

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 7 NOVEMBER 2018**

**Councillors Present:** Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Sheila Ellison (Substitute) (In place of Richard Crumly), Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Quentin Webb (Substitute) (In place of Richard Somner) and Emma Webster

**Also Present:** Gareth Dowding (Senior Engineer (Developers Scheme)) and David Pearson (Team Leader - Development Control), Jessica Bailiss (Policy Officer (Executive Support)) and Sian Cutts (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Richard Crumly and Councillor Richard Somner

### **PART I**

#### **31. Minutes**

The Minutes of the meeting held on 26<sup>th</sup> September 2018 were approved as a true and correct record and signed by the Chairman, subject to the following point:

**Item 28 (1) – 16/01685/OUTMAJ land adjacent to Primrose Croft, Reading Road, Burghfield Common, Page 9, third paragraph from bottom:** Councillor Quentin Webb stated that this section of the minutes highlighted that condition six – layout and design standards, should state ‘footway’ and not ‘footpath’. Councillor Webb noted that condition six on page 12 of the minutes had not been changed from the original and still referred to footpath, when it should be footway.

Councillor Webb wanted to be assured that the official legal documents and decision notice issued was written up with footway not footpath. David Pearson stated that he would check this point and feedback to Councillor Webb.

#### **32. Declarations of Interest**

Councillors Emma Webster, Tim Metcalfe and Pamela Bale declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### **33. Schedule of Planning Applications**

##### **(1) Application No. & Parish: 18/00878/OUTMAJ, 72 Purley Rise, Purley on Thames, Reading**

*(Councillors Emma Webster, Tim Metcalfe and Pamela Bale declared a personal interest in Agenda Item 4(1) by virtue of the fact that the applicant was known to them however, they had not discussed the planning application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Webster declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was the West Berkshire Council representative for the Royal Berkshire Fire*

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*Authority. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/00878/OUTMAJ in respect of a residential development of up to 29 dwellings, with associated access, landscaping and public open space.

David Pearson introduced the report to Members of the Committee, which recommended conditional approval, and ran through the key points. It was outline application for 29 dwellings. Access was to be discussed in detailed at that evenings Committee however, other areas such as the design and layout of the site were reserved matters and would be discussed at a later stage if the application was approved.

David Pearson reported that the update sheet contained amended wording for condition 13. David Pearson also provided additional wording that needed to be added to condition 3.

In accordance with the Council's Constitution, John Print, objector, and Henry Venners, agent, addressed the Committee on this application.

### **Objector Representation**

Mr John Print in addressing the Committee raised the following points:

- His main concerns regarding the site related to the access.
- The three existing properties 70, 72A and 74 used the track, which was the proposed access to the site. It was being suggested that the access be changed to improve the access.
- The access to Mr Prints' property, number 70, was five metres from the main road and he was concerned about the increased level of danger when trying leave and enter his property, if the proposed site was approved.
- Mr Print was extremely concerned about vehicles turning right into the site, which was already an existing problem. The access was positioned on a bend and approaching vehicles struggled to see vehicles turning right, until the last minute.
- The increase in traffic generated by the development would cause the access and road layout to be even more dangerous.
- Mr Print was sceptical that plans were based on the number of past traffic incidents, when these would be likely to rise in the future once movements increased.
- The area was not served by an adequate level of public transport. There was only one shop within walking distance, which was a small post office with limited opening hours.
- In summary Mr Print was concerned that the site was so close to a main road, that was already very busy. He felt that approval of the application would result in a large increase in traffic.

There were no questions raised by Members.

### **Agent Representation**

Mr Henry Venners in addressing the Committee raised the following points:

- Mr Venners stated that he was one of the applicants as well as the agent and was also a Registered Chartered Planner.

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- Mr Venners' family had owned the site for many years and had operated a business on the land until his father died four years ago. Rather than regenerate the business, Mr Venners stated that as a family they had wanted to do something different with the site going forward.
- The site had been allocated as part of West Berkshire Council's Housing Site Allocations Development Plan Document (HSA DPD) and this process had included consultation with the Parish Council and Network Rail.
- There had been fewer objections raised to the application being considered than the application proposed by Mr Venners five years previously.
- Points had been raised by Members at the site visit and Mr Venners had provided assurance on these issues. He however wanted to clarify some points raised about the 20 metre buffer between the site and the railway line. Within some sections of the buffer, trees would be planted that could grow to a large size. There were other areas however, where species of large trees could not be planted due to the risk of leaves falling onto the railway line. There was also an underground electrical line and large tree species could not be planted near to this because of the risk of roots interfering with the facility. Grassy areas were proposed for some areas of the buffer, as slow worms had been discovered and this was their preferred habitat.
- The Parish Council had expressed its concern about a development taking place at the other end of Purley, which it felt was cramped. Therefore a lower number of units were being proposed as part of this application. The HSA DPD would have taken in to account a large range of concerns and some of these could be considered again at the reserved matters stage.
- Mr Venners considered the application to be very acceptable and it would include adequate highway visibility splays. A footpath would also be provided as part of the site if planning permission was approved.

### **Questions from Members**

Councillor Graham Bridgman referred back to the points made by Mr Print regarding access and drew Members attention to the plans at the end of the agenda pack. Plan 6103 Rev A showed the existing and proposed accesses, including access to house numbers 70, 72A and 74. Plan 6104 Rev B showed that the access to number 74 was positioned a little way into the site and the access to 72A was positioned further into the site. The access to number 70 had been raised as a concern by Mr Print as it was within close proximity to the corner and Councillor Bridgman invited comments from Mr Venners on this point.

Mr Venners referred to Plan 6102 Rev B and explained that the line of 'H's marked the end of the boundary. There would be an adjustment to Mr Print's access however, this would be agreed under Highways Regulations. Mr Venners stated that the access was slightly peculiar and this was why they had employed consultants to look at the access in more detail. The consultants had liaised closely with West Berkshire Council and it was felt that the proposed access was suitable. Plans did not yet show road markings.

Councillor Alan Law noted that Mr Venners had stated that there would be an adjustment made to the access to Mr Print's property however, the report said that the access would be retained. Mr Venners clarified that Mr Print's access would be shortened very slightly (less than the width of a footway), whereas accesses to both 72A and 74 would be relocated.

### **Ward Member Representation**

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Councillor Tim Metcalfe in addressing the Committee raised the following points:

- The site being considered had been allocated through West Berkshire Council's HSA DPD.
- Mr Venners had reduced the number of units that had been allocated through the DPD from 35 to 29, which was welcomed.
- Councillor Metcalfe thanked the applicants for the level of consultation conducted with both local residents and the Parish Council.
- Some of the detail within the report was not accurate, for example public transport and the number of vehicles which would be entering and existing the site, if the application was approved.
- There had always been concern regarding access to the site from the main road as vehicles often travelled along the highway at speeds in excess of 30mph.
- Councillor Metcalfe was not aware of an accident that had taken place at the access point.
- Work needed to be carried out with the Highways Department to ensure traffic configurations were correct. If there was any compensation to be awarded then Councillor Metcalfe was confident that this would be met accordingly.

### **Member Questions to Officers**

Councillor Pamela Bale queried the comment within section 6.52 on page 39 of the report, regarding access to the site by sustainable modes of transport. David Pearson confirmed that the paragraph referenced back to work undertaken by the Planning Policy Team and had been added in error.

Councillor Bale further questioned Officers regarding traffic queuing to turn right into the site and whether they would be visible to traffic approaching to the rear. Highways Officer, Gareth Dowding, stated that Officers had looked at the forward visibility sight line for the site and vehicles approaching wishing to turn right, would be able to see queued traffic, as long as vegetation was managed.

Councillor Bridgman asked for comments from Officers regarding the access to property number 70. He also referred back to the comment made by Councillor Webb under the minutes of the previous meeting regarding footpaths and footways and suggested that Condition 13 read as follows:

### ***Variation HIGH1 - Layout and Design Standards (YHA1)***

*The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road, footway and footpath design and vehicle parking and turning provision, and the developer shall enter into a S278 Agreement for the construction of the access, as detailed on drawing number 8170661/6103 Rev A, and a S38 Agreement for the adoption of the site. The approved access works shall be completed prior to the first occupation of any dwelling hereby permitted. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.*

He asked the Highways Officer to confirm if both footways and footpaths could be present on this site. Gareth Dowding confirmed that the site could potentially have footways and footpaths, but more likely footways. Based on this response Councillor Bridgman suggested that his amendment to the condition be included.

David Pearson reminded Members that they did not need to consider the internal layout of the site.

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Councillor Bridgman asked for an answer to his first question regarding the access to property number 70. Gareth Dowding explained that there were other places across West Berkshire that had a similar access arrangement. There had been no reported traffic incidents where the site access was located within the last three years. The last traffic incident was in February 2014 and the cause had not been related to the road junction.

### **Debate**

Councillor Bridgman summarised his views. There were less units proposed for the site than allocated through the DPD. He agreed that there was an issue concerning the access to the site. However, taking into account all of the effort and work that had been undertaken by the applicant, he agreed with the views of Councillor Metcalfe. With suggestions regarding conditions taken into account, Councillor Bridgman proposed that Members approve the application and this proposal was seconded by Councillor Law.

Councillor Webb commended the application particularly the landscaping. Councillor Peter Argyle also expressed his support for the application.

Councillor Law highlighted that condition four concerning parameter plans was particularly important. He hoped that he would not see an increased number of units submitted when Members came to consider the reserved matters application. Views across the area were particularly important due to being within an Area of Outstanding Natural Beauty (AONB). Otherwise Councillor Law supported the application.

The Chairman commended the applicant for proposing a decreased number of units and for the good level of consultation carried out. The Chairman invited Members of the Committee to vote on the proposal by Councillor Bridgman and seconded by Councillor Law and at the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **1) Reserved matters**

No development on any phase shall take place until details of the appearance, means of access, landscaping, layout and scale (hereinafter called "the reserved matters") of development in relation to the corresponding specific phase have been submitted to and approved in writing by the Local Planning Authority. The reserved matters for each individual phase shall be only in accordance with the approved Phasing Plan, Site Masterplan, Plot Parameter Plan and Tenure Plan and the development of each plot shall be solely in accordance with the reserved matters of the corresponding phase (plot).

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

#### **2) Reserved matters time limit**

The development of each phase shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the approved matters of the

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respective phase to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **3) Approved plans**

The development hereby permitted shall be carried out in accordance with the approved site location plan reference (xx/04a) and in full accordance with any plans approved in respect of any subsequent reserved matters application and with any conditions attached to any approved reserved matters applications.

Reason: For the avoidance of doubt and in the interests of proper planning.

### **4) Parameter Plan(s)**

The reserved matters submitted pursuant to condition 1 shall be in accordance with the Development Parameter Plan ref (2610-A-1200-C) and Open Space Plan ref (xx/os).

Reason: The parameters shown on this drawing are necessary to ensure the development achieves an acceptable standard of design, which complies with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

### **5) Minimum 3 Self Build/ Custom Build Units**

The development hereby permitted shall provide a minimum of 3 self-build or custom build dwellings as defined by The Self-build and Custom Housebuilding Act 2015 (as amended).

Reason: To meet the districts housing needs in accordance the National Planning Policy Framework, Policies CS1,CS4 of the West Berkshire Core Strategy 2006-2026, Policy HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

### **6) Phasing Plan and implementation**

A Phasing Plan shall be submitted to the Local Planning Authority in writing on or before determination of the Phase 1 reserved matters application. No development whatsoever shall commence prior to the approval of the Phasing Plan. The Plan shall show the phases in which the development is to be carried out, and shall comprise a layout drawing of the whole site which identifies all phases of the development. Phase 1 shall comprise all on-site public/communal areas, including roads and footways, visitors'/non-allocated parking, public open space, play area, landscaped areas, peripheral tree root protection areas, green Sustainable Drainage Systems (SuDS) and biodiversity mitigation / improvement areas. Each self/custom-build dwelling shall comprise a single phase of its own. Unless required

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otherwise by other conditions or s106 planning obligations the individual plot phases do not have to be time sequenced. Thereafter the development shall not be carried out except in accordance with the approved Phasing Plan. No occupation of any dwelling shall take place until all works approved for the public/communal areas under phase one, have been fully completed, unless agreed otherwise in writing with the Council.

Reason: Phasing plan is necessary to control development which would be split into individual self/custom-build plots. This would also assist the applicant in managing CIL payments/exemptions. Phase 1 requirements would ensure that common/public areas of the development are provided at the appropriate time in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

### **7) Site Masterplan**

A Site Masterplan shall be submitted to the Local Planning Authority in writing on or before submission of the Phase 1 reserved matters application pursuant to condition 6. No development on any phase shall commence prior to the approval of the Site Masterplan. The Masterplan shall show the detailed final layout of the site (including the road and footways for the whole site and all public/communal areas), and shall define the location, size and shape of each individual residential plot. Thereafter the development shall not be carried out except in accordance with the approved Masterplan.

Reason: To determine the final layout and site-wide parameters of the development. Given there are self/custom-build units within the development this cannot be achieved through the reserved matters as these will apply to individual plots. This masterplan is therefore required by the first reserved matters application to allow full assessment of the proposed final layout and parameters in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD

### **8) Plot Parameter Plans (“Plot Passports”)**

Parameter Plans for each individual residential plot shall be submitted to and approved in writing by the Local Planning Authority on or before submission of the first reserved matters application relating to individual plots. No development shall be carried out on any individual plot until the corresponding Parameter Plan for the plot has been approved. The Parameter Plans shall show the access, layout, scale, appearance, car parking and landscaping parameters for each plot. Thereafter the

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development shall not be carried out except in full accordance with the approved Plot Parameter Plans.

Reason: Parameter plans for individual plots to be considered alongside the masterplan. This would determine individual plot constraints/parameters. Such matters could include (for example) set back distances from boundaries, and maximum heights. When considering the site-wide masterplan, these matters could be essential elements to ensure the development achieves a high standard of design and safeguards residential amenity in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

### **9) Servicing/Utilities/Infrastructure to Self/Custom Build Plots**

The developer shall ensure that servicing and utilities to serve the [three] self-build/custom-build dwellings are provided prior to first occupation of the fifth dwelling hereby permitted, and they are implemented to the extent they reach the site boundaries of all of the self-build/custom-build dwelling plots.

Reason: To ensure appropriate infrastructure and servicing is secured across the site, and within the context of a phased development in accordance the National Planning Policy Framework, Policy CS5 of the West Berkshire Core Strategy 2006-2026, Policy HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

### **10) Tenure**

A Tenure Plan shall be submitted to the Local Planning Authority in writing on or before submission of the Phase 1 reserved matters application pursuant to condition 2. No development shall commence on any individual plots prior to the approval of the Tenure Plan. The Tenure Plan shall show the tenure of the eventual dwelling on each plot (either for private ownership (the market housing component including a minimum of 3 self-build or custom-build units), social/affordable rent and shared ownership. Thereafter the development shall not be carried out except in accordance with the approved Tenure Plan.

Reason: Because insufficient information has been submitted to ascertain the tenure of development. This information is required at this stage because it may affect considerations of the masterplan and because it has site wide implications that need to be determined at the outset of detailed design (e.g. affordable housing distribution) in accordance with the provisions of the National Planning Policy Framework, Policies CS4, CS6 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire



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Quality Design SPD.

### **11) Levels**

No development on any dwelling shall take place until details of the finished floor levels of that dwelling in relation to existing and proposed ground levels of adjoining dwellings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information on levels has been provided as part of the application. This information is required to ensure satisfactory relationships between properties in order to safeguard residential amenity, and to ensure the levels/heights respect the character and appearance of the area. This information is needed at this stage because of the site-wide implications of levels of the layout of the development in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

### **12) Building Heights**

No building on any part of the development hereby permitted shall exceed 10.0m in height to the ridgeline when measured from approved slab level.

Reason: To respect the character and appearance of the surrounding area in terms of the prevailing height of the proposed development in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA11 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

### **13) Variation HIGH1 - Layout and Design Standards (YHA1)**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footway design and vehicle parking and turning provision and the developer shall enter into a S278 Agreement for the construction of the access, as detailed on drawing number 8170661/6103 Rev A, and a S38 Agreement for the adoption of the site. The approved access works shall be completed prior to the first occupation of any dwelling hereby permitted. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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### **14) Local Area of Play**

No development works shall commence on-site or on any of the phases until full details of the local area of play have been submitted to and approved by the Local Planning Authority. The approved local area of play shall be provided prior to the occupation of any dwellings on site and shall be retained permanently thereafter

Reason: Because insufficient details have been submitted with the application/appeal. In order to provide adequate on site public open space to comply with Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and in terms of the strategic objective to enhance green infrastructure in line with Core Strategy Policy CS18. The NPPF also supports the provision of such green infrastructure and community facilities.

### **15) Public Open Space**

No development works shall commence on-site or on any of the phases until full details of on-site Public Open Space have been submitted to and approved by the Local Planning Authority. The approved Public Open Space shall measure at least 0.35ha in area, and be provided prior to the occupation of the thirteenth dwelling and shall be retained permanently thereafter.

Reason: Because insufficient details have been submitted with the application/appeal. In order to provide adequate on site public open space to comply with Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and in terms of the strategic objective to enhance green infrastructure in line with Core Strategy Policy CS18. The NPPF also supports the provision of such green infrastructure and community facilities.

### **16) Visibility splays**

No dwelling shall be occupied until the visibility splays at the access have been provided in accordance with drawing number 8170661/6103 Rev A dated July 2018. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **17) Sustainable drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the residential development have been submitted to and approved in writing by the Local Planning Authority. These details shall:

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- a) Ensure no Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure.
- b) Ensure storm/surface water is not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
- c) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- d) Include and be informed by a ground investigation survey which confirms the groundwater levels ();
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm + 40% for climate change;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- h) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime; and The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to ensure the safe operation of network rail infrastructure, to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application and so it is

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necessary to approve these details before any development takes place

### **18) Integrated water supply and drainage strategy**

No development shall take place until an integrated water supply and drainage strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development will be undertaken in accordance with the approved strategy. The strategy shall provide details of any on and/or off site drainage works, and impact studies on the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point. The development shall be carried out in accordance with the approved integrated water supply and drainage strategy. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. A pre-condition is required because this policy-requirement is not addressed within the current application, and will depend on the final layout of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5 and CS16 of the West Berkshire Core Strategy (2006-2026), and Policy GS1 of the Housing Site Allocations DPD 2006-2026. A pre-condition is necessary to make the development acceptable, as this information is not included within the application submission.

### **19) Parking and turning**

No development shall take place until details of vehicle access, parking, and turning spaces for every dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling hereby permitted shall be occupied until the vehicle access, parking, and turning spaces associated to that dwelling have been surfaced, marked out and provided in accordance with the approved details. The access, parking, and turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. A pre-condition is required because insufficient information accompanies the outline application and parking provision may affect the overall layout of the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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### **20) Access alterations to No 72A and No.74 Purley Rise**

Notwithstanding any details shown within the planning application documentation, no development shall take place until details of any alterations to the existing accesses to neighbouring dwellings known as no. 72A Purley Rise and no. 74 Purley Rise, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling hereby permitted shall be occupied until the alterations have been carried out in accordance with the approved details.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **21) Construction method statement**

No development shall take place on any phase of the development until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority for the corresponding phase. This can include combined CMSs for a number of phases (e.g. different plots). The statement shall provide for:

- provide for mitigation measures in accordance with BS:5228, Code of practice for noise and vibration control on construction and open sites;
- Parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- Temporary access arrangements to the site, and any temporary hard-standing;
- Wheel washing facilities;
- Measures to control the emission of dust, dirt, smell and other effluvia during construction;
- Control of surface water run off during construction;
- Site security arrangements including hoardings;
- Proposed method of any piling for foundations;
- Measures to protect local biodiversity during construction.
- construction and demolition working hours;
- hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave

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the site.

- Measures to ensure adequate load protection for underground Thames Water infrastructure (2x trunk mains) mains running along Purley Rise at the entrance of the site from repeat loading of heavy plant/construction vehicles.
- provide for a Waste Minimisation Statement setting out a scheme for recycling/disposing of waste resulting from construction works; and
- No construction vehicles or deliveries within the hours of 08:15 - 09:15 and 14:45-15:30.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. The approval of this information is required at this stage because insufficient information has been submitted with the application. A pre-condition is required because insufficient information accompanies the outline application and the CMS must be in place before demolition/construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 22) Spoil

No development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- Show where any spoil to remain on the site will be deposited;
- Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- Include measures to remove all spoil from the site (that is not to be deposited);
- Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June

## EASTERN AREA PLANNING COMMITTEE - 7 NOVEMBER 2018 - MINUTES

2006).

### **23) Tree protection (prior approval)**

No development shall take place until a tree protection scheme has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2012. Notice of commencement of development shall be given to the Local Planning Authority at least 2 working days before any development takes place. The scheme shall be retained and maintained for the full duration of building/engineering operations, or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. This condition is applied in accordance with the National Planning Policy Framework, Policy CS18 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD.

**24)** Prior to the first occupation of any dwellings hereby permitted, details (indicating the position, design, materials and type) of all boundary treatment shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before any dwelling hereby permitted are first occupied. The approved boundary treatments shall thereafter be retained as such.

Reason: In the interests of public safety due to existing network rail infrastructure being located close to the application site, to avoid proposed domestic/residential gardens encroaching into the public open space/green infrastructure/landscape buffers and to ensure the satisfactory appearance of the development in accordance with the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026)

### **25) Construction Environmental Management Plan (CEMP)**

No works shall take place on any part of the site or on any phase of the development (including ground and vegetation clearance), until a CEMP has been submitted to and approved in writing by the local planning authority for the corresponding phase. This can include combined CEMPs for a number of phases (e.g. for different plots). No works on any phase shall be constructed otherwise than in accordance with the corresponding approved CEMP. The CEMP/s shall include the following:-

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- a) a risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones;
- c) practical measures to avoid and reduce impacts during construction;
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities of the ecological clerk of works or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs;
- i) any temporary lighting that will be used during construction.

These measures shall be implemented prior to the commencement of each phase of the development and shall be maintained.

Reason: To secure adequate protection of environmental assets during construction. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026

### **26) Habitat Management Plan**

No development shall take place until a Habitat Management Plan for the site for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The Plan shall ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure. No dwelling shall be first occupied until the approved plan has been implemented, and thereafter adhered to for the lifetime of the plan.

Reason: To ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure post-development, in accordance with the recommendations of the submitted ecological report. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **27) Lighting Strategy**

No development shall take place until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:



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- Identify those areas on the site that are particularly sensitive for bats;
- Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory;
- Include and isolux diagram of the proposed lighting;
- Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy and no additional external/street lighting shall be erected on the site.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **28) Reptile mitigation**

No development shall take place until a reptile mitigation strategy, written by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be fully implemented in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats, and in order to avoid contravention of the Wildlife and Countryside Act 1981. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **29) Restrictions during bird breeding season**

No demolition, or site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.

Reason: To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory

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provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **30) Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours:

- 8.00am to 6:00pm Mondays to Fridays;
- 9:00am to 1:00pm Saturdays;
- No demolition or construction work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To protect residential amenity during the construction period in accordance with the NPPF (2012), Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **31) Noise insulation**

Prior to the first occupation of any dwellings hereby permitted, a scheme for protecting the proposed dwellings/gardens from noise arising from the railway line shall have been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied.

Reason: To ensure the creation of a satisfactory living environment for future occupiers in accordance with the NPPF (2012), Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **32) Vibration from Railway**

If any dwellings are proposed within 60m of the railway track, prior to commencement of construction of the identified dwellings, an assessment of the impact of vibration from the railway on the these dwellings must be submitted to and approved in writing by the local planning authority. This assessment should include details of recommended remedial measures to address any excessive levels of vibration. The assessment shall be carried out in accordance with the method and rating system as detailed in British Standard BS 6472:2008, and raw data gathered shall be presented as an appendix to such an assessment. The construction of any dwelling within 60m of the railway track shall be undertaken in accordance with the approved vibration assessment and any remedial measures completed prior to the occupation of the affected dwellings.

Reason: To ensure the creation of a satisfactory living environment for

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future occupiers in accordance with the NPPF (2018), Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **33) Contamination**

#### **(A) Submission of a remediation scheme**

Prior to the commencement of development, details of an environmental remediation scheme that describes how the site will be made suitable for the intended use must be submitted to and in writing by the local planning authority. The remediation scheme shall include, the proposed remediation objectives and remediation criteria, details of all works to be undertaken, the timetable of works and site management procedures. The remediation scheme shall ensure that the site cannot be declared as being contaminated under part 2A of the Environmental Protection Act 1990, in relation to the intended use, after remediation works are completed.

#### **(B) Implementation of the approved remediation scheme**

The approved remediation scheme shall be implemented before other groundworks or construction works commence unless a phased approach has been agreed as part of the approved remediation scheme or unless written approval is given by the Local Planning Authority. The applicant or contractor must give at least two weeks written notice before remediation works commence. Following completion of remediation works at the site, or upon completion of each phase a verification report shall be submitted to the Local Planning Authority for written approval.

#### **(C) Reporting of Unexpected Contamination**

If unexpected contamination is found at any time during development this shall be reported in writing as soon as possible to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11, and where remediation work is necessary a remediation scheme must be prepared and submitted for written approval to the local planning authority, in accordance with condition A (above). Following the completion of measures set out in the approved remediation scheme a verification report shall be submitted to the local planning authority in accordance with condition B.

Reason: To ensure the creation of a safe living environment for future occupiers, to avoid the risk of pollution and to ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose a unacceptable risk to ground or surface water in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS5 of

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the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **34) Biodiversity enhancements**

The development shall not be first occupied until details of biodiversity enhancement plan have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The enhancements plan shall follow the principles set out within the supporting ecological appraisal prepared by Bioscan (UK) and shall include (but not be limited to) the installation of a minimum of 5 bird and bat boxes on retained trees and/or new buildings within the site and 13x13cm gaps at the bottom of fences to allow hedgehogs to transverse the development once complete. Thereafter, the biodiversity enhancement measures shall be maintained in their approved condition for the lifetime of the development.

Reason: To achieve net gains in biodiversity, and to mitigate the impact on bat species. A pre-condition is required because insufficient details accompany the application. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **35) Travel information packs (prior approval)**

No dwelling shall be first occupied until a scheme for the provision of travel information packs for new residents has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a scheme that seeks to deliver sustainable transport objectives, such as encouraging the use of local public transport and other non-car modes of transport. The provision of travel information packs to new residents is a scheme that is proportionate to the size of the development. This condition is applied in accordance with the NPPF, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies GS1 and P1 of the Housing Site Allocations DPD (2006-2026).

### **36) Cycle storage (prior approval)**

No dwelling shall be first occupied until cycle storage facilities have been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of cycles in order to reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **37) Refuse storage (prior approval)**

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No dwelling shall be first occupied until refuse storage facilities have been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **38) Emergency water supplies**

No dwelling shall be first occupied until either:

Private fire hydrant(s), or other suitable emergency water supplies, have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority (in consultation with Royal Berkshire Fire and Rescue Service); or

Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because the main water supply for the development is sufficient) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.

Reason: At present there are no available public mains in this area to provide suitable water supply in order to effectively fight a fire. Suitable private fire hydrant(s), or other suitable emergency water supplies, are therefore required to meeting Royal Berkshire Fire and Rescue Service requirements, in the interests of public safety. The approval of this information is required before development commences because insufficient information accompanies the outline application and it will affect the servicing of the development. This condition is applied in accordance with the National Planning Policy Framework.

### **39) Broadband**

Prior to above foundation level works commencing details of a Superfast Broadband Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a statement shall set out how superfast broadband is to be provided to each phase of the development, including a schedule for connection. Thereafter no phase of the development shall be occupied until superfast broadband infrastructure has been provided in accordance with the approved details.

Reason: To ensure that the site is provided with high speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the NPPF, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).

### **40) Electric Charging points**

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Prior to above foundation level works commencing, details of electric car charging points and associated infrastructure to serve each phase of the approved development shall have been submitted and approved under a formal discharge of conditions application. Such details shall include a schedule for the implementation of the electric car charging points on each phase of the development. The approved works shall be undertaken in accordance with the schedule. The electric car charging points shall be retained thereafter.

Reason: In the interests of the amenity of the occupants of the site in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy P1 of the West Berkshire Housing Site Allocations DPD (2017).

### **INFORMATIVES**

#### **S106 Legal Agreement**

This decision notice should be read in conjunction with the s106 legal agreement dated [to be added once completed]. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.

#### **Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

#### **Pre-conditions**

This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

#### **Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

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### Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

### Building Regulations

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: [building.control@wokingham.gov.uk](mailto:building.control@wokingham.gov.uk), or visit: [www.wokingham.gov.uk/building-control](http://www.wokingham.gov.uk/building-control)

### Foul

### drainage

The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

Due to the Source Protection Zone all foul drainage from this site must go to mains foul sewer.

### Groundwater Protection / Contaminated Land

We note that historic use of the site could have caused contamination and that this site is located in a Source Protection Zone 2 (SPZ2) for potable water supply.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at risk from unacceptable levels of water pollution.

Groundwater is likely to be moderate depth beneath the site (circa 15m), as such there will be a reasonable degree of protection from surface contaminants.

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Though this site is in a SPZ2 there are no other major ground or surface water constraints in relation to contamination.

We note that no particularly high risk past activities were identified. Neither was any contamination identified which would likely pose a significant risk to controlled waters. Whilst no particularly mobile contamination or deep contamination was identified, some elevated PAH and TPH were identified in shallow soils. As a precaution, it would be best practice to remove these shallow impacted soils from the site.

### **Pollution Prevention during Construction**

Safeguards should be implemented during the construction phase to minimize the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

### **Access construction**

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

### **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

### **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

### **Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

### **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire



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District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

### **Developer Coordination Requirements**

"Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimizing disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

Reason: In order to minimize disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980."

### **Thames Waters comments**

#### Waste Comments

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

#### Water Comments

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On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### Supplementary Comments

Water: There are 2x trunk mains running along Purley Rise. Although they do not cross the development, there is a concern of the repeat loading of heavy plant on these mains at the entrance to the site. The developer is asked to ensure adequate load protection is provided to access the site from Purley Rise to reduce the risk of these mains failing.

Waste: In order for Thames Water to determine whether the existing sewer network has sufficient spare capacity to receive the increased flows from the proposed development, a drainage strategy must be submitted detailing the foul and surface water strategies. Details of any proposed connection points or alterations to the public system, including calculated discharge rates (pre and post development) must be included in the drainage strategy.

### Waste Management

Access to the proposed new properties will be required for waste collections therefore swept path analyses and written confirmation will be requested at Reserved Matters stage to demonstrate that any proposed new road within the site is accessible for our collection vehicles (the longest being 10.68 metres) and will be built to an adoptable standard.

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

If any waste is to be removed from the site then the applicant needs to ensure that sufficient testing has been undertaken in line with [Waste classification technical guidance](#) WM3. This is to ensure all waste on the site is correctly classified and disposed of accordingly to a suitably authorised facility. If any hazardous waste is to be removed offsite the site operator must ensure that consignment notes are completed correctly in accordance with the legislation. If the applicant requires more specific guidance it is available on our website: <https://www.gov.uk/government/publications/hazardous-waste-consignment-note>.

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### Network Rail Advice

#### Fencing:

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

#### Drainage:

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

#### Safety:

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start.  
[assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk)

#### Site

#### layout:

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building

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Research Establishment's guidelines.

Excavations/groundworks:

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Signalling:

The proposal must not interfere with or obscure any signals that may be in the area.

Childrens play areas:

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.

Noise:

Network Rail would advise the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

Landscaping:

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a

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risk of the trees or branches falling across the boundary fence will require railway supervision.

Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

### **8.3 REFUSAL REASON**

#### **1. S106 Planning Obligation**

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

- a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Planning Obligations SPD.
- b) Public open space, green infrastructure and sustainable drainage measures (provision and governance), without which the proposal would be contrary to the NPPF, Policies CS16 and CS18 of the West Berkshire Core Strategy 2006-2026, Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Planning Obligations SPD.

#### **34. Application No. & Parish: 18/00833/FULD, Lawrence Building, Newbury Road, Hermitage, Thatcham**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/00833/FULD. David Pearson reported that the item was on the agenda as an item for decision only, in respect of a proposed change to the affordable housing provision agreed by Members when resolving to approve the application subject to the completion of a s106 agreement at the Committee on the 25<sup>th</sup> July 2018.

Members had received further information on viability on the 6<sup>th</sup> November 2018 and it was for Members to decide whether they had received adequate time to consider the information.

Information had been re-submitted to the consultant and the conclusion reached was that there was only a case for two affordable units. Therefore if Members were minded to approve the item, two units of affordable housing would be provided.

This proposal had been given to the Housing Department for consideration and they were satisfied with the changes. The adjustment was compliant with advice and a viability assessment. Therefore it was recommended that the revised offer in respect of Affordable Housing was accepted and the requirements of the s106 amended to reflect the change.

#### **Ward Member Representation**

- Councillor Quentin Webb felt that the first questions to ask was whether Members should proceed and he was minded that they should. Councillor Webb advised

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that Hermitage Parish Council had queried why they had not been notified of the item and he confirmed that the reason for this was because the item was not a planning application

- Hermitage Parish Council had put forward an initial acceptance that two units of Affordable Housing would be beneficial to the village.
- There were no material changes proposed to the application and therefore in planning terms, Councillor Webb could not see why Members should not accept the adjustment.
- The Chairman, also as Ward Member, stated that there would be no physical changes to the application and Members needed to consider how any changes adhered to policy.

### **Member Questions to Officers**

Councillor Alan Law stated that Members had three choices, they could defer, approve or reject the item. Councillor Law asked if the item could be appealed if it was rejected. David Pearson stated that if Members were minded to refuse the item this would be based on the second resolution to refuse the application because the application failed to provide the Section 106 Planning Obligation on Affordable Housing. This could be appealed and David Pearson felt that it would difficult to defend at appeal.

Councillor Alan Macro raised a query regarding the non-residential part of the application as he had noted a discrepancy between the figures. Sian Cutts confirmed that all the figures, facts and calculations on the development had been forwarded to the consultant (Dickson and Searle) and they had assessed all calculations. The consultants had concluded that there had been some discrepancies in the way the viability information was originally assessed. The difference in viability was however, not large enough to provide a second unit and therefore alter the overall picture.

Councillor Graham Bridgman stated that he had been concerned regarding how late the information had been provided to Members however, on reflection did not feel it would serve Council Tax payers well to defer the application. There was also version two of the National Planning Policy Framework (NPPF) guidance on such issues. Nothing about the application was changing apart from the number of affordable units and therefore Councillor Bridgman was happy to accept the Officer recommendation.

Councillor Emma Webster was also concerned regarding the lateness of information and whether members of the public would have had time to register concerns and appeal. Councillor Webster was also disappointed that planning training for Members that had taken place at the beginning of the week had not given greater attention to viability issues. However, Councillor Webb concurred with Councillor Bridgman regarding the costs that could be incurred if the item was deferred. The Chairman reiterated the point to Officers regarding late information to Members.

Councillor Bale asked if consideration had been given to what better suited the village of Hermitage. David Pearson stated that the Housing Department were satisfied regarding the adjusted number of units and their view was taken into account when assessing an area.

### **Debate**

The Chairman asked Members if they were happy to proceed with making a decision and the general consensus was that they were. Councillor Bridgman proposed that Members accept the Officer recommendation to approve planning permission and this was seconded by Councillor Webb. The Chairman invited Members of the Committee to vote on the proposal by Councillor Bridgman and seconded by Councillor Webb and at the vote the motion was carried.

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**RESOLVED** that the Head of Development and Planning be authorised to grant planning permission following the completion of a S106 agreement by 7th January 2019 to secure affordable housing, subject to the conditions outlined in the committee report and update sheet, attached as Appendix 1.

**OR**

If a S106 legal agreement to secure affordable housing is not completed within the above specified time, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** for the reason listed below;

**Refusal Reason**

The application fails to provide a Section 106 Planning Obligation to deliver affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD

**35. Appeal Decisions relating to Eastern Area Planning**

Members noted the outcome of appeal decisions relating to the Eastern Area.

Gareth Dowding announced the sad news that colleague and friend, Bob Turner, from the Highways Department had sadly passed away. He had worked for West Berkshire Council for 15 years. He asked that Members join staff in sending condolences to Bob Turner’s family.

The Chairman shared further sad news that Gerry Wilson, who had worked as a courier in the Customer Services and ICT Service, had recently passed away. All Members and officers had received funeral details.

*(The meeting commenced at 6.30 pm and closed at 7.45 pm)*

**CHAIRMAN** .....

**Date of Signature** .....