

Delegated Application Report

Target Date: 2/5/2025 (Ext)

Address: Royal Elm Park

Application No: PL/25/0526/NMA

Proposal: Non-material amendment to conditions 7, 46, 50 & 57 of planning permission PL/16/0199

Case Officer: Alison Amoah

Proposal: To amend the wording of conditions 7 a), 46, and 50 and the deletion of condition 57 of permission 160199.

The reasons given for the proposed changes are:

Condition 7 - To update the condition wording to refer to updated guidance and standards and to include removal to a specific site characterisation level of CS2.

Condition 46 - To amend the trigger point so that the condition requirements concerning the assessment of contamination and the assessment of potential risks is aligned with Condition 3 from the detailed part of the permission.

Condition 50 - To update the condition wording references to refer to updated guidance and standards, including the removal of reference to Site Characterisation CS2. To change the trigger description in parts b and c (i) to include reference to any phase or part of phase and therefore align the condition with Condition 7 c (i).

Condition 57: To delete this planning condition as this duplicates condition 55.

160199 - condition as approved	PL/25/0526/NMA - proposed amendments in red; deleted in strikethrough; red underlined - already approved under NMA 230080 and NMA 231267
<i>Contamination and Land Gas</i> 7. <u>Long Term Management, Monitoring and Maintenance</u> a) <i>Ground Gas</i>	<i>Contamination and Land Gas</i> 7. <u>Long Term Management, Monitoring and Maintenance</u> a) <i>Ground Gas</i> Prior to implementation of the development <u>excluding first foundation tie beam of Phase 1</u> a management plan shall be

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Prior to implementation of the development a management plan shall be submitted to and approved in writing by the Local Planning Authority setting out the: • Frequency and type of monitoring of ground gases to be undertaken to include on and off site gas migration; • Frequency and method of reporting the results; • What remedial actions will be taken in the event of results or readings showing a worsening of earlier readings. The monitoring, reporting and consequent management of ground gas shall be undertaken in accordance with the approved plan, prior to, during and post construction and until the waste is unlikely to present a hazard to human health, i.e. when monitoring demonstrates that the site Characterisation CS2 has been reached (demonstrated by the results of a minimum of 24 datasets over two consecutive years at this level b) <i>Gas Mitigation Measures</i> Prior to construction a management plan shall be submitted to and approved in writing by the Local Planning Authority. This will set out the:	submitted to and approved in writing by the Local Planning Authority setting out the: • Frequency and type of monitoring of ground gases to be undertaken to include on and off site gas migration; • Frequency and method of reporting the results; • What remedial actions will be taken in the event of results or readings showing a worsening of earlier readings. The monitoring, reporting and consequent management of ground gas shall be undertaken by a ‘competent person’ as defined in Land Contamination Risk Management LCRM: Before you start - GOV.UK in accordance with the approved plan, prior to, during and post construction, but prior to occupation, and until the waste is unlikely to present a hazard to identified critical receptors in the context of the proposed development ~~in human health,~~ i.e. when monitoring demonstrates that the site has been appropriately assessed in accordance with current guidance, such as the Environment Agency’s (LCRM) guidance and that the Ground Gas risks have been characterised in accordance with the approaches outlined within British Standards and, where appropriate, other current, relevant, authoritative guidance. ~~Characterisation CS2 has been reached (demonstrated by the results of a minimum of 24 datasets over two consecutive years at this level).~~ b) <i>Gas Mitigation Measures</i> Prior to construction <u>of any phase or part of phase excluding first foundation tie beam of Phase 1</u> a management plan shall

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• Proposed gas mitigation measures for the buildings; • Type and frequency of monitoring and recording of gas levels within buildings; • Operations and maintenance procedures, including the method of reporting (including incidents), replacement of mitigation measures, detection systems and the corrective actions which would be implemented in the case of the failure of the identified mitigation measures. The monitoring, reporting and management shall be undertaken in accordance with the approved plan. Should detailed design of each phase of the development require changes to the approved management plan then an amended plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of a phase. <i>c) Management Company</i> (i) Prior to construction details of the company, including their level and type of experience, who will be employed to undertake the monitoring, reporting, management and maintenance requirements in accordance with the plan approved under 7a, shall be submitted to and approved in writing by the Local Planning Authority. (ii) Prior to the occupation of the first phase, details of the site wide management company, including their level and type of experience, who will have overarching responsibility for the management of the site, including management of the company	be submitted to and approved in writing by the Local Planning Authority. This will set out the: • Proposed gas mitigation measures for the buildings; • Type and frequency of monitoring and recording of gas levels within buildings; • Operations and maintenance procedures, including the method of reporting (including incidents), replacement of mitigation measures, detection systems and the corrective actions which would be implemented in the case of the failure of the identified mitigation measures. The monitoring, reporting and management shall be undertaken in accordance with the approved plan. Should detailed design of each phase of the development require changes to the approved management plan then an amended plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of a phase. <i>c) Management Company</i> (i) Prior to construction <u>of any phase or part of phase excluding first foundation tie beam of Phase 1</u> details of the company, including their level and type of experience, who will be employed to undertake the monitoring, reporting, management and maintenance requirements in accordance with the plan approved under 7a, shall be submitted to and approved in writing by the Local Planning Authority. (ii) Prior to the occupation of the first phase, details of the site wide management company, including their level and type of experience, who will have overarching responsibility for the

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employed prior to construction as under 7c) (i) above, and who will undertake the ongoing monitoring, reporting, management and maintenance requirements in accordance with the plans approved under 7a and 7b above, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes of the Management Company shall be submitted to and approved in writing by the Local Planning Authority, one month prior to the change. Reason: to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy CS34.	management of the site, including management of the company employed prior to construction as under 7c) (i) above, and who will undertake the ongoing monitoring, reporting, management and maintenance requirements in accordance with the plans approved under 7a and 7b above, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes of the Management Company shall be submitted to and approved in writing by the Local Planning Authority, one month prior to the change. Reason: to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy CS34.
<i>Contamination and Land Gas</i> 46. <u>Site Characterisation</u> Prior to the submission of any reserved matters for any phase or part of a phase, an assessment of the nature and extent of contamination (including ground gas) shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, in accordance with relevant guidance and British standards, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:	<i>Contamination and Land Gas</i> 46. <u>Site Characterisation</u> ~~Prior to the submission of any reserved matters for~~ No development of any phase or part of a phase, shall take place until an assessment of the nature and extent of contamination (including ground gas) ~~shall~~ has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, in accordance with relevant guidance and British Standards, and

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(i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • and surface water, ecological systems, • archaeological sites and ancient monuments; Reason: to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy CS34.	shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • ~~and~~ surface water, • ecological systems, • archaeological sites and ancient monuments; Reason: to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy CS34.
<i>Contamination and Land Gas</i> 50. <u>Long Term Management, Monitoring and Maintenance</u> a) Ground Gas Prior to implementation of the development a management plan shall be submitted to and approved in writing by the Local Planning Authority setting out the: • Frequency and type of monitoring of ground gases to be undertaken to include on and off site gas migration; • Frequency and method of reporting the results;	<i>Contamination and Land Gas</i> 50. <u>Long Term Management, Monitoring and Maintenance</u> a) Ground Gas Prior to implementation of the development a management plan shall be submitted to and approved in writing by the Local Planning Authority setting out the: • Frequency and type of monitoring of ground gases to be undertaken to include on and off site gas migration; • Frequency and method of reporting the results;

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• What remedial actions will be taken in the event of results or readings showing a worsening of earlier readings. The monitoring, reporting and consequent management of ground gas shall be undertaken in accordance with the approved plan, prior to, during and post construction and until the waste is unlikely to present a hazard to human health, i.e. when monitoring demonstrates that the site Characterisation CS2 has been reached (demonstrated by the results of a minimum of 24 datasets over two consecutive years at this level). b) Gas Mitigation Measures Prior to construction a management plan shall be submitted to and approved in writing by the Local Planning Authority. This will set out the: • Proposed gas mitigation measures for the buildings; • Type and frequency of monitoring and recording of gas levels within buildings; • Operations and maintenance procedures, including the method of reporting (including incidents), replacement of mitigation measures, detection systems and the corrective actions which would be implemented in the case of the failure of the identified mitigation measures. The monitoring, reporting and management shall be undertaken in accordance with the approved plan. Should detailed design of each phase of the development require changes to the approved management plan then an amended plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of a phase.	• What remedial actions will be taken in the event of results or readings showing a worsening of earlier readings. The monitoring, reporting and consequent management of ground gas shall be undertaken by a ‘competent person’ as defined in Land Contamination Risk Management LCRM: Before you start - GOV.UK in accordance with the approved plan, prior to, during and post construction, but prior to occupation, and until the waste is unlikely to present a hazard to identified critical receptors in the context of the proposed development ~~in human health~~, i.e. when monitoring demonstrates that the site has been appropriately assessed in accordance with current guidance, such as the Environment Agency’s (LCRM) guidance and that the Ground Gas risks have been characterised in accordance with the approaches outlined within British Standards and, where appropriate, other current, relevant, authoritative guidance. ~~Characterisation CS2 has been reached (demonstrated by the results of a minimum of 24 datasets over two consecutive years at this level).~~ b) Gas Mitigation Measures Prior to construction of any phase or part of phase a management plan shall be submitted to and approved in writing by the Local Planning Authority. This will set out the: • Proposed gas mitigation measures for the buildings; • Type and frequency of monitoring and recording of gas levels within buildings;

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c) Management Company (i) Prior to construction details of the company, including their level and type of experience, who will be employed to undertake the monitoring, reporting, management and maintenance requirements in accordance with the plan approved under 7a, shall be submitted to and approved in writing by the Local Planning Authority. (ii) Prior to the occupation of the first phase, details of the site wide management company, including their level and type of experience, who will have overarching responsibility for the management of the site, including management of the company employed prior to construction as under 7c) (i) above, and who will undertake the ongoing monitoring, reporting, management and maintenance requirements in accordance with the plans approved under 7a and 7b above, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes of the Management Company shall be submitted to and approved in writing by the Local Planning Authority, one month prior to the change. Reason: to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy CS34.	• Operations and maintenance procedures, including the method of reporting (including incidents), replacement of mitigation measures, detection systems and the corrective actions which would be implemented in the case of the failure of the identified mitigation measures. The monitoring, reporting and management shall be undertaken in accordance with the approved plan. Should detailed design of each phase of the development require changes to the approved management plan then an amended plan shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of a phase. c) Management Company (i) Prior to construction of any phase or part of phase details of the company, including their level and type of experience, who will be employed to undertake the monitoring, reporting, management and maintenance requirements in accordance with the plan approved under 7a, shall be submitted to and approved in writing by the Local Planning Authority. (ii) Prior to the occupation of the first phase, details of the site wide management company, including their level and type of experience, who will have overarching responsibility for the management of the site, including management of the company employed prior to construction as under 7c) (i) above, and who will undertake the ongoing monitoring, reporting, management and maintenance requirements in accordance with the plans approved under 7a and 7b above,

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Landscaping 57. The implementation of soft landscaping, including tree planting in accordance with the approved tree pit specifications, shall be undertaken prior to occupation of any phase or part of a phase. Reason: to ensure that the works are carried out as approved in the interests of the visual amenity of the area. In accordance with Policy CS38 and Policy CS7.	<i>Landscaping</i> ~~57. The implementation of soft landscaping, including tree planting in accordance with the approved tree pit specifications, shall be undertaken prior to occupation of any phase or part of a phase.~~ ~~Reason: to ensure that the works are carried out as approved in the interests of the visual amenity of the area. In accordance with Policy CS38 and Policy CS7.~~

Objections Received (Summary):

Applications under S96A are not applications for planning permission, so are not covered by the publicity requirements as set out in the DMPO.

Relevant Planning History:

160199/FUL - Outline application (all matters reserved apart from access to the site) for residential development (Blocks 1-6) to provide up to 422 residential units, comprising predominantly 1 and 2 bedroom apartments (Use Class C3) along with associated landscaping and car parking; and Detailed application for residential and mixed use development comprising: 196 residential units (within Block 7) (Use Class C3) including 164 dedicated parking spaces (of which 12 are accessible); Convention Centre and ice rink

(Use Classes D1/D2); 246 bedroom hotel (Use Class C1) and up to 102 serviced apartments (Use Class C1); Decked car parking within Convention Centre; Flexible ancillary retail space (Use Class A1) (within Block 7 only); Flexible ancillary retail space (Use Class A3/A4) (within Convention Centre only); Multi storey car park including 1,972 sqm of office space (B1a) or 1,732sqm of office space (B1a) and 240 sqm of community space (D1 use); Public open space (including public square and public park) with associated street furniture and public art and directional signage to form part of wider outline public open space strategy; Associated access, landscaping, cycle parking, transport interchange and related infrastructure and engineering works; Ancillary facilities for storage, management facilities and plant; Vehicular and pedestrian access; and Demolition of existing indoor training facility; and Enhancement of existing RFC Garden of Remembrance - Approved 29/11/2018

221914/NMA - Minor amendment to planning permission 160199 for changes to condition wording for conditions 12, 16, 23, 24, 26, 32, 33, 74, 75, 83, 87, 91, and 100 to exclude first pile foundation for Phase 1 (MSCP), and 93 to include specific reference to residential - Agreed 6/7/2023

230080/NMA - Minor amendment to conditions 7 (parts b and c), 70, 71, 73 and 80 of planning permission 160199 to allow for Phase 1 single pile implementation (amended) - Agreed 24/4/2023

231267/NMA - Minor amendment to conditions, 3, 4, 7, 12, 16, 23, 24, 26, 32, 33, 68, 70, 71, 72, 73, 74, 75, 80, 83, 87, 91, and 100 of application 160199 to exclude the implementation of a single foundation tie beam within Part of Phase 1 - Agreed 9/10/2023

230448/APPCON - Application for approval of details reserved by condition 79 of application 160199 (amended) - Agreed 10/10/2023

230664/APPCON - Application for approval of details reserved by condition 65 (Construction Method Statement) of Application 160199 - Agreed 10/10/2023

231715/CLE - Certificate of lawfulness of existing use or development for the implementation of the development granted planning permission by Reading Borough Council on 29th November 2018 under reference 160199 (Royal Elm Park) - Approved 12/1/2024

Appraisal:

The proposed change to condition 7 is to remove the reference to Site Characterisation CS2 and update references, as discussed and agreed as acceptable with RBC's consultant Tweedie Evans Consulting and the Environmental Protection Team and as confirmed via email to the agent on 13th January 2025 as part of pre- application discussions. It also includes the amendments approved under NMAs refs: 230080 and 231267.

The proposed change to condition 46 is with respect to the trigger to enable the first reserved matters application to be submitted, by 28th November 2025, in accordance with condition 40 of 160199, without first having to discharge condition 46. The amended trigger aligns with the requirements of condition 3 and still maintains that prior to commencement of any of the outline part of the scheme, the information required by condition 46 would need to be submitted and approved. This is as discussed and agreed as acceptable with RBC's consultant Tweedie Evans Consulting and the Environmental Protection Team and as confirmed via email to the agent on 28th March 2025 as part of pre- application discussions.

The proposed change to condition 50 is the same as for condition 7 as above as condition 50 requires the same information, but related to the outline, rather than the detailed part of the overall hybrid permission site. In addition there is a pproposed variation to part b and c (i) to include reference to any phase or part of phase to align with the wording of Condition 7 c (i).

The proposed deletion of condition 57 is to remove a duplication of conditions. This condition is a duplicate of condition 55.

The effect of the amendments to the conditions would be limited and is considered a pragmatic, positive and proactive approach to ensuring that relevant details, for this significant scheme, can be submitted at the appropriate time. It is considered acceptable to accept these non-material alterations to the originally approved conditions.

Conclusion:

The changes as proposed are considered to be acceptable non-material alterations to the approved scheme.

Recommendation:

Approve non-material amendment subject to conditions. Although Section 96(A) of the Act does not allow for the original decision to be re-issued, it does allow the modification of, or imposition of, conditions. In this respect it is considered appropriate to impose an additional condition:

Condition

Amended conditions as within the table above.

INFORMATIVES

1. This notice relates only to the changes to conditions 7, 46, 50 and deletion of condition 57 of the substantive planning permission (Ref:160199). Please note that original conditions 58 onwards will retain their original condition number. It shall be read in the context of the substantive planning permission and is bound by all the conditions and obligations attached to that permission. That permission still stands and this notice (and any other notices issued under section 96a for this development) should be read together.
2. In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.