

## 02 FEBRUARY 2021 PLANNING COMMITTEE

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COND/2020/0171

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**LOCATION:** Sheerwater Estate, Albert Drive, Sheerwater, Woking

**PROPOSAL:** Partial approval of details pursuant to Condition 25 (a), (b), (c) and (d) (contamination) for phase Red only of planning permission PLAN/2018/0337 for the Sheerwater Regeneration.

**APPLICANT:** Gilbert Ash

**OFFICER:** Joanne Hollingdale

### **REASON FOR REFERRAL TO COMMITTEE**

Although the applicant is the contractor for phase Red of the Sheerwater Regeneration, legal advice is that this conditions application falls outside the Scheme of Delegation and thus such applications are required to be determined by the Planning Committee.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This conditions application seeks approval of details pursuant to Condition 25 of planning permission PLAN/2018/0337 relating to contamination.

### **PLANNING STATUS**

- Urban Area
- Thames Basin Heaths SPA Zone B (400m-5km)
- Priority Place
- Flood Zone 1 and 2 (some areas)
- Basingstoke Canal Conservation Area & SSSI
- Urban Open Space
- Local Centre

### **RECOMMENDATION**

**APPROVE** details submitted.

### **SITE DESCRIPTION**

This conditions application relates to the second phase of the development for the Sheerwater Regeneration. The second phase, known as phase Red, comprises the specialist accommodation, the energy centre, ground floor non-residential uses, apartments, mews dwellings and maisonettes and is due commence shortly. This phase is located diagonally opposite Asda and lies between Albert Drive, Dartmouth Avenue and includes part of Dartmouth Green.

### **PLANNING HISTORY**

The most relevant planning history for this application is as follows:

**PLAN/2018/0337** - Hybrid planning application (part outline, part full planning application) for the demolition of 573 residential units and existing non-residential buildings and redevelopment of the site to be implemented in phases to provide a mixed-use development comprising of 869 residents units (Class C3), 134 specialist residential units (Class C3/C2), 904 sqm community centre (Class D1), 929 sqm nursery/children's centre (Class D1), 312 sqm health centre (Class D1), 290 sqm additional classrooms (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or

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A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG), and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or class D1), a new energy centre, formation of a new car park for Broadmere Primary school, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop off area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park, reconfigured and new vehicular and pedestrian access and works to the public highway and associated works; including full planning application for the detailed phases comprising of: demolition of 412 residential units and 7,609 sqm existing non-residential buildings, and construction of 695 residential units (7 no. studios, 68 no. 1-bedroom specialist accommodation, 160 no. 1-bed units, 227 no. 2-bed units, 160 no. 3-bed units, 71 no.4-bed units, and 2 no. 5-bed units.), 904 sqm Community Centre (Class D1), 1,728 sqm of retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), 117sqm management office (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or B1a and/or SG) and 132 sqm dentist (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5 and/ or class D1), 929 sqm of nursery/children's centre (Class D1), 312 sqm health centre (Class D1), an energy centre, formation of an extended car park for Bishop David Brown School and the Leisure Centre, including a bus/coach drop of area, formation of a new community car park to serve community hub, hard and soft landscaping and open space with a kiosk, a multi-use games area (MUGA) and a skate park reconfigured and new vehicular and pedestrian access and works to the public highway and associated works. Permitted 18.04.2019 subject to a S106 Legal Agreement and Executive Obligations.

### **PROPOSED DEVELOPMENT**

This conditions application seeks the approval of details pursuant to Condition 25 (a), (b), (c) and (d) (contamination) of planning permission PLAN/2018/0337 for phase Red only relating to contamination.

Condition 25 states:

*No development shall take place within any phase of the development hereby permitted until a scheme to deal with contamination of the site for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-*

- (a) a contaminated land desk study and suggested site assessment methodology;*
- (b) a site investigation report based upon (a);*
- (c) a remediation action plan based upon (a) and (b);*
- (d) a "discovery strategy" dealing with unforeseen contamination discovered during construction; and*
- (e) a "validation strategy" identifying measures to validate the works undertaken as a result of (c) and (d).*

*Unless otherwise first approved in writing by the Local Planning Authority the development shall be carried out and completed wholly in accordance with such details and timescales as may be agreed.*

*Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land before development commences and to make the land suitable for the development without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policies CS9 and CS21 of the Woking Core Strategy 2012 and the NPPF.*

Submitted with the application is a letter from the contractor and a Discovery Strategy which sets out a process for dealing with any unforeseen contamination which may be discovered during construction, along with a site investigation report.

### **CONSULTATIONS**

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**WBC Contaminated Land Officer:** Based on the information in the report (GE17417-GIRv1LD180921 Version 1) the condition can be partially discharged for the Red phase of the site but part (e) needs to remain as we will still require a validation/verification report.

### **REPRESENTATIONS**

As this application seeks approval of details pursuant to a condition on a planning permission, there is no statutory requirement for neighbour notification.

### **RELEVANT PLANNING POLICIES**

#### Woking Core Strategy 2012

CS9 – Flooding and Water Management

CS21 - Design

#### Development Management Policies DPD 2016

DM5 – Environmental Pollution

DM8 – Land Contamination and Hazards

### **PLANNING ISSUES**

1. The only issue to consider is whether the details submitted are considered acceptable to comply with the requirements of Condition 25 (a), (b), (c) and (d).
2. A site investigation report has been submitted with the conditions application, along with a discovery strategy which sets out the process which would be followed in the event that any unexpected contamination is found at the site during construction works. The Council's Contaminated Land Officer has reviewed the details submitted and has advised that the details are acceptable to comply with the requirements of parts (a), (b), (c) and (d).

### **CONCLUSION**

3. The details submitted are considered acceptable and would meet the requirements of Condition 25 parts (a) to (d). The submitted details would also comply with Policies CS9 and CS21 of the Woking Core Strategy 2012 and Policies DM5 and DM8 of the DM Policies DPD 2016. The details submitted are therefore recommended for approval as noted in the recommendation below.

### **BACKGROUND PAPERS**

File - COND/2020/0171

### **RECOMMENDATION**

It is recommended that details submitted are **APPROVED** as follows:

Details approved are:

- Letter from Gilbert Ash dated 23.11.2020, enclosing Ground Investigation Report by Geo-Environmental reference GE17417-GIRv1LD180921 Version 1 dated September 2018 and a Discovery Strategy by Gilbert Ash, received by the LPA with the application on 30.11.2020.

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**The applicant is advised that part (e) of Condition 25 and Condition 103 are still required to be complied with and details pursuant to the requirements of these conditions will be required to be submitted for approval, via a separate application, prior to the first occupation of any building in any phase.**

**Note to applicant:** The applicant is advised that the approved details relate to phase Red only and details pursuant to this condition require LPA approval for all other phases of the development in accordance with the requirements of the condition.