

VARIATION/REMOVAL OF CONDITION **DRAFT DECISION NOTICE**



WOKINGHAM
BOROUGH COUNCIL

Expiry Date: 6 May 2025

Application Number: 250265

Location: Lee Spring, Latimer Road, Wokingham, RG41 2WA

Proposal: Application to vary conditions 2, 11, 16, 17 and 25 of planning consent 223691 for the proposed erection of 42 residential apartments in three blocks, including onsite parking, shared amenity spaces, enhanced green spaces to support biodiversity and waste storage facilities. Access for neighbouring garages to be provided by 3.7m wide through-route north of the site. Following demolition of the existing buildings. Condition 2 refers to approved plans, 11 to drainage, 16 to walking and cycling, 17 to electrical vehicles charging strategy, 25 to sustainability. The variation is to allow demolition to be achieved and update the sustainability strategy.

Recommendation: Approve

Conditions and/or Reasons

Conditions 1, 2, 11, 16, 17 and 25 now read:

1. Timescale - The development hereby permitted shall be begun before the expiration of three years from the date of permission 223691 (dated 09/07/2024).

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Approved details - This permission is in respect of the submitted application plans and drawings named and numbered:

Existing Topographical Survey – Drg No. 101, Site Location Plan – Drg No: 090 Rev A, Proposed Site Plan – Drg No. ref: 200 Revision A, Proposed Ground Floor Plan - Drg No. 220 Revision A, Proposed 1st Floor Plan – Drg No. 221 Revision A, Proposed 2nd Floor Plan – Drg No. 222 Revision A, Proposed 3rd Floor Plan – Drg No. 223 Revision A, Proposed Roof Plan – Drg No. 224 Revision A, Proposed Section 01 – Drg No. 300, Proposed Section 02 – Drg No. 301, Proposed Section 03 – Drg No. 302, Proposed Section 04 & 05 – Drg No. 303, Proposed Section 06, 07 & 08 – Drg No. 304, Proposed Elevation 01 & 02 – Drg No. 310, Proposed Elevation 03 & 04 – Drg No. 311, Proposed Elevation 05 & 06 – Drg No. 312, Proposed Elevation 07 – Drg No. 313, Swept Paths – Drg No. Figure 4.1, Swept Paths – Drg No. SK11, Letter from YES Engineering dated 24.03.2023, Proposed Building Heights Plan – Drg No. 501, Design

Update – Revision A, Daylight and Sunlight Assessment – prepared by EB7, Transport Assessment(including Parking Management Plan)- prepared by YES Engineering Group Ltd, Demolition and Construction Management Plan- prepared by YES Engineering Group Ltd, Noise Report- prepared by KP Acoustics, Asbestos Management Survey Report- prepared by Artisan, Environmental Condition Survey Report- prepared by Thames Valley Surveying, Ecological Appraisal Report and Bat Survey- prepared by Phlorum, Flood Risk Assessment and Drainage Strategy- prepared by Ardent, Employment Evidence Report- prepared by Lichfields V3, Fire Statement- prepared by London Bridge Associates and Land Contamination Report- prepared by Brownfield Solutions Ltd. Received by the local planning authority on 12/12/2022, 14/12/2022, 24/04/2023, 03/11/2023 and 17/11/2023. 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.

11. Drainage - Prior to the commencement of development above slab level, full details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include:

1. BRE 365 test results demonstrating whether infiltration is achievable or not.
2. Use of SuDS following the SuDS hierarchy, preferably infiltration.
3. Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100-year flood event with a 40% allowance for climate change and runoff controlled at 2l/s as proposed.
4. As connection is proposed to an existing surface water sewer on Latimer Road (Appendix G), we need to understand why other methods of the SuDS hierarchy cannot be implemented and see confirmation from the utilities supplier that their system has got capacity and the connection is acceptable.
5. Groundwater monitoring confirming seasonal high groundwater levels in the area.
6. A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above the seasonal high water table level.

The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained in the approved form for as long as the development remains on the site.

Reason: This is to prevent increased flood risk from surface water run-off. Relevant policy: NPPF (2019) Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.

16. Walking and Cycling - Prior to the commencement of development above slab level, an audit to consider pedestrian and cycle infrastructure and connections from the development to Wokingham town centre, Wokingham Station and to the hospital shall be submitted for approval by the local planning authority. If any improvements are deemed as necessary, the measures shall be implemented in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure that roads and footpaths are constructed to a standard that would be suitable for adoption as publicly maintainable highway, in the interests of providing a functional, accessible and safe development. Relevant policy: Core Strategy policies CP3 & CP6.

17. Prior to the commencement of development above slab level, an Electric Vehicle Charging Strategy shall be submitted to, and approved in writing by the Local Planning Authority. This strategy shall include details relating to onsite electric vehicle charging infrastructure in accordance with Building Control Regulations Approved Document S and details of installation of charging points. The development shall be implemented in accordance with the agreed strategy thereafter.

Reason: In order to ensure that secure electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

25. Sustainability - The development hereby approved is to be carried out in strict accordance with the hereby approved Energy Report referenced 2321/06-1, prepared by Sadler Energy and Environmental Services Ltd in support of this application. Prior to first occupation of the hereby approved development, sustainability measures are to be implemented on site and shall remain operational for the lifetime of the development.

Reason: To ensure developments contribute to sustainable development. Relevant policy: NPPF, Core Strategy policy CP1, Managing Development Delivery Local Plan policy CC05 & the Sustainable Design and Construction Supplementary Planning Document.

All other conditions of planning permission 223691 dated 09/07/2024, as varied by 241788 (dated 15/01/2025) apply to this planning permission, viz:

1. As above.

2. As above.

3. External materials - Before the development hereby permitted is commenced above slab level, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

Reason: To ensure that the external appearance of the building is satisfactory. Relevant policy: Core Strategy policies CP1 and CP3.

4. Obscure glazing – The most south-westerly window at first floor in the western elevation of block 3 hereby permitted shall be fitted with obscured glass and shall be permanently so-retained. The window shall be non-opening unless the parts of the

window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so- retained.

Reason: In the interests of protecting the amenities of No.28/28 Latimer Road. Relevant Policy CP1, CP3 and the Wokingham Borough Design Guide.

5. Details of boundary walls and fences - Before the development hereby permitted is commenced above slab level details of all boundary treatment(s) shall first be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

Reason: In the interests of amenity and highway safety. Relevant policy: Core Strategy policies CP1, CP3 and CP6.

6. Hard and Soft Landscaping - Prior to the commencement of the development above slab level, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development).

7. Protection of trees -

a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use

of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

8. Landscape management - Prior to the commencement of the development above slab level, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

9. Bat License - No works affecting bat roosts shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy (or an email from Natural England that the site has been registered under the bat mitigation class licence) has been submitted to the local planning authority. Thereafter mitigation measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and / or the applicant conclude that a licence for development works affecting bats is not required the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the local planning authority prior to commencement of work.

Reason: To ensure that bats, a material consideration, are not adversely affected by the development.

10. Ecological Lighting - Prior to occupation, a lighting design strategy for biodiversity in line with the recommendations given in section 4.9 of the Bat Survey Report (Phlorum, ref: 11582 Rev0, September 2022) for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that bats, a material consideration, are not adversely affected by the development.

11. As above.

12. Hours of work - No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

13. Parking and turning space to be provided - No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

14. Cycle parking details required - Prior to the occupation of the development hereby permitted details of secure and covered bicycle storage/ parking facilities for the occupants of [and visitors to] the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

15. Construction method statement - No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- v) wheel washing facilities,
- vi) measures to control the emission of dust and dirt during construction,
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety & convenience and neighbour amenities. Relevant policy: Core Strategy policies CP3 & CP6.

16. As above.

17. As above.

18. Parking Management - Prior to the first occupation of the development, a Parking Management Strategy for the management of the parking arrangements shall be submitted to and approved in writing by the local planning authority. The submitted Parking Management Strategy shall include details of the management of all parking spaces.

Reason: To ensure satisfactory development in the interests of amenity and highway safety in accordance with Wokingham Borough Core Strategy Policies CP1, CP6, CP13 and CP21 and MDDLDP policies CC07 and TB20.

19. Contamination - Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of that phase shall be submitted to and approved in writing by the local planning authority:

1. a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site;
2. a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite;
3. the site investigation results and the detailed risk assessment (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
4. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any

requirements for longer-term¹ monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The development of each phase shall be carried out in accordance with the approved details.

Reason: In the interests of future residential amenity and health. Relevant policy CP1 and CP3.

20. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for each phase of the development shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: In the interests of future residential amenity and health. Relevant policy CP1 and CP3.

21. If, during development, contamination not previously identified is found to be present at the site then no further development within that phase, unless otherwise agreed in writing by the local planning authority, shall be carried out until the developer has submitted to and received written approval from the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination is to be dealt with.

Reason: In the interests of future residential amenity and health. Relevant policy CP1 and CP3.

22. Noise and Vibration - The development hereby approved is to be carried out in strict accordance with the hereby approved Noise and Vibration Impact Assessment Report 25168.NVA.01 by KP Acoustics submitted in support of this application.

Reason: To protect the amenity of the area and to ensure that premises are protected from noise nuisance and disturbance, in accordance with Wokingham Borough Core Strategy Policy CP1, the Managing Development Delivery Local Plan Policy CC06.

23. Noise Insulation for Dwellings - The dwellings hereby approved shall be designed and/or insulated to provide attenuation against externally generated noise, the design should ensure that all noise implications are mitigated so that internal ambient noise levels for dwellings meet the BS8233/1999 sound insulation and noise reduction for buildings design range 'good' for living accommodation.

Reason: To protect the amenity of the area and to ensure that premises are protected from noise nuisance and disturbance, in accordance with Wokingham Borough Core Strategy Policy CP1, the Managing Development Delivery Local Plan Policy CC06.

24. Plant/Machinery to be attenuated - All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed

and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level [or 10dB[A] if there is a particular tonal quality] when measured at the nearest residential or noise sensitive property. Any recommended noise mitigation measures should be retained and maintained thereafter.

Reason: To ensure that no nuisance or disturbance is caused to the occupiers of properties. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

25. As above.

26. Waste Storage - No building shall be occupied until details of bin storage area and facilities for recycling have been submitted to and approved in writing by the local planning authority. The bin storage and recycling facilities shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

Reason: In the interests of visual and neighbouring amenities and functional development. Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.

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 the evolving planning policy context;
- planning issues relating to design, character and materials - addressing concerns relating to highway safety;
- extending the determination period of the application to allow for a multiple consultations concerning plan revisions.

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. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development, failure to do this will result in penalty surcharges

being added. For more information see the Council's website - Community Infrastructure Levy advice page. Please submit all CIL forms and enquiries to developer.contributions@wokingham.gov.uk.

3. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, the granting of planning permission does not authorise you to gain access or carry out any works on, over or under your neighbour's land or property without first obtaining their consent, and does not obviate the need for compliance with the requirements of the Party Wall etc. Act 1996.

4. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

5. Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.

6. Any works/ events carried out by or on behalf of the developer affecting either a public highway or a prospectively maintainable highway (as defined under s.87 New Roads and Street Works Act 1991 (NRSWA)), shall be co-ordinated and licensed as required under NRSWA and the Traffic Management Act 2004 in order to minimise disruption to both pedestrian and vehicular users of the highway. Any such works or events, and particularly those involving the connection of any utility to the site must be co-ordinated by the developer in liaison with the Borough's Street Works team (0118 974 6302). This must take place AT LEAST three months in advance of the intended works to ensure effective co-ordination with other works so as to minimise disruption.

7. Records indicate a public sewer beneath or in close proximity to the proposed development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

8. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via:

<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7Cplanning.enquiries%40wokingham.gov.uk%7Cd98b945dcd5c426873f808dbdf834d2a%7C996ee15c0b3e4a6f8e65120a9a51821a%7C0%7C0%7C638349527249602466%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=Bon2Y2H3x9wdStGoGyiNrR2rqrl%2F%2FnFGNqabJQz7eAI%3D&reserved=0.>

Please refer to the Wholesale; Business customers; Groundwater discharges section.

9. The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/ or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air- space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any thirdparty access to its land.

10. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

11. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

12. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

13. Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

14. In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

15. Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

16. The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

17. Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

18. Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish

to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

19. Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

20. Notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.

21. This permission is to read in conjunction with the S106 legal agreement dated 8 July 2024 as varied on 13 January 2025.

Recommendation and conditions/reasons agreed: *MC*

Date: 01.05.2025

REMEMBER - The earliest date for a decision on this application is: 07/03/2025