

Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
152659	21/08	Swallowfield	Swallowfield	Request of Committee

<b>Applicant</b>	Bellway Homes Ltd		
<b>Location</b>	Willow Tree Works, Swallowfield Street, Swallowfield	<b>Postcode</b>	RG7 1QX
<b>Proposal</b>	Application for submission of details to comply with the following conditions of planning consent F/2014/0940 (2/4/2015): 22. Construction programme for any SUDS measures. 23. Details of the Drainage System. 24. Details of the implementation, maintenance and management of the sustainable drainage scheme. 26. Travel Plan.		
<b>Type</b>	Discharge of Condition		
<b>PS Category</b>	N/A		
<b>Officer</b>	Justin Turvey		

#### SUMMARY

Planning permission was issued in April 2015 for the demolition of existing buildings and erection of 38 dwellings, parking, landscaping, open space and infrastructure (F/2014/0940) on the Willow Tree Works site, Swallowfield. The permission included a number of conditions, including pre-commencement conditions, which required the approval of further details. It was agreed that relevant submissions relating to the approval of flooding and drainage conditions (22, 23, 24 and 25) should be brought to Committee for determination.

An application to approve Conditions 22, 23 and 24 (and also 26 which is not being considered by Committee) have been submitted under application reference 152659. An application to approve Condition 25, under application reference 152725, is considered elsewhere on the agenda. The original submissions have been supplemented by the submission of a significant amount of additional information, which has been the subject of additional consultation with neighbours and consultees.

- Condition 22 (Construction Programme for any SUDS Measures) - The Council's Drainage consultant advises that the condition can be approved in accordance with the approved submissions. The applicant will need to comply with the requirements of the condition.
- Condition 23 (Details of the Drainage System) - The Council's Drainage consultant advises that the submissions, supplemented by additional information, provide the required information relating to the drainage system and are sufficient to enable the condition to be approved, although updated modelling will be provided prior to committee in relation to the fourth bullet point of the condition. The applicant will need to comply with the submitted details under this condition.
- Condition 24 (Details of the Implementation, Maintenance and Management of the Sustainable Drainage Scheme) - The Council's Drainage consultant advises that the condition can be approved in accordance with the approved submissions. The applicant will need to comply with the requirements of the condition.

The Council's Drainage consultant has confirmed that the submitted details, including a significant amount of additional information, provided by the applicant is sufficient to enable the conditions relating to drainage to be approved. It is therefore recommended that Conditions 22, 23 and 24 are approved in accordance with the relevant submissions (subject to the receipt of updated modelling in relation to bullet point 4 of Condition 23).

Once approved, the applicant would be required to carry out the development in accordance with these approved details.

#### **PLANNING STATUS**

- Limited Development Location
- Great Crested Newt Consultation Zone
- SSSI 500m buffer
- Sand and Gravel
- Nuclear Consultation Zone

#### **RECOMMENDATION**

- **That, subject to the receipt of additional modelling information in respect of bullet point 4 of Condition 23, Committee authorise the approval of planning conditions 22, 23 and 24 in accordance with the relevant submissions.**

**(For clarity, Condition 26, which was also submitted under reference 152659, relates to a Travel Plan rather than drainage matters, and is not for consideration by Committee)**

#### **PLANNING HISTORY**

152725	Application for submission of details to comply with the following conditions of planning consent F/2014/0940: 25. Details of disposal of sewage. Considered elsewhere on this agenda.
152096	Application for a non-material amendment for application F/2014/0940 regarding the development of 38 dwellings (Amendment relates to proposed substation). Approved 17/11/2015.
150199	Conditions application for submission of details to comply with the following conditions of planning consent F/2014/0940: 8 - Boundary Treatments. Pending.
150262	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 9 - Site Survey. Pending.
150258	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 4 - Scheme of Landscaping. Condition approved 17/12/2015.
152942	Application for submission of details to comply with following condition of planning consent F/2014/0940 (Dated 02/04/2015) 6 - Scheme which provides for the retention and protection of trees, shrubs and

	hedges. Condition approved 17/12/2015.
150207	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 21- Groundwater Monitoring. Condition approved 16/12/2015.
153141	Conditions application to discharge condition 27 - Project Community Liaison Group of permitted planning application F/2014/0940. Condition approved 16/12/2015.
150256	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 10 - Construction Method Statement. Condition approved 10/08/2015.
150219	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 12 - Secure and covered bicycle storage/parking facilities. Condition approved 10/08/2015.
150217	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 13 - Assessment of Harmful Materials. Condition approved 10/08/2015.
150213	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 16 - Programme of Archaeological Work. Condition approved 21/08/2015.
150210	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 17 - Employment Skills Plan. Condition approved 21/08/2015.
150261	Conditions application for submission of details to comply with the following condition of planning consent F/2014/0940: 20. Ecological Assessment. Condition approved 21/08/2015.
150133	Conditions application for submission of details to comply with the following conditions of planning consent F/2014/0940: 2 - Samples and details of materials. Condition approved 27/07/2015.
DEM/2015/1099	Application for demolition of all existing buildings on site (Prior Notification Application). Approved 22/05/2015
F/2014/0940	Proposed redevelopment of site to provide 38 dwellings including affordable housing. Hard and soft landscaping, open space, parking provision and associated infrastructure. Approved 02/04/2015.
F/2008/0308	Application for renewal of planning consent O/2003/0586 for a further 3 years for the extension to factory building residential development (14 dwellings) and ancillary development. Refused: 25/06/2008.
RM/2007/0882	Reserved Matters Application on Outline consent O/2003/0586 for the proposed erection of 14 x 2 bedroom dwellings with associated parking and access. Withdrawn 29/01/2009.
RM/2007/0881	Reserved Matters on Outline application O/2003/0586 for the erection of 14 x 2 bedroom dwellings with associated parking and access. Withdrawn 29/01/2009.
F/2006/9217	Proposed erection of 14 two bedroom dwellings with associated parking (Withdrawn 25/01/2007)
F/2005/3962	Proposed extension to factory buildings and ancillary works. Approved 29/04/2005.
O/2003/0586	Outline application for the extension to factory building residential development (14 dwellings) and ancillary development. Approved 13/04/2004.
O/2003/8931	Outline application for the proposed residential redevelopment (approximately 50 dwellings) of site with ancillary works and

replacement factory building. Refused 26/08/2003..

### SUMMARY INFORMATION

Site Area	2.6ha (1.34ha within settlement boundary)
Existing residential units	0
Proposed units	38 (approved under F/2014/0940)
Existing use	Cleared site, formerly mixed B1/B2/B8
Existing parking spaces	N/A
Proposed parking spaces	113
Public open space	Circa 1ha

### CONSULTATION RESPONSES

WBC Drainage	No objection.
Local Members	No comments received.
Swallowfield Parish Council	Agree with comments of Swallowfield Flood Resilience Group and wish to highlight flooding and groundwater problems around the site. Conditions require appropriate measures to mitigate flood risk during construction; it is essential that WBC ensure the conditions are met in full.

### REPRESENTATIONS

Four letters of objection received relating to the original application submissions:

- Agree with comments of Swallowfield Flood Resilience Group.
- Development will exacerbate flood risk (Officer note: planning permission has been granted for the development and the consultation relates to conditions pursuant to that consent to ensure that flood risk is not exacerbated).
- Temporary drainage during construction has not yet been agreed (See paragraph 9).
- Reliance on existing drainage (See paragraphs 11 and 12)
- Mitigation of flood risk during construction as required by Condition 23 has not been adequately addressed (See paragraph 9)
- Swale design under Condition 23 must be reviewed (See paragraph 13).

A reconsultation exercise was carried out following the receipt of additional information. One further objection was received on the basis that the proposed drainage does not take into account extreme events where pipes could surcharge (See paragraphs 11, 12 and 13).

Comments received from Swallowfield Flood Resilience Group (SFRG) relating to the original application submissions:

- Mitigation of flood risk during construction as required by Condition 23 has not been adequately addressed. Works undertaken on site have damaged existing site drainage (See paragraph 9).
- Provision of drainage design is partly dependent on boundary design under condition 8 and the details submitted under this condition are not acceptable (Officer note: details pursuant to Condition 8 are currently under consideration under application 150199 and are subject to revision following the amendments to this application).

- Groundwater conditions have not been adequately taken into account – the drains will be full at times of flood risk, impacting upon their ability to respond to peak rainfall (See paragraph 11).

### APPLICANTS POINTS

- The submissions are sufficient to enable the planning conditions to be approved.
- Additional information has been submitted following requests from the Council's drainage consultant.

### PLANNING POLICY

National Policy	<b>NPPF</b>	National Planning Policy Framework
	<b>NPPG</b>	National Planning Policy Guidance
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP3</b>	General Principles for Development
	<b>CP9</b>	Scale and Location of Development Proposals
	<b>CP11</b>	Development Outside Settlement Limits
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
	<b>CC09</b>	Development and Flood Risk
	<b>CC10</b>	Sustainable Drainage
Other Documents	<b>SPD</b>	Swallowfield Village Design Statement

### PLANNING ISSUES

#### Description of Development:

1. In April 2015, Committee resolved to grant planning permission for the demolition of existing buildings and erection of 38 dwellings, parking, landscaping, open space and infrastructure (F/2014/0940) at the Willow Tree Works site, Swallowfield. Planning permission was issued on 02/04/2015 and included a number of conditions, including pre-commencement conditions, which required the approval of further details. It was agreed that relevant submissions relating to the approval of flooding and drainage conditions (22, 23, 24 and 25) should be brought to Committee for determination.
2. Since permission was granted, the applicant has submitted details pursuant to a number of planning conditions. The following conditions have been approved in accordance with the approved submissions:

CONDITION NO.	REQUIREMENT	APPROVAL DATE
2	Details of materials	27/07/2015
4	Details of landscaping	17/12/2015
6	Details of tree protection	17/12/2015

10	Construction Method Statement	10/08/2015
12	Details of cycle parking	10/08/2015
13	Assessment of contamination	10/08/2015
16	Programme of archaeological work	21/08/2015
17	Employment Skills Programme	10/08/2015
20	Ecological assessment	21/08/2015
21	Groundwater monitoring	16/12/2015
27	Community Liaison Group	16/12/2015

3. Further details have been submitted pursuant to the following planning conditions for approval, and are waiting for further information to be submitted for consideration:

CONDITION NO.	REQUIREMENT	APPROVAL DATE
8	Details of boundary treatments	Pending
9	Details of finished site and floor levels	Pending

4. The developer has also submitted applications for the approval of details relating to drainage and flood mitigation. Conditions 22, 23, 24 and 26 have been submitted under application reference 152659 (Condition 26 relates to a Travel Plan and is not for consideration by Committee). Condition 25 has been submitted under application reference 152725 and is considered elsewhere on this agenda. The original submissions have been supplemented by the submission of a significant amount of additional information, which has been the subject of additional consultation with neighbours and consultees. Consideration of the submissions relating to these conditions is provided below:

**Condition 22 - Construction Programme for any SUDS Measures:**

5. Condition 22 requires that:

The Local Authority shall be notified of the construction programme for any SUDS measures which are to be constructed within Private Gardens, prior to the associated residence being sold.

Reason: To allow the Local Authority to designate these as Flood Defence Structures under the Floods and Water Management Act, and ensure that the necessary registration of the Local Land charge at the time of designation is completed prior to the sale of the property.

6. SuDS features (filter drains with perforated pipes) are proposed in the gardens of plots 35 – 38. The applicant has proposed to notify the Council within 60 days of these plots being sold to satisfy this condition. However, housing plots are often sold well before occupation, and the Council can only designate the SuDS features as Flood Defence Structures once the features have been constructed. In order to make purchasers aware of the fact that there is drainage in their gardens that the Council intend to designate as Flood Defence Structures, the applicant has agreed to write a covenant into the deeds of these properties to ensure the SuDS features are retained, maintained and operated as intended. The wording of the deed has been submitted to the Council for approval. The applicant has confirmed that implementation of other SuDS features will

commence once the storage pond and swale has been completed, and that works to implement the drainage scheme began in October, with the filter drains completed by mid-February, and overall construction expected to take 14 months.

7. This details are considered to satisfy the aim of the condition, and the condition is recommended to be approved in accordance with the applicant's submissions. If approved, the applicant will need to comply with the approved submissions.

**Condition 23 - Details of the Drainage System:**

8. Condition 23 requires that:

The development shall be delivered in accordance with the approved FRA and supplementary Flood Flow hydraulic analysis detailed/ documented in the Odyssey Markides Technical Note dated 6th February 2015.

No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full details of all phasing and/or measures proposed to mitigate risks of flooding and/or pollution incidents arising to receiving watercourses/bodies or neighbouring development throughout construction.
- Demonstration of where and how surface water attenuation and infiltration shall be provided across the site and that the attenuation features are adequately sized to serve the development (i.e. will not flood any of the proposed dwellings or neighbouring development) for all events up to the 1 in 100 year storm plus allowances for the effects of climate change, taking account of achievable discharge rates over the lifetime of the development.
- Demonstration that the design of the drainage system accounts for the likely impacts of local groundwater levels (including seasonal variation), climate change and changes in impermeable area, over the design life of the development.
- Demonstration that the proposed development will not exacerbate the risk of surface water flooding off-site for all surface water flood events up to and including the 1 in 100 year event.
- Full details of all components of the proposed drainage system including source control, conveyance, storage, flow control and discharge. Details shall include dimension, locations, reference to storm simulation files, gradients, invert and cover levels and drawings as appropriate. This shall be identified for all catchments.
- Full details of water quality treatment components of the proposed drainage strategy. Details of component(s) including type, dimension, locations, capacity, maintenance requirements and frequency, gradients, invert and cover levels and drawings as appropriate. This shall be identified for all catchments.
- Full details of the maintenance and/or adoption proposals /agreements for the development covering every aspect of the proposed drainage system including a schedule of inspections and issue of an annual inspection report.

Reason: To ensure that drainage measures are designed appropriately.

9. In relation to the first bullet point (details of phasing and measures to mitigate flood risk during construction) the applicant has confirmed that the works are to be carried out in one phase. A plan has been submitted to show the extent of measures to mitigate flood risk undertaken so far (a regraded ditch along the eastern boundary and drainage network downstream to maintain the connection

and flows from off-site) and those to be undertaken by the end of January, which involves a drainage ditch adjacent to the garden of plot 35, and 450mm diameter pipe across the site to connect into the swale. This will accept flows from off site and the applicant points out that it would reduce flood risk to adjoining properties. The applicant has also been in regular discussions with surrounding neighbours whilst these works are carried out, and agreed measures such as a pump for use if required and a temporary drainage ditch. The applicant also points out that the filter drains in the gardens of plots 35-38 will also mitigate against flooding by intercepting overflows from adjoining land on the southern boundary. It is considered that the information submitted satisfies the requirements of the first bullet point.

10. The second bullet point requires the developer to demonstrate where and how surface water attenuation and infiltration will be provided across the site and that the attenuation features are adequately sized to serve the development. The submissions confirm that permeable paving, a pond, swale and drainage ditches are proposed. Detailed calculations submitted with the application confirm that the attenuation features are all designed to provide attenuation up to and including the 1 in 100 year storm + 30% allowance for climate change. Further details were requested by the Council's drainage consultant and the applicant submitted additional information to demonstrate that the development would not increase flood risk to surrounding properties or other properties downstream of the site. The Council's drainage consultant confirms that 'the revised information demonstrates that the proposed discharge rates from the site are in accordance with the approved Flood Risk Assessment as stipulated by Condition 23(b)' and therefore that the submissions satisfy the requirements of the second bullet point.
11. The third bullet point requires the developer to demonstrate that the drainage system accounts for the likely impacts of local groundwater levels, climate change and changes in impermeable area. The applicant has confirmed that the permeable paving and storage pond are lined and has provided analysis to demonstrate that the lining would not be adversely affected by groundwater levels (the swale would remain unlined and thereby allow ingress of groundwater into the underlying filter drain, which is considered to be preferable to lining the swale as it enables high groundwater levels to be drained via the proposed drainage system), and also points out that the total impermeable area of the site would reduce from 1.29ha to 0.86ha as a result of the development. The Council's drainage consultant confirms that 'the applicant has provided sufficient information to demonstrate that the performance of the proposed drainage system will not be compromised by the anticipated high groundwater levels' and therefore that the submissions are acceptable and satisfy the requirements of the third bullet point.
12. The fourth bullet point requires the developer to demonstrate that the proposed development will not exacerbate the risk of surface water flooding off-site for all surface water flooding including a 1 in 100 year event. Detailed calculations submitted with the application confirm that the attenuation features are all designed to provide attenuation up to and including the 1 in 100 year storm + 30% allowance for climate change and conclude that the development would not exacerbate the risk of surface water flooding off-site. Further to a request from the Council's drainage consultant, additional information has been submitted to support the selection of the off-site catchments used in the drainage calculations



and the Council's consultant advises that 'a comparison of the peak flow rates presented to the proposed development from off-site and the capacities of the proposed drainage networks to those presented in the approved hydraulic model indicate that the proposals are being delivered in accordance with Condition 23 (d).' The Council's drainage consultant has confirmed that the submissions show that the development would not exacerbate off-site flooding. Although conforming that they do not anticipate it will impact the proposal, the consultant does suggest that the hydraulic modelling is updated to be consistent with the additional information provided – the applicant has undertaken to update the modelling w/c 25<sup>th</sup> January and an update will be provided in the update sheet for Planning Committee.

13. The fifth bullet point requires full details of all components of the proposed drainage system. The submissions and additional supporting information confirm that surface water will be collected through permeable paving and pass through to the swale and drainage ditch. Surface water from roofs will be delivered to filter chambers then flow through the permeable paving sub base and on to the swale and drainage ditch. The Council's drainage consultant confirms that 'the revised information demonstrates that the proposed discharge rates from the site are in accordance with the approved Flood Risk Assessment as stipulated by Condition 23(e)' and therefore that the submissions satisfy the requirements of the fifth bullet point.
14. The sixth bullet point requires full details of water quality treatment components of the proposed drainage strategy. The submissions show that surface water is treated in filter drains, permeable paving and the swale. Contaminants are removed through filtration and in the storage pond by sedimentation. The Council's drainage consultant confirms that the submissions are acceptable and satisfies the requirements of the sixth bullet point.
15. The seventh bullet point requires full details of the maintenance and/or adoption proposals/agreements for the proposed drainage system. The applicant has confirmed that operation and maintenance of all SuDS and the drainage system will be undertaken in accordance with the submitted 'Willow Tree Way SuDS Management Plan R001 Rev 03'. Likewise the filter drains within the rear gardens of plots 35 – 38 and the piped surface water network within private land will be operated and maintained in accordance with the Plan. The applicant also confirms that Thames Water has agreed adoption of the foul water drainage network. In addition, the management company will be required to produce an annual inspection report of all aspects of SuDS which includes details of maintenance works carried out or required. It is considered that the information submitted satisfies the requirements of the seventh bullet point.
16. The proposals are considered to satisfy the requirements of the condition, and the condition is recommended to be approved in accordance with the applicant's submissions. If approved, the applicant will need to comply with the approved submissions.

**Condition 24 - Details of the Implementation, Maintenance and Management of the Sustainable Drainage Scheme:**

17. Condition 24 requires that:

No development shall take place until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. This shall include details of how prospective owners will be informed of the presence of SUDS structures in their Deed of Sales and what measures will be incorporated to ensure that they are not modified in any way and are maintained in perpetuity. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that drainage measures are managed and maintained appropriately.

18. As described above, SuDS features are proposed in the gardens of plots 35 – 38. The Council can only designate the SuDS features as Flood Defence Structures once the features have been constructed and so to make purchasers aware of the fact that there is drainage in their gardens that the Council intend to designate as Flood Defence Structures, the applicant has agreed to write a covenant into the deeds of these properties to ensure the SuDS features are retained, maintained and operated as intended. The wording of the deed has been submitted to the Council for approval. The deed will include applicable operation and maintenance information as outlined in the submitted PBA document ‘Willow Tree Way SuDS Management Plan R001 Rev 03’.

19. In relation to point i of the condition, the applicant has confirmed that implementation of SuDS will commence once the storage pond and swale has been completed, and that works to implement the drainage scheme began in October, with an estimated duration of 14 months. In relation to point ii, the applicant confirms that the scheme will be managed and maintained by a management company in accordance with the submitted PBA document ‘Willow Tree Way SuDS Management Plan R001 Rev 03’.

20. This proposal is considered to satisfy the requirements of the condition, and the condition is recommended to be approved in accordance with the applicant’s submissions. If approved, the applicant will need to comply with the approved submissions.

## **CONCLUSION**

Applications to approve Conditions 22, 23 and 24 (and also 26 which is not being considered by Committee) have been submitted under application reference 152659. An application to approve Condition 25 under application reference 152725 is considered elsewhere on the agenda. The original submissions have been supplemented by the submission of a significant amount of additional information, which has been the subject of additional consultation with neighbours and consultees.

- Condition 22 (Construction Programme for any SUDS Measures) - The Council’s Drainage consultant advises that the condition can be approved in accordance with the approved submissions. The applicant will need to comply with the

requirements of the condition.

- Condition 23 (Details of the Drainage System) - The Council's Drainage consultant advises that the submissions, supplemented by additional information, provide the required information relating to the drainage system and are sufficient to enable the condition to be approved, although updated modelling will be provided prior to committee in relation to the fourth bullet point of the condition. The applicant will need to comply with the submitted details under this condition.
- Condition 24 (Details of the Implementation, Maintenance and Management of the Sustainable Drainage Scheme) - The Council's Drainage consultant advises that the condition can be approved in accordance with the approved submissions. The applicant will need to comply with the requirements of the condition.

The Council's Drainage consultant has confirmed that the submitted details, including a significant amount of additional information, provided by the applicant is sufficient to enable the conditions relating to drainage to be approved. It is therefore recommended that Conditions 22, 23 and 24 are approved in accordance with the relevant submissions (subject to the receipt of updated modelling in relation to bullet point 4 of Condition 23).

Once approved, the applicant would be required to carry out the development in accordance with these approved details.

#### **CONTACT DETAILS**

<b>Service</b>	<b>Telephone</b>	<b>Email</b>
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