

Morris, Rachael

From: NOEL Craig <Craig.Noel@StruttAndParker.com>
Sent: 21 February 2023 12:05
To: Morris, Rachael
Subject: Planning Application X/22/94322 - Chalcroft Business park s73
Attachments: Application Form Ammended 21.02.2023_.pdf

Dear Rachael,

Further to your letter of 7th December, I am writing to confirm that it is the applicant's intention following our discussions, to seek (in addition to the amendments proposed to Conditions 1 and 4 to facilitate the proposed revised development platform) minor changes to the wording of Conditions 13, 14, 20, 22 and 26. The latter are to facilitate the manner in which discharge of conditions are submitted for approval, to align with previous decisions.

I am now able to provide an amended form referencing each of the conditions identified above. I had originally left the question relating to the commencement of development as a "No" on the basis that as originally submitted the application related to the outline element only. However as it now relates to the wider scheme by virtue of the additional conditions, I have changes that to a "yes".

I have set out below a table of relevant applications and decisions, which we may find helpful for reference.

LPA reference & Submission Date	Description	Type	Decision	Decision Date
F/18/83945 13/09/18	Hybrid Planning Application consisting of: 1. Full Planning Application for the construction of a two storey industrial building for a commercial butchery (2,064 m2 of Use Class B1(c)), development of 767m2 of B1b/B1c floorspace (including a first floor extension to the existing security building), construction of a cafe and site maintenance store and the demolition of building 17 and a water tank; and 2. Outline Planning Application for the demolition of Units 10 -15 (1,860m2 of Commercial floorspace), and store building and the development of 6,420m2 of B1b, B1c, B2 and B8 storage and distribution floorspace (All matters other than access reserved)	Hybrid (part outline, part full)	Approved	12/03/20
DC/20/87637 27/03/20	Discharge of Conditions 8 (CEMP) and 25 (Contaminated Land) for Phase 1 only and Condition 11 (BMEP) for all	Discharge of Condition application	Approved (Condition 25 Contaminated Land not discharged)	03/12/20

	development in respect of planning permission F/18/83945			
F/18/83945 (NMA1) 15/04/20	Non-Material Amendment for Hybrid Planning Permission (details of Unit 1A – guards house) · Parking space 5 now shown as a disabled parking bay; · Position of proposed cycle hoops revised; · Alteration to the ground floor extension beneath existing projecting canopy on the southern corner of the building. This results in a small addition to the security office floorspace of 3.5m²; · Internal layout revised, including location of toilets slight adjustment of first floor office space; · Arrangement of external doors and windows revised to reflect changes to internal layouts; · Insulated render proposed to be applied over existing facing brickwork; and · Mono-pitch roof form proposed in lieu of flat roof with parapet.	S96A application for minor amendment to conditions	Approved	18/06/20
X/20/87856 19/05/20	Variation to Conditions 13 (foul and surface water drainage) and 14 (surface water drainage) of Hybrid Planning Permission F/18/83945	S73 application to amend conditions	Approved	02/12/20
DC/20/87858 19/05/20	Discharge of conditions 13 (foul and surface water sewerage disposal) and 14 (surface water drainage scheme) for planning permission F/18/83945	Discharge of Condition application	Approved	01/02/21
DC/20/88046 18/06/20	Discharge of Conditions 5 (landscaping, motorcycle parking, electric charging points, boundary treatments, external materials, external lighting, and bat and bird boxes) and 9 (soft landscaping) in relation to Unit 1E (Unit 17) only of the development approved under planning permission F/18/8394	Discharge of Condition application	Approved (Condition 9 Soft Landscaping not discharged)	03/12/20
F/18/83945 (NMA2) 27/07/20	Non-Material Amendment for Hybrid Planning Permission (details of Unit 1A – guards house) Insertion of a window at ground floor within the north-west elevation (serving the office suite)	S96A application for minor amendment to conditions	Approved	12/08/20
X/20/89333 24/11/20	Variation of conditions 20 (air quality impact), 22 (noise mitigation scheme) and 26 (contaminated land verification) of planning permission F/18/83945	S73 application to amend conditions	Withdrawn	24/03/21

DC/20/89511 23/12/20	Discharge of conditions 20 (air quality), 21 (siting/installation of plant/equipment), 22 (operational management plan) and 23 (acoustic attenuation) in relation to unit 17 only of planning permission F/18/83945	Discharge of Condition application	Undetermined	
F/20/89518 04/01/21	Proposed first floor extension of an existing building for use as office space. (Unit 1A)	Full application	Approved	01/03/21
F/18/83945 (NMA) 12/03/21	Application for non-material amendment of conditions 13 (foul and surface water sewerage disposal), 14 (surface water drainage scheme), 20 (air quality impacts), 22 (noise mitigation scheme) and 26 (contaminated land verification) under section 96A application for original hybrid application F/18/83945	S96A application for minor amendment to conditions	Withdrawn	06/12/22
DC/20/87637 (part 2) 12/11/21	Discharge of Condition 25 (Contaminated Land) for Phase 1 in respect of planning permission F/18/83945	Discharge of Condition application	Approved	23/11/21
DC/21/91923 12/11/21	Discharge of condition 26 (contaminated land verification) for first sub-phase (Units 1B to 1F) of planning permission F/18/83945	Discharge of Condition application	Approved	23/11/21
X/22/94322 2/12/22	Variation of conditions 1 & 4 (approved plans), 13 (foul and surface water sewerage disposal), 14 (surface water drainage scheme), 20 (air quality impacts), 22 (noise mitigation scheme) and 26 (contaminated land verification)	S73 application to amend conditions	Undetermined	

I should note that the amendments previously contemplated to Conditions 20 and 22 now require a different approach, as Unit 17 (Owtons) has been in occupation now for a while as events have overtaken the request in the now withdrawn s96A application. In respect of those conditions I would suggest the following approach.

Condition 20: Except for Units 1A, 1C and 1D, prior to the first occupation of each unit hereby permitted a detailed assessment of air quality impacts arising from the business uses permitted, and recommendations for mitigation of the impacts, shall be submitted to and approved in writing by the Local Planning Authority. The scope of the report and standards to be achieved shall be agreed in writing by the Local Planning Authority prior to the submission of the mitigation scheme.

For Unit 1E, the mitigation measures, as approved in writing by the Local Planning Authority, shall be fully implemented within 3 months of the date of such approval and shall thereafter be maintained. In the case of each unit, verification shall

be provided to the local planning authority that the agreed mitigation scheme is performing as required within 3 months of the implementation of the mitigation measures.

The mitigation measures, as approved in writing by the Local Planning Authority, shall be fully installed and verified as performing as required by the agreed mitigation scheme, and shall thereafter be retained.

The rationale for amending Conditions 13, 14, 20, 22 and 26 have all been previously set out. The Council have the power to impose such conditions as it sees fit on any positive decision under s73.

I have now had an opportunity to discuss the position with Owtons over the additional information required to address the concerns of the Environmental Health Officer in respect of noise and odour conditions. The conversation was a positive one. However, the course of action recommended involves undertaking survey work and the preparation of revised reports, and I would not wish any potential delays in obtaining this information to compromise determination of the s73 application. Therefore, I would be grateful if you could proceed to determine on the basis that the relevant conditions will still need to be discharged.

Many thanks.

Craig

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