

Agenda Item 39.

Application Number	Expiry Date	Parish	Ward
212164	10/09/21	Winnersh	Winnersh;

Applicant	Ed Knott c/o RMBI Care Company
Site Address	Lord Harris Court, Mole Road, Sindlesham, RG41 5EA
Proposal	Full application for the proposed installation of a Non Return Valve and 24 hour storage cesspit to store effluent. (Retrospective)
Type	Full
Officer	Natalie Jarman
Reason for determination by committee	Listed by Councillor Bray and Councillor Fishwick

FOR CONSIDERATION BY	Planning Committee on Wednesday, 8 September 2021
REPORT PREPARED BY	Assistant Director – Place

SUMMARY
<p>Planning permission (LPA ref: 190233) was granted in October 2019 for erection of a new 45-bedroom care home and 60 assisted living apartments (C2 use Class), together with associated car parking, landscaping and amenity space provision. Construction on the new care home (phase 1 of the development) has begun but has not yet been occupied.</p> <p>This application seeks retrospective planning permission Non-Return Valve and 24-hour storage cesspit to store effluent.</p> <p>The application is being determined at Planning Committee at the request of the Ward Councillors who have concerns relating to odour, highway and pedestrian safety and whether the proposal is an acceptable solution.</p> <p>The proposal is acceptable in highway safety terms and there is no objection from Environmental Health and Drainage.</p> <p>The proposal is recommended for approval subject to the conditions set out in this report.</p>

PLANNING STATUS
<ul style="list-style-type: none"> • Limited development location (Sindlesham) • Sand and gravel extraction • Minerals consultation zone • Great Crested Newt Consultation Zone • Tree Preservation Order • Adjacent to Grade II Listed Building • Adjacent to Bearwood Recreation Conservation Area • Consultation Zone – Major Nuclear Site – AWE 12km • Bat Roost Habitat Suitability

RECOMMENDATION

That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:

A. Conditions and informatives:

Conditions:

1. This permission is in respect of the submitted application plans and drawings numbered:

Proposed Foul Flows

Engineering Overall Layout Drainage Strategy (0650A-SP-SL-PL-C-G7-070_A)
Letter from Thames Water dated 17 February 2020 regarding Notice of Consent to indirectly connect to a public sewer.

Pre-planning enquiry application form to Thames Water

Site Location Plan (unnumbered)

Septic Tank Plans and Sections (0650A-AP-SL-DE-C-G77-017)

Septic Tank (0650A-AP-SL-DE-C-G77-015)

Detailed Soft Landscape Proposals (0650A-SP-SL-PL-L-G7-010)

Site Masterplan (0650A-C+A-SP-SL-PL-A-G20-002 P4)

Letter from Castleoak dated 22nd June 2021

as received by the local planning authority on 23rd June 2021.

Arboricultural Survey and Planning Integration Report prepared by Quaife Woodlands (ref: AR/3717n/jq) dated 22/08/18 Castleoak Reference: 0650-00-SL-RE-Y-G0-1043

Statement of Community Involvement prepared by Castleoak

Planning Statement prepared by Castleoak

as received by the local planning authority on 7th July 2021.

Septic Tank (showing position of tanker) (0650A-SP-SL-DE-C-G77-015)

as received by the local planning authority on 17th August 2021.

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. Planting shall be carried out in accordance with the approved details (Detailed Soft Landscape Proposals 0650A-SP-SL-PL-L-G7-010) in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of:
 - addressing concerns raised in consultation responses.
 The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

2. Should any Great Crested Newts or evidence of Great Crested Newts be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

RELEVANT PLANNING HISTORY		
Application Number	Proposal	Decision
211442	Application for a certificate of existing lawful development for the installation of a Non-Return Valve (NRV) on a private sewer and the installation of a 16.5m ³ 24-hour storage cesspit.	Withdrawn
210533	Application for submission of details to comply with the following conditions of planning consent 190233 dated 25/10/2019 in respect of Phase 1 of the development only: Conditions: 7. Agreement from Thames water re network upgrades; 8. Vehicle Parking Spaces; 10. Cycle Storage; 11. Travel Plan; 15. Boundary Treatments; 16. Landscaping Details.	Spilt decision 09/06/21

203300	Application for non-material amendment to planning consent 190233 (25/10/19) to substitute the approved plans. Changes relate to Phase 1 (erection of a 45-bedroom care home) and include: 1. Alteration to Bin store layout, reduction in the number of external doors and additional louvres, 2. Change from brick to single ply to two small sections of roof where there is no support below for brickwork; and provision of flat roof sections and safety roof handrails; and 3. Conversion of a full-height window to a glazed door and sidelight at ground level and change of two fixed first floor windows to louvered windows.	Approved 24/02/21
201663	Application for submission of details to comply with the following condition of planning consent 190233 dated 25/10/2019. Condition 6 details of existing and proposed ground floor levels and finished roof levels.	Approved 17/08/20
201179	Application for non-material amendment to planning consent 190233 (25/10/2019) to allow further minor alterations to the approved scheme: Revision to proposed landscape plan, site plan to show external lighting, omission of 1no. proposed tree to allow for substation, updated elevations to include 6no. grey vents/louvres for corridor ventilation, update feature reference BB-1 from Holbrook Sandfaced Dark to Blockleys Black Smooth and change materials to include below DPC bricks as per elevation and change from Holbrook Sandfaced Dark to Blockleys Black Smooth.	Approved 03/06/20
192857	Application for submission of details to comply with the following conditions of planning consent 190233 (Dated 25/10/2019) 3. Parking 4. Phasing 5. Materials 6. Levels 9. Vehicle turning 12. Construction Method Statement 13. Communications Plan 16. Landscaping 18. Tree Protection 19. Drainage 22. Contamination 24. Energy.	Approved 17/01/20
190233	Full planning application for demolition of Lord Harris Court Centre care home (88 bedroom) and erection of a new 45-bedroom care home and 60 assisted living apartments (C2 use Class), together with associated car parking, landscaping and amenity space provision.	Approved 25/10/19

SUMMARY INFORMATION	
Site Area	100 square metres
Previous land use(s) and floorspace(s)	Care Centre
Proposed floorspace of each use	N/A
Change in floorspace (+/-)	N/A
Number of jobs created/lost	N/A
Existing parking spaces	N/A
Proposed parking spaces	N/A

CONSULTATION RESPONSES	
WBC Drainage	Recommend approval with no conditions.
WBC Environmental Health	Recommend approval with no conditions.
WBC Highways	Recommend approval with no conditions.
WBC Heritage & Conservation	Recommend approval with no conditions.
WBC Trees & Landscape	No comments received.
WBC Ecology	No comments received.
WBC Green Infrastructure	No comments received.
Environment Agency	No comments received.
Thames Water	No comment.

REPRESENTATIONS

Town/Parish Council: Winnersh Parish Council (WPC): Object

- Insufficient evidence to confirm the blockage is Thames Water's responsibility.
- No blockage prior to the building works.
- The vehicle that empties the cesspit parks in an unsafe manner in order to empty the cesspit and during that time they are causing a hazard to motorists and pedestrians.
- Whilst being emptied the smell is unacceptable to residents living in properties in the vicinity.
- Previous application was also withdrawn (Officer Note: WPC are referring to the Certificate application).

Local Members:

Councillor Fishwick: Object

- The application should have formed part of the masterplan and not be made retrospectively.
- Odour.
- Environmental and health issues.
- A cesspit is not an acceptable alternative.
- Highway and pedestrian safety.

Councillor Bray: Object

- Concern over the principle of the proposal being a “backup system”.
- Existing blockages in the wastewater network.
- Implications of condition 7 attached to the redevelopment of the site, which relates to wastewater upgrades and why proposal is required if there is less effluent.
- Odour.
- Retrospective.
- Highway and pedestrian safety.
- Appropriateness of proposed solution.

Neighbours: Nine comments received

- Why was this not planned to connect to the main sewer.
- Connecting to the main sewer would remove any impact on smell transfer when the tank will be emptied?
- The original planning request should have specified the requirement to connect to the main sewer and been planned into the proposals.
- Application retrospective
- Odour
- Appropriateness of a cesspit in a built-up area
- Reference to septic tank when a cesspit
- Use of NRV on gravity system
- Sewer blockages are foreseeable
- Not clear in the applicant’s submission documents which codes and standards have been used in its design.
- Noted for phase 1 only, concern once installed will be used for subsequent phases of development. Avoid any upgrades to the sewer when the volumes of effluent will increase and likely exceed the capacity of the existing sewer requiring its upgrade.
- Emptying is frequent
- Impact on Human Rights
- Impact of building (Officer Note: This application relates to the installation of a Cesspit only)
- Cesspit should be a last resort for dealing with foul waste
- Cesspit least environmentally friendly option and should only be considered if there is no access to a Mains Sewer

- Responsible for the continual emission of Greenhouse Gasses (GHG), principally methane, the most damaging of GHG emissions
- Less than 5 meters away from the Thames Valley Mains Sewer system
- The size of the cesspit (18,000 litres) is the same as that recommended for a single bedroom residential property with two people. Size needs to be increased to meet Building Regulations. (Officer Note: Building Regulations are dealt with separately)
- Developers' calculations based on care home only. (Officer Note: The cesspit relates only to the proposed care home)
- Even as an emergency backup (24 hours), solution makes no sense
- Even with no occupants in the new Care Home the cesspit has needed twice in three days
- The calculated discharge for both phases (when completed) provided by the developer is given as 2.34 ls of effluent, more than doubling the numbers above
- Tank not sufficiently distanced according to Building Regulations. (Officer Note: This application is for planning permission)
- Groundworks encroached onto the public footpath
- Needs to be appropriate provision for access (for size of vehicle) to empty the tank
- Location has caused highway safety issues close to road junction
- Original planning application noted that Thames Water had identified a current inability of the foul water infrastructure network to accommodate the needs of the of the development.
- Original application included a preoccupation condition 7.
- Not environmentally friendly
- Only less effluent leaving the site once the existing care home is largely vacated
- Health and Safety issues
- The new care home is not yet occupied but is already causing sewage pollution when the tank is emptied
- Being used as an economical solution but not the most appropriate solution
- Impact on users of adjacent play area, residents and future occupants of the care home.
- Impact on pedestrian safety

APPLICANTS POINTS

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| <ul style="list-style-type: none"> • This application is for a non-return valve (NRV) connected to a private sewer and a buried 24-hour storage tank of a volume of 18m³. The tank and NRV will be buried and the excavation 5 metres down. This is connecting to the foul drainage installed as per the approved care home. • The cess pit is to provide 24-hour storage if there is a blockage in the main sewer. • The proposed development would serve phase 1, the care home. • Installation is not the main wastewater / foul solution. • Main foul connection remains with connection to the mains sewer. • The NRV and storage tank are a backup solution to protect the newly built care home if there is ever a blockage in the mains sewer outside the site boundary. • During construction of the new care home, it became apparent there were blockages in the mains sewer that causes back up into the site. • The new care home is being constructed closer to the main sewer there were concerns that in the period before Thames Water have undertaken repairs to the mains sewer the new care home could be flooded with effluent. • Proposal is for a NRV at the site boundary and a 24-hour storage tank (for the effluent from the new care home) to allow Thames Water time to unblock the |
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system in the mains sewer and allow the care home time to arrange emptying of the tank.

- Tank to be emptied with a registered waste handler rather than pumped back into the system.
- Following completion of the new care home the amount of effluent leaving the site will be less than the amount currently leaving the site whilst the old care home is in operation. The new care home is smaller.
- Part of permission required confirmation if any wastewater upgrades required to accommodate flow from the site.
- Once care home development complete there will be less effluent leaving the site. Demonstrated as part of the discharge of condition 7.
- Applicant was not responsible for any upgrades
- Condition 7 discharged on 8th June 2021.
- Pre-Planning Enquiry Form also undertaken with Thames Water.
- Tank located close to the site boundary adjacent to the site access road, to allow emptying.
- Some trees along the road frontage were removed and thinned as per the arboricultural report and these are to be replaced with more native species as per the approved landscaping proposals. Landscaping scheme showed new trees planted among the existing trees. Two trees would be repositioned away from the storage tank to encourage better growth.
- Landscape Plan submitted.

PLANNING POLICY		
National Policy	NPPF	National Planning Policy Framework
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP7	Biodiversity
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk (from all sources)
	CC10	Sustainable Drainage
	TB21	Landscape Character
	TB23	Biodiversity and Development
TB24	Designated Heritage Assets	

Supplementary Planning Documents (SPD)	BDG	Borough Design Guide
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PLANNING ISSUES

Site Description:

1. Lord Harris Court includes a care home. Construction work is currently underway for a new care home.

Description of Development:

2. Retrospective planning permission is sought for the installation of a Non-Return Valve and cesspit comprising of septic tank 3.6 metres by 5.3 metres. The tank is situated underground. The tank is located on the corner of the entrance to Lord Harris Court and Mole Road. The submitted information includes an updated landscaping proposals re-siting two trees.

Planning History:

3. Planning permission (LPA ref: 190233) was granted in October 2019 for demolition of Lord Harris Court Centre care home (88 bedroom) and erection of a new 45-bedroom care home and 60 assisted living apartments (C2 use Class), together with associated car parking, landscaping and amenity space provision. The permission was subject to a section 106 agreement relating to Employment Skills Plan and assisted living accommodation falling within the Council's extra care housing model.
4. Permission was granted subject to conditions, including condition 7 which states:

No phase of the development hereby approved shall be occupied until either;

- i) confirmation from Thames Water that all wastewater network upgrades required to accommodate the additional flows from the respective phase of the development have been completed has been submitted to and approved by the local planning authority; or
 - ii) an accommodation and infrastructure phasing plan agreed between the developer and Thames Water in order to allow additional properties to be occupied has been submitted to and approved by the local planning authority. Where an accommodation and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed plan.
5. The reason for imposing the condition is that the development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan CC04 and CC10.
 6. It was noted in consideration of the original planning application that foul drainage was proposed to be pumped into the existing foul network and this needed to be agreed with the utilities provider.

7. Thames Water identified a current inability of the existing foul water network infrastructure to accommodate the needs of the development so requested a pre-occupation condition to ensure that either: all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or, an infrastructure phasing plan is agreed with Thames Water to allow the additional accommodation to be occupied. Accordingly, the above condition was attached.
8. In a submission of detail application (LPA ref: 210533) acceptable details were submitted in respect of phase 1 for condition 7. No objection was raised by Thames Water. The details showed foul drainage connecting to the existing foul network. The foul water discharge rate of the new care home is less than the existing care home. The details for phase 2 are outstanding, however, are anticipated to have no greater impact.
9. The care home will be connected to the public sewer. The septic tank is a protective measure to deal with blockages in the system.

Principle of Development:

10. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
11. The principle of development has been established for the care home and assisted living. This current proposal relates solely to the installation of a cess pit and non-return valve.

Character of the Area:

12. The proposed cesspit would be sited underground and would therefore not adversely impact on the character and appearance of the area.

Access and Movement:

13. The installation of a Non Return Valve and 24 hour storage cesspit to store effluent would not have an impact on the highway network. During the course of the application drawing 0650A-SP-SL-DE-C-G77-015 has been submitted showing the location of the parked tanker when the cesspit needs emptying. The proposed location for the tanker once works are complete is set back from the junction. Whilst it is noted that the location of the tanker would be on the access road, due to the infrequency of visits, the location is accessible as it is some distance from the access onto Mole Road, there is space for a vehicle to pass safely with clear sight of any approaching vehicle from the opposite direction. Accordingly, the arrangement is considered to be acceptable.

Flooding and Drainage:

14. The application has been reviewed by the Council's Drainage Engineer who recommends approval.
15. Thames Water have been consulted on the application and confirmed that they had no comment to make on the application. It is noted that phase 2 of the development still needs to be agreed in respect of the condition 7 attached to the planning permission for the redevelopment of Lord Harris Court.
16. The proposed tank does not change the drainage proposals, the care home will be served by the mains sewer. A capacity concern has not been raised by Thames Water or the Council's Drainage Engineer.

Residential Amenities:

17. The application has been considered by the Council's Environmental Health Officer (EHO) who notes that the proposals are to provide a backup for the disposal of foul waste in the event that the public sewer becomes blocked. The EHO acknowledged this as a sensible approach which would allow the Care Home to continue functioning whilst minimising the health risks associated with blocked and over-flowing drains.
18. Whilst frequent emptying of the cesspit has potential for nuisance, however, in this case foul drainage is via the existing foul sewer and the proposed development to act as a back-up. Blockages appear to be an existing issue; this cannot be resolved by legislation enforced by Environmental Health. The redevelopment of the Lord Harris Court site is a phased development with the existing 88-bedroom Care Home still operating whilst the new 45-bedroom Care Home is being constructed. The discharge rate for the care home being constructed, which is replacing the care home still occupied, is less. The EHO suggested a temporary permission to encourage a longer-term solution, this is not considered reasonable condition as the sewer belongs to Thames Water and condition 7 of the redevelopment permission still needs to be agreed in respect of phase 2.

Landscape and Trees:

19. The submission includes updated landscaping proposals with two of the trees shown in the original landscaping scheme relocated in the same area. This is considered to be an acceptable approach.

Ecology:

20. The application site lies within a Great Crested Newt Consultation Zone, given the minor nature of the application a Great Crested Newt informative has been added.

Conservation:

21. The works have no discernible visual impact to the character and appearance of the Sindlesham Conservation Area. As such from a heritage stance there is no objection.

CONCLUSION

22. The proposal is recommended for approval subject to the conditions outlined in this report.

The Public Sector Equality Duty (Equality Act 2010)
<i>In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.</i>
Human Rights Act 1998
<p>The Human Rights Act 1998 came into force on 2 October 2000. Article 8 relates to respect for private and family life. Article 1 of Protocol 1 relates to peaceful enjoyment of property. These rights have to be balanced against the public interest.</p> <p>In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.</p> <p>No exceptional circumstances have been raised which require a more careful and sensitive consideration of Human Rights issues.</p> <p>The above human rights could be outweighed when considering the general interest and the rights and freedoms of others. All planning decisions are based on an assessment of the development against the current development plan policies.</p>