportunities for enhancements and regeneration to better reflect the high quality of the historic townscape of Marlow. The Riley Road Development Brief (RRDB) was approved in April 2009 and this document sets out the kind of place that Riley Road should become.

Policy MR3 sets out the ambitions for Riley Road. It seeks a comprehensive mixed-use development. The key development requirements are:

- a) Maximum use of the area through land assembly, possible realignment of Riley Road, and provision of a comprehensive servicing and rear access to the West Street frontages;

- b) The design and appearance of the buildings should reflect their function and respect the open aspect of Riley Park Trust, Marlow Conservation Area and residential buildings to the north;
  - c) Provision of public parking to meet current and future needs;
  - d) Retaining and enhancing the pedestrian links to West Street;
  - e) Retention of existing rear servicing as part of a comprehensive scheme
  - f) Compliance with the Riley Road Development Brief.
  - g) Environmental enhancements to the car park, pedestrian links and Riley Park Trust boundary
- 4.2 The site was occupied by an electricity substation that has now been removed. The plot is vacant. This has had a negative impact upon the appearance and purpose of Riley Road in reaching the aims of the development brief.
- 4.3 The office building, providing frontages to Riley Road and Town Lane, would significantly enhance the streetscape. Given the lack of identity in this area, the contemporary design would enhance the setting of Riley Road, thereby improving the sense of place and the public realm.
- 4.4 It complies with policy because it will maintain the existing mixed use character. The scale and use of living walls would complement the pedestrian link between West Street and Riley Road. A key feature of the development brief. This would make a positive enhancement to Riley Road, kick starting a much needed phase of regeneration to this area close to the town centre
- 4.5 The new modern building would represent a new and interesting chapter in the town's development, incorporating sustainable green energy features, use of harvested rain water and high quality materials.
- 4.6 It has been expressed within the objections to the proposal that there is a surplus of office building within Marlow. It is harder for older offices to provide the level of amenities that are now expected (trunking for IT, climate control, energy efficiencies and even simple things such as the number of power points required in a digital age).
- 4.7 In order to maintain Marlow as a thriving community and not a Thames Valley dormitory town there is a need for new Grade 'A' Offices. This is an acceptable land use within the town centre.

### **Historic Assets**

Local Plan 2019: CP9 (Sense of place), CP6 (Securing vibrant & high quality town centres), CP11 (Historic Environment), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the historic environment), DM35 (Place-making & design quality)

- 4.8 Heritage assets are defined as buildings, monuments, sites, places, areas, or landscapes identified as having a degree of significance because of their historical or architectural interest.
- 4.9 National policy sets out that the weight given to heritage should be proportionate to their importance.
- 4.10 The Historic Environment makes a significant contribution to the character and the identity of Marlow, a market town on the banks of the Thames.

- 4.11 The numerous historical and architectural features of Marlow contribute to the sense of place. Making this a place people want to work, live in and visit.
- 4.12 The site is within an Archaeological Notification Area, where there may be evidence indicating the existence, of archaeological interest. As such the County Archaeologist was consulted upon the application.
- 4.13 The Records office reported that the proposal is of a modest scale. It is unlikely to result in significant harm the archaeological significance of any assets. No objections to the proposal were raised and no conditions recommended.
- 4.14 Development ought to conserve, and where possible enhancing, the significance, special interest, character and appearance of designated and non-designated heritage assets. Taking opportunities to reinforce the local character.
- 4.15 Conservation areas are not open air museums nor are they fixed in time. They places which evolve as people, work and live in dynamic communities.
- 4.16 The proposal would introduce a new chapter in the development of Riley Road.
- 4.17 The proposal is located beyond the burgage plots to the north of West Street. The historic grain would be maintained. The pattern of the burgage plots would continue to be visible due the 2-storey height and stepped elevations of the development. The buildings facing West Street typically have 3 floors. The height and width of these buildings would continue to be visible.
- 4.18 The proposed scale would respect and be subservient to the building heights fronting West Street. The modest building would not dominate the town's historic assets.
- 4.19 The new building would be finished in high quality materials that would weather well. A high quality handmade brick with a low profile is proposed.
- 4.20 The old substation's form was laid out for its function. This gives an opportunity to replace it with a building designed for the C21st and its intended use.
- 4.21 The proposal is bespoke to the physical constraints of the site. It is not a replica or a pastiche of the neighbouring supermarket. The adjacent office building 18 Oxford Road dates from 1976 and is a building of its time. This application is a good quality and imaginative proposal that has the support of the LPA and the Conservation Officer.
- 4.22 It will enhance evolution the Conservation Area and stimulate redevelopment of Riley Road.

#### **Retail issues**

Local Plan 2019: CP1 (Sustainable development), CP6 (Securing vibrant & high quality town centres), CP9 (Sense of place), DM20 (Matters to be determined in accordance with the NPPF), DM35 (Placemaking & design), DM37 Small scale non-residential developments)

Adopted Delivery & Site Allocation Plan 2013: MR3 (Riley Road)

- 4.23 The proposal would not have a detrimental impact upon the primary retail function of the town centre. Riley Road and its environs are mixed in use. There are dwellings, offices and retail units. Other building have other community uses, such as clinics and nurseries.

4.24 Offices are an employment generating use often associated with increased footfall to neighbouring food and retail outlets. There is a café culture during lunch times and after work. The proposal would support the changing economy of town centres.

#### **Raising the quality of place making and design**

Local Plan 2019: CP1 (Sense of place), CP6 (Securing vibrant & high quality town centres), CP11 (Historic Environment), CP9 (Sense of place), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the historic environment), DM35 (Place-making & design quality), DM37 Small scale non-residential developments)  
Adopted Delivery & Site Allocation Plan 2013: MR3 (Riley Road)

4.25 The proposal will make a positive contribution to place making.

4.26 The Riley Road development brief was used in 2009. It sought to achieve a comprehensive strategy. However since its publication planning permission was granted for housing fronting Town Lane in 2014 and an extensions/ alterations to the current Sainsbury's building (2004).

4.27 Therefore time has moved and pragmatic approach to redevelopment is required.

4.28 Glass is a strong feature to the design. Much of the glazing is presented to the public realm. It allows for natural surveillance. The recessed glazing allow for interaction between external and internal space. The function of the building as an office will be apparent without comprising the security of employees.

4.29 By respecting the historic assets of the location the development has had regard to place-making.

#### **Amenity**

Local Plan 2019: (Sense of place), CP6 (Securing vibrant & high quality town centres), CP11 (Historic Environment), CP9 (Sense of place), DM20 (Matters to be determined in accordance with the NPPF), DM31 (Development Affecting the historic environment), DM35 (Place-making & design quality), DM37 Small scale non-residential developments)

4.30 The proposal has a roof terrace that will provide good outdoor space for the future occupiers. The terrace would be towards the eastern side of the building. The glass balustrade to the green roof would maintain the separation with the dwellings in Town Lane.

4.31 The roof terrace is stepped back into the plot. This set back together, usage during office hours the continued amenity of the neighbouring dwellings would be ensured. In addition the stepped form of the building would respect the vertical light enjoyed to the front elevation of the neighbouring dwellings.

4.32 The east elevation is stepped in from the boundary. The development would have a single storey presence adjacent to the public realm of Town Lane. As such the development would not dominate the public space, or have an overbearing impact upon pedestrians.

4.33 The east facing elevation at first floor would include a living wall. This would have make a positive towards the outlook from the dwellings fronting Town Lane and the rear of West Street. The living wall would reduce ambient noise and improve local air quality.

- 4.34 The future roof terrace would provide space for office plant. Therefore pollution control were consulted. They have raised no objections in terms of loss of amenity from noise.
- 4.35 They have recommended a noise condition. It is a reasonable and acceptable condition.

### **Transport Matters and Parking**

Local Plan 2019: CP9 (Sense of place), CP12 (Climate change), DM20 (Matters to be determined in accordance with the NPPF), DM33 (Managing carbon emissions: transport & energy generation), DM35 (Place-making & design quality), DM37 Small scale non-residential developments)

#### **Buckinghamshire Countywide Parking Guidance Standards**

- 4.36 The Highway team was consulted upon the application to which no objections were raised in terms of on-site parking and highway safety. It was noted factors including the available public car parks within the vicinity of the application site, and the town centre location which benefits from multiple forms of public transport and the possibility of active travel by residents of Marlow, resulted in no objection on the basis of parking provision.
- 4.37 The new building would have a floor area of 375m<sup>2</sup> and also provide three covered parking spaces and a cycle store.
- 4.38 The town centre plot is located within non-residential parking zone 1. Within Zone 1 it is recommended that there is one parking space per 25m<sup>2</sup> of floor area. This totals a parking requirement of 15 parking spaces, with 12 parking spaces therefore displaced from the application site if local factors are not taken into account. However, the Buckinghamshire Countywide Parking Guidance policy document standards are flexible, and specify that assessments should take local factors into account.

Paragraph 105 of the National Planning Policy Framework states that:

“If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”

- 4.39 This policy is the basis of parking policy that the Buckinghamshire Countywide Parking Guidance policy document accords to, and there are two particular factors listed above to consider in the assessment of parking provision at the application site:
- 4.40 The site is within an accessible town centre location served by pedestrian infrastructure and street lighting. Significant portions of the residential areas of Marlow fall within the 2,000 metre maximum walking distance, and all of Marlow falls within a suitable cycling distance of 5km.

- 4.41 The opportunities for public transport usage. A range of bus stops fall within a 500 metre “desirable” walking distance, and the approximately 1,200 metre distance to the train station falls significantly below the 2,000 metre maximum walking distance.
- 4.42 The above factors must be taken into account when assessing the impact of the parking requirement of the site, and the impact of displaced parking. These factors enable the development to benefit from modal shift of transport usage by occupants towards walking, cycling, and public transport. This in turn reduces the parking requirement, and displacement, of the application site.
- 4.43 For context with regards to walking distances, Manual for Streets guidance considers walking distances of 800 metres to create “walkable neighbourhoods”, and the Providing Journeys On Foot (published by the Institution of Highways and Transportation) document considers distances of 500 metres “Desirable” for walking whilst commuting, and 2,000 metres is considered to be the “Maximum”.
- 4.44 Whilst no specific lower figure has been provided and evidenced by the applicant, the significant likelihood of a lower parking requirement has to be taken into account. For the avoidance of doubt, the development has been assessed by the Highway Authority on the displacement of twelve parking spaces.
- 4.45 The potential for displaced parking detrimentally impacting the local public highway is significantly limited by the presence of extensive parking and waiting restrictions, including double yellow line restrictions and resident permit holder restrictions, upon public highways within the vicinity of the site. This includes full protection of the A-classified A4155 (West Street / Spittal Street / Little Marlow Road), and surrounding roads including Oxford Road, High Street, and Dean Street.
- 4.46 The restriction of on-street parking results in inappropriate and dangerous parking within the restricted areas being an enforcement matter, and therefore not a planning matter upon which an objection could be based. These restrictions prevent a severe residual cumulative impact upon the public highway network, and significantly reduce potential of danger resulting from displaced parking as areas of particular concern such as junctions are protected by these restrictions.
- 4.47 The application site falls within a “Desirable” walking distance of six public car parks, and an acceptable walking distance of seven local car parks. Combined with the restriction of on-street parking, these local conditions direct displaced parking to the local car parks.
- 4.48 Having assessed the Marlow Parking Review (2016) and carried out site visits, the Highway Authority has noted that whilst car parks such as the Marlow Central, Riley Road, and Liston Road car parks reach capacity during periods of the day, the Pound Lane / Court Garden car park and Dean Street car parks are capable of accommodating additional parking capacity in excess of the total parking requirement of the current application. In particular, at peak demand the Pound Lane / Court Garden car park still retained in excess of forty four parking spaces available during the parking review, and this car park was not found to have reached capacity.
- 4.49 Mindful of the total parking capacity available, and the limited displaced parking as a result of development in Marlow since the parking review, it is clear that the up to twelve spaces displaced by the application site could be accommodated by the seven local car parks. The likelihood of the site to displace less than twelve parking spaces is also separately considered in this assessment.

- 4.50 The Highway Authority notes that the Marlow Central car park adjacent to the application site has a time restriction of a six hour maximum stay. This time restriction would prevent parking at this car park for a full work day. This restriction limits the impact of the development upon this car park, as employees would be limited in their ability to utilise this car park, except when not working for a full day, which would likewise reduce the parking impact. Therefore the parking displacement is not considered likely to affect the parking available at the Marlow Central car park.
- 4.51 As the restriction upon the Marlow Central car park is an enforcement matter, the Highway Authority has to consider the town's other car parks, including the Pound Lane car park to accommodate the parking requirement. The Pound Lane / Court Garden car park is not restricted to six hour maximum stays, and has sufficient capacity to accommodate additional parking.
- 4.52 Paragraph 109 of the National Planning Policy Framework states that:
- 4.53 "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 4.54 Mindful of the assessment carried out by the Highway Authority, the proposed development would not detrimentally impact highway safety, or result in a severe residual cumulative impact upon the capacity or congestion of the local highway network. There are no reasons to which the Highway Authority could object, and maintain that objection at an appeal scenario.
- 4.55 Moreover, application 17/06581/FUL (Land Rear Of 7 High Street) for a 2-storey B1 office building was granted planning permission by way of appeal APP/K0425/W/18/3200721 and is a material consideration in the determination of this application. It was recommended for approval by officers, but refused by the Planning Committee on 15.02.2018. The refusal stated :

In the opinion of the Local Planning Authority, the development would fail to provide adequate on-site parking facilities to cope with predicted demand. Since the Marlow Parking Review was published in 2016, the provision of additional development in the town had taken public car parking occupancy over 100% at peak times. The Liston Road public car park opposite was already constantly operating very close to maximum capacity and at maximum capacity at peak times, resulting in queues, delays in vehicles parking and visitors being unable to park. This would further exacerbate this situation resulting in inconvenience to patrons using the car park to access the shopping and other town centre facilities in the immediate vicinity and would consequently impact on the economy of the town. Alternatively as there was nowhere for displaced parking to be readily accommodated nearby this would be likely to give rise to displaced car parking on the residential streets beyond the town centre; the town centre having controlled short stay on-street parking. This would increase the on-street parking stress which would lead to a loss of residential amenity and inconvenience for local residents and their visitors.

As such the development was contrary to Policies G8 (Detailed Design Guidance and Local Amenity) and T2 (On-Site Parking and Servicing) of the Adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced); and Policies CS19 (Raising the Quality of Place-Shaping and Design), CS5 (Marlow), CS20 (Transport and Infrastructure) of the Adopted Core Strategy Development Planning

Document and the Buckinghamshire Countywide Parking Guidance (adopted Sept 2015).

- 4.56 The decision was appealed and planning permission was granted. The Planning Inspector found that Marlow is served by public transport and there is a sufficient amount of housing located within walking and cycling distance to the town centre. As such it is likely that future employees would have the opportunity to travel by means other than a private vehicle. The NPPF explains that development should only be refused on highway ground if the residual cumulative impact on the road network would be severe. The inspector found that in the case of appeal APP/K0425/W/18/3200721 the proposal would not have any significant impact on the public parking capacity within the town or through displaced parking.
- 4.57 In addition, it is noted that in the climate of post Covid19 recovery, walking and cycling are being actively encouraged. The town centre location and proximity to transport nodes supports this national strategy.
- 4.58 In order to maintain town centre air quality and to future proof the development it is reasonable to condition electric car charging points.

#### **Flooding and drainage**

Local Plan 2019: CP1 (Sustainable Development), DM38 (Water Quality & supply), DM39 (Managing flood risk & sustainable drainage systems)

- 4.59 Policy seeks to ensure that all development will be required to incorporate Sustainable Drainage Systems (SUDs) ensuring that, there is no material increase in run-off rates at the site boundary.
- 4.60 The LPA expects developments to include SUDs measures where applicable.
- 4.61 Development must demonstrate how SUDs will be served by adequate infrastructure capacity in terms of water supply, foul drainage, wastewater and sewage treatment, and other utilities, without leading to significant problems for existing users.
- 4.62 The LLFA were consulted upon the original proposal to which objections were raised.
- 4.63 Following long and extensive work between the LLFA, Agent and consultants the scheme was amended. This re-working would ensure that there would be little or no risk of surface water flooding. The LLFA has raised no objection to the amended proposal.
- 4.64 In addition the proposal would harvest and re-use the rain water for the living wall and living wall. This would make a positive contributions to the buildings effective use of water and support the Council's commitment to prevent climate change.
- 4.65 The development would not increase the surface water flood risk within this location.
- 4.66 Therefore the proposal accords with policy.

#### **Building sustainability/ Bio-enhancements & Environmental issues**

Local Plan 2019: CP1 (Sustainable Development), CP9 (Sense of place), CP10 (Green infrastructure & the natural environment), CP12 (Climate change), DM20 (Matters to be determined in accordance with the NPPF), DM33 (Managing carbon emissions: transport & energy generation), DM34 (Delivering green infrastructure & biodiversity in development), DM35 (Place-making & design quality), DM37 Small scale non-residential developments.

- 4.67 Policy CP10 seeks to ensure there is a net gain in biodiversity within individual development proposals across the County. Opportunities for Green infrastructure should be maximised and be appropriate to the site. These elements when incorporated into a proposal will enhance, expand, connect and improve the County.
- 4.68 DM34 seeks to give practitioners a working framework for implementation of CP10.
- 4.69 Policy DM34 expands requiring development to
- a) Secure adequate buffers to valuable habitats;
  - b) Achieve a future canopy cover of 25% of the site area on sites outside of the town centres and 0.5 ha or more. This will principally be achieved through retention and planting of trees, but where it can be demonstrated that this is impractical the use of other green infrastructure (e.g. green roofs and walls) can be used to deliver equivalent benefit;
  - c) Within town centres and on sites below 0.5 ha development is required to maximise the opportunities available for canopy cover (including not only tree planting but also the use of green roofs and green walls);
  - d) Make provision for the long term management and maintenance of green infrastructure and biodiversity assets;
  - e) Protect trees to be retained through site layout and during construction.
- 4.70 In terms of sustainability the building will have good insulation meaning that the internal climate control would be more energy efficient than a 1970's office.
- 4.71 Para.3 of policy DM34 in particular seeks a future tree canopy of 25% on sites outside of town centre. In this instance the site is within a town centre with a limited plot size. To create a positive green environment that would be sustainable and add to a sense of place the use of living walls and green roof was found to be a practical alternative to canopy cover.
- 4.72 This approach is supported in the additional text of Section C of para 3 states that;
- Within town centres and on sites below 0.5 ha development is required to maximise the opportunities available for canopy cover (including not only tree planting but also the use of green roofs and green walls)
- 4.73 Living walls and roofs have a proven record of reducing a building's carbon footprint for its 'life-time'. In addition to limiting the building's impact upon urban heat islands.
- 4.74 Harvesting of rain water for irrigation would have a positive contribution in a world of extreme weather. In the summer the planting would have a cooling impact upon the micro climate of Town Lane, Riley Road and West Street. Furthermore the proposal would contribute to improving local air quality. Filter particulates and oxygen production by photosynthesis.
- 4.75 All development ought to protect and enhance both biodiversity and green infrastructure features and networks. Both on and off site for the lifetime of the development. An assessment of the benefits of living walls and roofs was prepared by ABSglobal. The details demonstrate a commitment enhancing bio-diversity and deflecting a climate crisis.
- 4.76 As such the proposal complies with policy.

#### **Contaminated Land**

- 4.77 The site is a former substation there is a risk of the land being contaminated. The remediation of this risk would make a positive contribution to town centre environmental improvement.
- 4.78 Pollution Control has recommended reasonable conditions for this.
- 4.79 In this case the development would have a positive impact upon the environment and is in accordance with the objectives of policies CP10 and DM34.

### **Infrastructure and Developer Contributions**

Local Plan 2019: CP7 (Delivering the infrastructure to support growth)

- 4.80 The development is a type where CIL would be chargeable. This will be calculated separately should permission be forthcoming.

## **5.0 Weighing and balancing of issues / Overall Assessment**

- 5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a) Provision of the development plan insofar as they are material,
  - b) Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c) Any other material considerations
- 5.3 As set out the proposal town centre location and access to public car parks mean that a refusal on displaced town centre car parking could not be sustained at appeal.
- 5.4 The scale and appearance of the proposal is acceptable within Riley Road.
- 5.5 The proposed development would accord with development plan policies.

## **6.0 Working with the applicant / agent**

- 6.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance due to sensitive of the site and boldness of the proposal there was
- Substantial negotiation between the Agent and LPA.
  - In order to achieve a good quality outcome amended plans and details were sought and received.
  - Due to the physical location of the plot the details in respect of SUDs were complex and took time to resolve.

- The application attracted Cllr comments and was called to Committee.
- 6.4 The proposal accords with policy and is recommended for approval.

**7.0 Recommendation: APPROVE (subject to the following conditions and reasons)**

- 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).
- 2 The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers 1564/10/rev.1; 1564/11/rev.1; 1564/12/rev.1; 1564/13/rev.1; 1564/14/rev.1; 1564/15/rev.1; 1564/16/rev.1 and 1564/17/rev.1; unless the Local Planning Authority otherwise first agrees in writing.  
Reason: In the interest of proper planning and to ensure a satisfactory development of the site.
- 3 The development hereby approved shall be finished in accordance with the brick details submitted to the Local Planning Authority. No other bricks shall be used without the written agreement of the LPA.  
Reason: To ensure a good quality development within the conservation area
- 4 The following details shall be submitted to the Local Planning Authority.
  - large scale details of elevations to show brick bond and pattern (demonstrating articulation)
  - Junctions between materials - 1:50 details of what happens at where different materials meet (brick to green walls, brickwork to channel glass)
  - Mesh Screen
  - Flat Roof detail 1:50
  - Windows and window reveals 1:50 (details of frames, colour, material and depth of window reveal)
  - Rainwater goods and specific locations
  - Ducts and services (details of locations, appearance of ducts & services)
  - A sample panel of the brickwork should be provided on site and retained for reference during the construction period.No other materials shall be used without the written agreement of the Local Planning Authority.  
Reason: To ensure a high quality development within the conservation area.
- 5 Full details of both hard and soft landscape works and boundary treatment should be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
  - a) hard surfacing materials
  - b) minor artefacts and structures (furniture, refuse, lighting)
  - c) soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant)
  - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

e) implementation programme.

The development shall there be retained as agreed. Any plants that are dead or dying shall be replaced.

Reason: To ensure a good quality environment and bio-diversity

- 6 A scheme for the ecological enhancement of the development, including a timetable for implementing the measures contained in the scheme shall be submitted to and approved in writing by the Local Planning Authority. Enhancements may include bird boxes, insect's hotels or bee-hives incorporated in to buildings, inclusion of native plant species (which can provide a home and food source for other species) and features in the landscaping of the site which are of benefit to wildlife.

The approved measures shall be implemented in accordance with the approved timetable and shall thereafter be maintained, any amendments must first be agreed in writing by the LPA.

Reason: To comply with the requirement to achieve a net gain in biodiversity through ecological enhancements in line with policy DM34.

- 7 No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles 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 completed. The scheme shall also include:

- A capacity and condition assessment of the existing network and conduct updating works where necessary or provide an alternative method of surface water disposal.
- Discharge to be limited to no greater than 2l/s
- Construction details of all SuDS and drainage components
- Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), together with storage volumes of all SuDS component(s)
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance, this should include details of pump maintenance where applicable
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of flow direction
- Where a pump is required, demonstration that any residual risk (such as pump failure) can be safely managed and details exceedance routes (volume, depth and direction) in the event of failure, blockage or a rainfall event must be provided.

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

- 8 The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 9 Prior to the occupation of the development hereby permitted, 2 electric vehicle charging point must be installed at each dwelling. Thereafter the electric vehicle charging points must be maintained in full working order and, as such, a long-term management and maintenance plan shall be submitted in writing and approved by the Local Planning Authority.

Reason: To reduce the negative impact on the health of residents living within the Air Quality Management Area.

- 10 The following shall be submitted to and approved in writing by the Local Planning Authority before any development takes place:

- a) A detailed site investigation has been carried out to establish:
  - i. If the site is contaminated;
  - ii. To assess the degree and nature of the contamination present;
  - iii. To determine the potential risks to human health, the water environment, the natural and historical environment, and buildings and other property by contaminants;
  - iv. Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and
- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority and
- c) scheme showing appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in (c) above.

Reason: To ensure that the potential contamination of this site is properly investigated and its implication for the development is fully taken into account.

- 11 A scheme shall be submitted to and approved in writing by the Local Planning Authority before any development takes place which specifies the provisions to be made for the control of noise from external plant associated with the development. Thereafter, the use shall not commence until the approved scheme has been fully implemented.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

#### INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.

In this instance due to sensitive of the site and boldness of the proposal there was:

- Substantial negotiation between the Agent and LPA.
- In order to achieve a good quality outcome amended plans and details were sought and received t.
- Due to the physical location of the plot the details in respect of SUDs were complexed and took time to resolve.
- Given the desolate character Riley Road it is important to kick start inward investment while enhance the environment
- The application attracted Councillor comments and was called to Committee.
- The proposal accords with policy and is recommended for approval.