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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 4 JULY 2018

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

Also Present: Stephen Chard (Principal Policy Officer), Stuart Clark (Principal Engineer), Gareth Dowding (Senior Engineer), David Pearson (Development Control Team Leader) and Simon Till (Senior Planning Officer)

Apologies for inability to attend the meeting: Councillor Keith Chopping and Councillor Richard Somner

PART I

13. Minutes

The Minutes of the meeting held on 13 June 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 10(1) – 17/03489/FUL – Sabre House, Bath Road, Midgham (page three, bullet point two, first sentence):

- Mr Russell presented two pieces of media to the Committee (**Officers confirmed that the media had been submitted in accordance with the requirements of the Council's Constitution**).

Item 10(1) – 17/03489/FUL – Sabre House, Bath Road, Midgham (page three, bullet point three, first sentence):

- The second **media** was an audio recording of two of Mr Russell's neighbours standing next to his fence with equipment that he stated was a pressure washer.

Item 10(1) – 17/03489/FUL – Sabre House, Bath Road, Midgham (page four, fourth paragraph):

- Finally Councillor Bridgman asked if, when taking the **video**, the east side roller-shutter door had been open and Mr Russell confirmed that it had been.

14. Declarations of Interest

Councillor Tim Metcalfe declared an interest in Agenda Item 4(2), and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter other than to speak as the applicant.

All Committee Members declared an interest in Agenda Item 4(2), 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.

15. Schedule of Planning Applications

(1) Application No. & Parish: 18/00628/FULD - Midgham Cottage, Station Road, Woolhampton

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/00628/FULD in respect of a Section 73 application for the variation of Condition 9 – Treatment Plan and removal of Condition 12 – Minimise the effects of dust, of planning permission reference 17/00883/FULD (to erect 2 no. detached 4-bed houses and one pair of semi-detached 3-bed houses).

In accordance with the Council's Constitution, Mr Nicholas Bundy, applicant, addressed the Committee on this application.

Mr Bundy in addressing the Committee raised the following points:

- He sought to address the point of concern for the Parish Council in relation to the management of foul sewage. An original condition of approval for application 17/00883/FULD was to submit a package treatment plant to service the development which he felt satisfied all concerned parties. However, consultation responses on this from the Environment Agency, Thames Water, Building Regulations and Network Rail did not support the package treatment plant.
- Mr Bundy explained that contamination would not be an issue and surface water would not be discharged into the foul system. The proposed new condition would instead implement a self-contained Sustainable Drainage System (SuDS) to deal with surface water run-off.
- No objections had been raised in the consultation responses to this application for the revised condition from the Environment Agency, Thames Water, Building Regulations and Network Rail, subject to certain conditions and stipulations.
- Network Rail did not object on the understanding that no soakaway would be constructed within 20 metres of their assets. This included a sub-station.
- The revised Condition 9 offered the most practical solution to the management of foul water drainage and was in line with the views of Thames Water.

Councillor Alan Macro queried the removal of the voided floors. Mr Bundy confirmed these had been removed as the voids were relatively shallow. However, the report stated that this was acceptable as long as the finished floor levels were set as per the layout drawing and the floor bund was in place. He added that practical measures would be put in place to avoid surface water flooding.

A representative of Woolhampton Parish Council wished to address the Committee to explain their objection, but he was not permitted to do so as no request to speak had been received from the Parish. However, the Parish Council's objection was noted within the report.

Councillor Graham Bridgman continued with the topic of the voided floors and noted that condition eight (Sustainable Drainage Measures) contained a reference (point (i)) to the inclusion of elevated floors with voids. He questioned this considering the point made by Mr Bundy that these had been removed. Stuart Clark stated that this specific point was no longer relevant and the reference should be removed from the condition.

Councillor Bridgman noted a point made by the Drainage Officer which strongly suggested that the applicant should be required to inform future purchasers of each property that it was imperative that ponds/swales should be retained and maintained throughout the lifetime of the properties as part of flood protection measures and they

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should not be filled in or altered. Councillor Bridgman asked if this requirement could be made firmer. In response, David Pearson stated that it was not possible to construct a suitable planning condition that would meet the tests of reasonableness and enforceability. Such a requirement could only be added as an informative.

Stuart Clark added that SuDS included garden ponds and if owners were not aware of this they could fill in ponds and inadvertently create a flood risk. Therefore, SuDS featured on the Council's register of flood prevention assets.

Councillor Alan Law felt it would be reasonable to expect the applicant to include this drainage requirement in the deeds for each of the properties. He queried if this could feature as an informative. Mr Pearson directed Members to condition 8m which asked for detail on how SuDS measures would be maintained and managed after completion. These details were to be provided as part of a handover pack for subsequent purchasers and Mr Pearson felt that this pack could be expanded upon to include detail on the retention and maintenance of ponds etc as a flood protection measure. Mr Pearson added that if this was not adhered to, then enforcement action would follow.

Councillor Alan Macro queried whether the SuDS condition could include the requirement for future owners of the properties to retain and maintain the ponds/swales in perpetuity. Mr Pearson restated the point that it would be difficult to construct a specific condition placing a requirement on future owners to share the necessary information. However, he did feel this could be managed to some extent via the handover pack.

Councillor Graham Pask felt that the deeds for each property could also reflect the ongoing requirements as already indicated by Councillor Law. Councillor Law reiterated that this should be included as an informative to reinforce the importance of this point.

Mr Pearson then added that the sustainable drainage condition concluded by stating that the SuDS measures needed to be implemented as per requirements before the dwellings could be occupied.

Councillor Macro referred to the consultation response from Network Rail. While the report stated that they had no objection, they did highlight concerns over the potential for dust affecting the railway signal sighting. He asked for further clarify on this point and whether the concern had been resolved. Mr Pearson explained that no further detail was available on this matter.

Councillor Law highlighted that this item had been called-in to Committee by the Ward Member as a result of the concerns raised by the Parish Council. He felt these concerns were made clear in the report, however the responses received from the Drainage Team, the Environment Agency, Thames Water and Network Rail all supported the view that drainage issues could be mitigated as rain water would not enter the foul drainage system.

Councillor Law proposed acceptance of Officers' recommendation to grant planning permission subject to the conditions outlined in the report, including an amended condition 8 as discussed, and the additional informative on the requirement for the deeds of the properties. The proposal was seconded by Councillor Emma Webster.

Councillor Bridgman pointed out that the mitigation measures had already been or were at least in the process of being implemented, thereby working to resolve the concerns of the Parish Council.

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

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Conditions

1. Section 73 time limit

The development hereby permitted shall be begun before the 7th June 2020, that being three years from the date of the planning permission granted in respect of application 17/00883/FULD.

Reason: To comply with Section 73 and 91 of the Town & Country Planning Act 1990 (as amended by Section 51 of the Planning & Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. Standard approved plans

The dwellings hereby approved shall be constructed in accordance with the application form, the design and access statement and the approved drawings:

- a) Proposed site layout plan drawing No 13/031/05 REVISION C received on 17 March 2017.
- b) Plot 1 floor plans drawing No 13/031/11 received on 17 March 2017.
- c) Plot 1 elevations drawing No 13/031/10 received on 17 March 2017.
- d) Plot 2 floor layout plan drawing No 13/031/12 REVISION A received on 17 March 2017.
- e) Plot 2 elevations drawing No 13/031/09 received on 17 March 2017.
- f) Plots 3 and 4 floor layout plan drawing No 13/031/10 received on 17 March 2017.
- g) Plot 3 and 4 elevations drawing No 13/031/08 received on 17 March 2017.
- h) Proposed building cross sections drawing No 13/031/13 received on 17 March 2017.
- i) Access visibility plan drawing No 13/031/10 received on 17 March 2017.
- j) Network Rail proposed right of way plan drawing No 13/031/15 received on 12 May 2017.

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

3. Schedule of materials

Development of the approved dwellings shall not commence until full details of the external materials to be used, including a schedule and samples of materials, have been submitted and approved under a formal discharge of conditions application. The development shall take place using only the approved materials thereafter.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

4. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

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- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the HSADPD.

5. Vehicle parking and turning space

No dwelling shall be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and turning space 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the HSADPD.

6. Cycle storage

No dwelling shall be occupied until the cycle storage has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the storage of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the HSADPD.

7. Detailed scheme of landscaping

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

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- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

8. Sustainable drainage measures

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

These details shall:

- a) 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;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- d) Include a drainage strategy for surface water run-off from the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- g) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- h) 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;
- i) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- j) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- k) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- l) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- m) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (Flood Zone 2 and 3) or developments larger than 1 hectare;

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- n) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- o) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
 - aa) Site Level control shall be tied in to the same level datum as the WBC topographic survey used to produce the WBC Flood Study Report in order to ensure that critical site levels (for FFLs for example) are not compromised by use of different datums;
 - bb) The development shall include the construction of a flood bund in accordance with West Berkshire Council's specification

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are occupied. 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 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; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

9. Foul water drainage

The site's foul water drainage shall be constructed in accordance with the foul sewage to existing sewer drawing No 2017/010C received on 28 February 2018. The foul water flows shall be connected to the public sewage system by gravity only and the foul water shall not be pumped into the public sewage system. No surface water run-off flows shall be discharged into the public sewage system. The dwellings hereby approved shall not be occupied until the approved foul water drainage details have been installed on the site in accordance with the approved details. Thereafter the foul water drainage details shall be retained and maintained in accordance with the approved details.

Reason: In order to ensure that the site is provided with sufficient sewage flow system to deal with sewage produced on site in order to address local concerns regarding historic surface water infiltration into the sewage system in accordance with the NPPF (2012), Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

10. Noise assessment

No development of the approved dwellings shall commence until a noise assessment conducted under the World Health Organisation Guidelines for Community Noise and the relevant guidance on sound insulation and noise reduction for buildings has been submitted and approved under a formal discharge of conditions application. Such an

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assessment shall include detailed recommendations for the mitigation of noise disturbance on the site. The development shall not be occupied until those recommendations have been implemented in full. Thereafter the approved noise mitigation measures shall remain permanently in place.

Reason: In the interests of the amenity of future occupants of the site in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

11. Scheme of remediation

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the requirements of sections 1 to 4 of this condition have been complied with under a formal discharge of conditions application. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 has been complied with in relation to that contamination under a formal discharge of conditions application.

(1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings 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,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be

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undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved in writing of the Local Planning Authority.

(4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

If required:

(5) Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years (to be agreed with the Local Planning Authority), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with the National Planning Policy Framework (2012) and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

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12. Spoil removal

No works to develop the approved four dwellings shall be carried out until details of how spoil arising from the development is to be disposed of has been submitted and approved under a formal discharge of conditions application. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity and residential amenity in accordance with Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

13. PD Removal - windows

Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent version thereof no additional windows shall be constructed at first floor level or in the roof of the northern elevation of the approved dwelling identified as Plot 4 on the approved drawings. Plot 4 shall not be occupied until the windows approved at first floor level in the northern elevation of Plot 4 have been obscure glazed and fixed shut unless the parts that can be opened are more than 1.7 metres above the finished floor level of the room that they serve. The windows shall remain obscured and fixed shut in accordance with the requirements of this condition at all times thereafter.

Reason: In the interests of neighbouring amenity in accordance with the National Planning Policy Framework (2012) and Policy CS14 of the West Berkshire Local Plan (2006-2026) 2012.

14. Boundary Treatment details

Irrespective of the details given in the submitted drawings no development of the approved dwellings shall commence until full details of all boundary treatments of the site have been submitted and approved under a formal discharge of conditions application. The dwellings shall not be occupied until the boundary treatments have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

15. PD Removal – extensions

Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent version thereof no extensions or outbuildings shall be constructed to serve the dwellings hereby approved without planning permission first having been granted on a planning application made for that purpose.

Reason: In order to prevent the overdevelopment of the site and to ensure that the dwellings are provided with sufficient amenity space and to ensure that the risk of flooding is satisfactorily addressed on the site in accordance with Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

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16. Hard surface materials

Irrespective of the details given in the submitted drawings no development of the approved dwellings shall commence until full details of all materials to be used in the hard surfacing of the site have been submitted and approved under a formal discharge of conditions application. The dwellings shall not be occupied until the hard surfaces have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity and to ensure that flood risk is addressed satisfactorily on the site in accordance with Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

17. Hours of work

The hours of work on site for all persons employed in the development of the dwellings hereby approved shall be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with the National Planning Policy Framework (2012) and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

Informatives:

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
3. 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.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

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5. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Highways (Planning) Manager, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD, tel. no. 01635 519169, before any development is commenced.
6. The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.
7. Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.
8. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
9. Before the canopy or structure is erected a licence must be obtained under Sections 177/178 of the Highways Act, 1980, with respect to any part of it which overhangs the highway. A licence may be obtained from the Highways (Planning) Manager, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD, tel. no. 01635 519169.
10. The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.
11. Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the Public Right of Way, to a specification to be agreed with the Local Planning Authority prior to development commencing.

(2) Application No. & Parish: 18/00562/COMIND - Home Farm, Purley Village, Purley On Thames

(Councillor Tim Metcalfe declared a personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that he was the applicant for the planning application. As his interest was personal and prejudicial and a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter and would take no part in the debate or voting on the matter other than to speak as the applicant).

(All Committee Members declared a personal interest in Agenda Item 4(2) by virtue of the fact that the applicant was known to them as a fellow Councillor and Committee Member. 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 Metcalfe left the Committee at 6.56pm but remained in the room to speak as the applicant).

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/00562/COMIND in respect of the proposed realignment of the farm drive along with associated landscaping and use of part of the site for D2 (outdoor sports and recreation) use for up to 250 days per annum.

Simon Till, Senior Planning Officer, opened his introduction to the report by referring Members to the update report. This explained that the Environment Agency (EA) and the

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Lead Local Flood Authority (LLFA) had reviewed the Flood Risk Assessment (FRA) submitted by the applicant and had identified inadequacies with the level of information it contained. In light of these objections, the Officer Recommendation had been altered to one of refusal for the reason outlined in the update report and summarised in the following paragraph.

Mr Till explained that the site was located entirely within Flood Zone 2 and a substantial part of the site was located in Flood Zone 3. Flooding was therefore a concern and the EA objection stated that the FRA failed to demonstrate that the raised road would not impede flood flow and that the proposed culverts would allow flood water to flow beneath the elevated road. The EA had therefore requested further information to confirm that an adequate strategy was in place. However, no further information had been forthcoming from the applicant to address these concerns.

Mr Till concluded his introduction by explaining that while weight had been given to the community benefit this application would achieve, the concerns of the EA together with the fact that this was in a flood risk area meant that the application was recommended for refusal.

In accordance with the Council's Constitution, Mr Graham Rolfe, Parish Council representative, and Councillor Tim Metcalfe, applicant, addressed the Committee on this application.

Mr Rolfe in addressing the Committee raised the following points:

- While the Parish Council in principle accepted the reasoning behind this application, they had objections. This included flooding (as already referred to) but their concerns went beyond flooding.
- They would not object to the realignment of the farm drive if issues could be addressed. This part of Purley Village (the road) was well used by visitors and the proposal would result in many parking spaces ceasing to exist due to the proposed new position of the drive entrance/exit. Alternative parking would therefore be sought elsewhere in the village to the inconvenience of local residents.
- The farm drive would be narrow which was a concern when considering its use by large farm vehicles. A larger than normal turning area was also needed to accommodate these vehicles. The width of the current access splay was wider than in the proposal and ease of access was therefore questioned.
- The Parish Council was assuming that gates would be positioned at the end of the drive. This would delay access and cause delays on the road. Gates would need to be a distance from the road.
- Use of the sports field by the primary school was supported, but potential other uses were a concern. The Parish Council was concerned that approval of the proposal could permit a range of activities to take place. Permission was sought to use the site for D2 (outdoor sports and recreation) use for up to 250 days per annum but there were only 190 school days a year. Use on the remaining 60 days was therefore questioned.
- It was noted that permitted development would allow use of other land on Home Farm for a temporary period of up to 28 days for provision of temporary parking. The question remained on how parking would be managed for the remaining 32 days (of the 60 days already highlighted).

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- This was primarily a residential area and noise disturbance was a concern for residents from different events. There could also be many attendees for events, such as sports day, which would increase the car parking concern.
- Parking in the area was already tight and this was also a concern for highways. Suitable conditions were needed in order to protect residents should the application be approved.

Councillor Graham Bridgman referred to proposed condition three – use restriction - which related to Mr Rolfe's concern of other non-school uses. Councillor Bridgman pointed out that the condition stated that the land in question for D2 use would only be used for the purpose of sports and games activities ancillary to Purley Church of England School (should the application be approved). Mr Rolfe stated that this concern was therefore alleviated.

Councillor Pamela Bale questioned the actual reduction in parking referred to. Mr Rolfe estimated this as the loss of seven or eight spaces. This would be as a result of the widened turning space for the realigned access (a splay of 43 metres). Councillor Bale would pursue this point further with Highways Officers.

Councillor Alan Law noted, from the Parish Council's consultation comments in the report, the point that informal discussions had taken place between the school and the applicant. Councillor Law queried whether a formal agreement was actually in place. Mr Rolfe believed this to be the case.

In response to a question from Councillor Emma Webster, Mr Rolfe advised that he was not aware of any additional school use within the school holidays, i.e. holiday club.

Councillor Metcalfe in addressing the Committee raised the following points:

- The application was formulated following a request by the school for increased playground facilities.
- Ten years ago, farm land/a field had been allocated to the school. In the intervening period the school had grown into a primary school with additional year groups and a need for a larger playing field area had arisen.
- Many discussions had been held with the school and Councillor Metcalfe's son had led this project.
- Discussions had also taken place with Gareth Dowding (Senior Engineer) on the road access. Following these discussions, Councillor Metcalfe had employed a consultant (Stuart Michael) to help progress this part of the development.
- The application for D2 use was recommended by David Pearson (Development Control Team Leader).
- Parking in the area was not a particular issue. Sports days were already held and families walked to the event if necessary.
- There were no gates on the existing drive and none were planned for the realigned drive. Gated access points would only be in place to access the school field and to enable the maintenance of the land. This was a condition of approval.
- In terms of flooding, it was the case that Purley had suffered from pluvial, fluvial and ground water flooding. Pluvial flooding was minimal, fluvial flooding was a concern for villagers from the river and this type of flooding occurred most years to some degree. However, Councillor Metcalfe explained that for the application land, the water rose out of the ground (ground water flooding) rather than being flooded from the river.

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- A concern had been raised that the drive would block any surge of water and therefore create a flood risk but this was not the case.
- A flood concern was an issue as a result of the road built by the EA in order to access Mapledurham Lock. This road was built without any culverts running through it and acted as a bund. The causeway cut through the true flood plain and was a major concern at times of fluvial flooding.

Councillor Richard Crumly referred to the application site plan in seeking to determine the potential space for car parking. Councillor Metcalfe gave the view that there was already sufficient parking provision within Purley.

Councillor Crumly then asked how frequently the application site had flooded within the last ten years. Councillor Metcalfe had not known this to be the case and pointed out that Ivy Cottage was at a greater risk of flooding.

Councillor Law sought confirmation of the visibility splays. Condition 9 stated that splays of 2.4 metres by 43 metres needed to be provided and Councillor Law queried if this was detailed within plans. Councillor Metcalfe confirmed this was the case.

Councillor Bale sought further clarify on where gates would be installed. Councillor Metcalfe reiterated that there would be no gates for the new drive and none were shown on plans. The access to the existing drive would be gated and gates would be in place to access the school field and to enable the maintenance of the land, as already described.

Councillor Bridgman referred to the objections of the EA. The EA felt that the FRA failed to demonstrate that the proposed culverts would allow flood water to flow beneath the elevated road and therefore alleviate flood risk. The EA's letter requested extra detail on this point and Councillor Bridgman queried why this had not been provided.

In response, Councillor Metcalfe explained that the project was undertaken to benefit the village school. The starting point was a cut and fill exercise, topography was also needed of the front field which was costly. The consultant referred to had been hired to design the drive at a cost. Ivy Cottage residents had been consulted and this resulted in agreement to erect park rail fencing. This was all at Councillor Metcalfe's own cost and he did not charge the school rent for the field.

The requirement then followed for the FRA which was reluctantly produced and the Officer Recommendation had been to grant planning permission. However, concerns were then raised by the EA with a request for more information on the culverts and Councillor Metcalfe felt that this further request was a step too far, even though non adherence to this request had resulted in the recommendation changing to one of refusal. He had also been informed that the application would be referenced up to the District Planning Committee if it was approved.

Councillor Emma Webster continued to reference the requirements of the EA. She had viewed the FRA and the section on flood risk and asked Councillor Metcalfe whether he felt this addressed their concerns. Councillor Metcalfe felt that he could not respond specifically on that point, he did however give his view that culverts beneath the drive would prove meaningless.

Councillor Alan Macro noted Councillor Metcalfe's point that he did not charge the school. He therefore queried the point raised by the school in relation to elevated charges. Councillor Metcalfe explained that the existing field had been provided to the school rent free on the understanding that they would have the responsibility for its maintenance. The school had looked into the costs for grass cutting and this had resulted in them asking Councillor Metcalfe for a quote. Grass cutting was therefore provided at a

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cost, but this was at a reduced rate from other quotes received. There was no rental charge.

Gareth Dowding clarified the point made earlier by Councillor Metcalfe in relation to the advice given to him by the Highways Authority. The applicant had been provided with various names of different consultants and not a specific consultant. Councillor Metcalfe acknowledged this to be the case.

(Councillor Metcalfe left the room at 7.27pm).

In considering the above application, Members had a number of questions to ask of Officers.

Councillor Macro asked if cars could be parked within the 43 metre turning splay. Gareth Dowding confirmed that there was no need for the 43 metre area to be completely clear of parked cars and there would be no restriction in place to prevent this. Therefore the maximum number of lost car parking spaces was felt to be two.

Councillor Webster again made reference to the FRA and the section on flood risk. This stated that in order to ensure that the playing field was not cut off from the likely source of flooding a number of culverts would be constructed beneath the raised farm drive to allow floodwater to flow beneath from east to west. The FRA stated that there would be a gain in flood storage capacity in comparison to the existing situation. Councillor Webster therefore asked why this did not alleviate the concerns of the EA. Stuart Clark (Principal Engineer) acknowledged that a description had been provided of how flood risk would be mitigated. However, a greater level of detail was required before the EA was fully satisfied. This included more detailed drawings and calculations which demonstrated that the culverts would mitigate the risk. An appropriate cut and fill balance was also needed.

Stuart Clark clarified that this remaining information requirement was relatively minimal and could be achieved at a relatively low cost.

Councillor Law referred to the applicant's comments on the nature of the flooding on this land and the applicant's view that the EA was unclear on that point. The applicant felt that further work would be irrelevant and Councillor Law queried this.

Stuart Clark explained that as a result of the proposed cut and fill exercise combined with the raised access track, more water would be displaced. The EA required a calculation on this for completeness and for them to be convinced.

Councillor Law followed this by asking if the EA requests were reasonable. Stuart Clark advised that the EA was acting correctly in seeking complete assurance and were taking their role to the absolute letter. He added that from an engineering perspective, the development could be made to work with appropriate conditions and use of the necessary materials.

Councillor Law then asked for Mr Clark's professional view on whether he would approve the application in its current form or was the requested further detail necessary. Mr Clark reiterated that the EA was being correct but in his view the concerns could be resolved by engineering solutions and the provision of the additional drawings and calculations already referred to.

In light of this comment, Councillor Webster queried if the requirement for these additional drawings and calculations could be a condition of approval with development not able to proceed until this had been received. Mr Clark felt that this could be the approach.

Councillor Bridgman referred to the LLFA objection contained in the update report and the comments provided by Jon Bowden, the Council's Senior Engineer for Land

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Drainage. This expressed the view that there was too much outstanding information of a detailed nature required to allow approval with conditions on flood/SuDS grounds. He therefore repeated the question to Mr Clark on whether the application could be approved with appropriate conditions. Mr Clark reiterated that it could be engineered to work.

Mr Till referred to the objections of the EA and LLFA, they both felt the level of detail in the FRA to be insufficient for the application to be approved. Members needed to be mindful of this in determining the planning application. David Pearson added the view that the concerns of the EA and LLFA carried a different emphasis.

Mr Pearson went on to explain that the EA was the strategic flood authority and therefore their concerns should not be dismissed lightly. A FRA was required for this application to show that flood risk concerns could be mitigated. The Committee needed a sound reason to approve this application and disregard the advice of the EA.

Mr Clark added that the EA managed the flood risk from and was the flood risk authority for main rivers, i.e. the Thames, and not the Council. The Council's responsibility was in relation to surface/ground water flooding.

Councillor Law felt that the Committee was receiving confused messages. The EA advice and the requests for further information had been stated as correct and 'by the book', but the point had also been made that the application was close to being acceptable. He therefore queried, as did Councillor Webster, whether the application could be approved subject to appropriate conditions. Mr Pearson explained that the EA considered that the FRA was not fit for purpose and further information was required. This had not been provided by the applicant and therefore the application was recommended for refusal.

However, Councillor Webster queried if the following could be considered as a suitable condition on which to approve planning permission: 'No development shall take place until full details of flood mitigation works have been submitted to and approved by the Local Planning Authority in consultation with the Environment Agency. This information would need to demonstrate that the raised road would not impede flood flow and the proposed culverts would allow flood water to flow beneath the elevated road. The scheme would need to be constructed and completed in accordance with the approved details.'

In response to this point, Mr Pearson acknowledged that Members could approve the planning application but it would still be referenced up to the District Planning Committee as a result of the concerns that had been raised which included and went beyond the EA points. The EA was concerned at the site being located entirely within Flood Zone 2 and a substantial part of the site being within Flood Zone 3. As already explained the FRA did not contain the detail required by the EA that would establish that the proposed works would not result in an increase in flood risk and that drainage of the site would be managed. The Officer recommendation was strongly for refusal of the application.

Mr Till drew attention to a recent Department for Communities and Local Government (DCLG) directive for applications where EA objections could not be overcome in Flood Zones 2 and 3. This directive stated that such applications, if approved at a local level, would need to be submitted to the Secretary of State for consideration.

He added that the EA frequently recommended conditions for reasonable measures to address issues. However, in this case they were not satisfied based on the existing information provided by the applicant and they felt that issues could not be addressed by conditions.

Councillor Law acknowledged the viewpoint of the EA, but returned to the condition of approval outlined by Councillor Webster. This would require the provision of further

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information and a more detailed FRA from the applicant before the development could commence. Councillor Webster also acknowledged the concerns of the EA and the LLFA, but the guidance provided by the Principal Engineer indicated the scheme was technically workable subject to the provision of additional information and engineering work. She re-read her proposed condition and reiterated that no development could commence until sufficient detail had been submitted. She questioned therefore why conditional approval of the application would result in it being referenced to District Planning Committee when it would be subject to appropriate conditions.

Mr Pearson added that if Members were minded to approve the application then an additional condition would need to be included to ensure that permitted works were retained in perpetuity.

Councillor Marigold Jaques acknowledged that Officers were the experts, but in this case the applicant was known to be reliable and he had expressed his concerns at being required to provide further information which he felt to be unreasonable and unnecessary, as well as having to meet ongoing costs. She would not be supporting Officers' recommendation.

Councillor Bridgman felt that a considerable extension would be required to the conditions before the application could be approved. To support this he again referenced the LLFA objections in the update report. This stated that 'full calculations showing volumes of cut and fill on a level for level basis must be provided'. The update report also stated that even if extended culverts were used, issues would remain as the existing ground levels outside of the site were above the lowest proposed level within the site meaning not all stored flood water would be free to pass back through the culverts. If a second flood event occurred before the storage area had fully drained away then storage capacity for the second flood would be reduced. The update report stated the LLFA view that this was not acceptable.

Councillor Bridgman accepted the points made around knowledge of the applicant and seeking to introduce a satisfactory condition to approve the application, but the applicant had been given the opportunity to provide the additional information but this had not been forthcoming to date.

Councillor Macro commented that further work would be required by the applicant if the application was approved with the additional condition or if the applicant was required to adhere to the requests of the EA. He voiced a concern that should the item be approved and the detail required by the EA not provided, then it would send a concerning message to other applicants.

Councillor Tony Linden had sympathy for the applicant, however in his view a greater level of certainty was needed before the item could be approved. He also felt that approval of the application in its current form would be a concern particularly when the applicant was a fellow Committee Member.

Councillor Webster clarified that the proposed condition she put forward was based on officer advice that the application was technically acceptable and the condition was therefore both lawful and appropriate. Knowledge of the applicant was not a factor in this.

Councillor Peter Argyle explained that his sympathy was with the school. They had used the existing field for many years and needed the additional space. He would not want a further delay for the school, however this would be necessary to some degree to satisfy additional requests for information.

Councillor Bale felt that more detailed conditions were also needed in order to address the LLFA objections. Specifically, this related to the point made that the proposed access fell down to the existing highway meaning that there would be run-off from the track.

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Proposals were required to show how this would be intercepted and dealt with using suitable SuDS measures.

Councillor Webster stated that she was willing to add this point to her draft condition in order to cover this matter. She added a further extension to this condition, in line with Councillor Bridgman's earlier point, to ensure that full calculations showing volumes of cut and fill were provided on a 'level for level' basis.

Continuing with the LLFA objection, Councillor Law referred back to the point made in the penultimate paragraph of the objection that there was too much outstanding information of a detailed nature required to allow approval with conditions on flood/SuDS grounds. He felt that the application should have the complete support of the specialist officer before it could be approved. Councillor Webster noted that Stuart Clark as Principal Engineer was a higher ranking officer than Jon Bowden as Senior Engineer. She therefore felt that greater weight should be given to the advice of the Principal Engineer.

Councillor Richard Crumly noted the concerns that had been raised, but he did not feel these to be significant as the application was for sports and recreation rather than a residential development, and therefore flooding was a far lesser concern. The applicant had stated that the site had not flooded within the last ten years. He was supportive of the application.

Councillor Crumly further noted that the FRA had been produced and he felt the further requests of the EA to be more applicable to building work.

In response to Councillor Crumly's points, Mr Clark stated that the flood concern was not in relation to the field, rather the concern was that surface water could be displaced towards existing residents.

Councillor Bridgman remained of the view that conditions would not overcome the point in the LLFA objection that extended culverts would not resolve the issue of storage capacity in the event of flooding.

Councillor Webster proposed that planning permission be granted, contrary to the Officer recommendation in the update report, subject to the conditions in the report and additional conditions highlighted by herself and Councillor Bale in relation to flood mitigation, and in relation to cut and fill calculations. This was seconded by Councillor Bale.

The proposal for approval, contrary to the revised Officer recommendation in the update report, was rejected.

Councillor Bridgman then proposed acceptance of the revised Officer recommendation in the update report to refuse planning permission. The proposal was seconded by Councillor Linden. The proposal for refusal of the application was accepted.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission for the following reason:

The application proposes a cut and fill operation to create a flat sports pitch area for use by St Johns Church of England School and a new driveway and running surface for vehicles serving Home Farm to the north of the site. The site is located entirely within Flood Zone 2 and a substantial part of the site is located within Flood Zone 3. The submitted flood risk assessment accompanying the application does not contain sufficient detail to establish that the proposed works would not result in an increase in flood risk on the site and surrounding area, or sufficient detail to confirm that an effective strategy would be employed to manage drainage on the site such as to prevent an increase in flood risk on the site and in the surrounding area. The proposed works are therefore contrary to the requirements of the National Planning Policy Framework (2012) that

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requires that when determining planning applications Local Planning Authorities should ensure flood risk is not increased elsewhere; Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 which requires development to demonstrate a high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire; and Policy CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 which states that development in Flood Zones 2 and 3 will only be permitted where it can be demonstrated that it would not have an impact on the capacity of an area to store floodwater, it would not have a detrimental impact on the flow of fluvial water, surface water or obstruct the run-off of water due to high levels of groundwater, and that appropriate measures to manage flood risk can be implemented with provision made for long term maintenance and management of any flood protection and mitigation measures.”

16. Appeal Decisions relating to Eastern Area Planning

(Councillor Tim Metcalfe rejoined the meeting at 8.09pm).

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

17. Site Visits

The 18 July 2018 was agreed for site visits if necessary. This was in advance of the Eastern Area Planning Committee scheduled for 25 July 2018.

(The meeting commenced at 6.30pm and closed at 8.10pm)

CHAIRMAN

Date of Signature