<table>
<thead>
<tr>
<th>Item No</th>
<th>Application No. and Parish</th>
<th>8/13 Week Date</th>
<th>Proposal, Location and Applicant</th>
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<tbody>
<tr>
<td>(2)</td>
<td>15/01355/OUTD</td>
<td>27th July 2015</td>
<td>S73A - Variation of Conditions 4, 6, 7, 8, 10, 11, 13, 14, 15, 18 and Condition 20 of approved application 12/01584/OUTD - Residential development for two (2) detached houses with garages. Land Adjoining 14 - 19, Upper Eddington, Hungerford, Berkshire, RG17 0HH. Waddington Forbes Homes Ltd.</td>
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<td>15/01360/REM</td>
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<td>Hungerford Town Council</td>
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To view the plans and drawings relating to this application click the following link: [http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/01355/OUTD](http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/01355/OUTD)

**Recommendation Summary:** To DELEGATE to the Head of Planning and Countryside to APPROVE Planning Permission with the amended conditions as set out in section 8.2 of this report.

**Ward Member(s):** Councillor Paul Hewer
Councillor James Podger

**Reason for Committee Determination:** More than ten representations received objecting to the application.

**Committee Site Visit:** 27th August 2015.

**Contact Officer Details**
- **Name:** Jake Brown
- **Job Title:** Senior Planning Officer.
- **Tel No:** (01635) 519111
- **E-mail Address:** jpbrown@westberks.gov.uk
1. **Relevant Site History**


00/10255/OUT: Renewal of Planning Application 151041 for proposed residential development for two dwellings. Application approved 06/02/2001.

06/00255/FUL: Renewal of 00/01052 - Proposed residential development for two dwellings. Application approved 27/03/2006.

09/00420/OUTD: Residential development for two (2) detached houses with garages. Application approved 08/05/2009.

12/01584/OUTD: Residential development for two (2) detached houses with garages. Application approved 30/08/2012.

14/00753/REM: Approval of Reserved Matters following outline planning permission 12/01584/OUTD - Matters to be considered: access, appearance, landscaping, layout and scale. Application approved 16/07/2014.

15/00653/COND1: Approval of details reserved by Condition 3: Arboricultural Method Statement of planning permission 14/00753/REM: Approval of Reserved Matters following outline planning permission 12/01584/OUTD - Matters to be considered: access, appearance, landscaping, layout and scale. Application approved 16/07/2014.

15/00778/COND1: Application for approval of details reserved by Conditions 4 - Surfacing, 6 - Visibility Splays, 7 - Parking, 8 - Temporary Parking, 10 - Materials, 11 - Fencing and enclosures, 13 - Landscape, 14 - Spoil, 15 - Floor Levels, 18 - Tree Protection, 20 - Dust of Planning Permission 12/01584/OUTD: Residential development for two (2) detached houses with garages. Application refused 18/05/2015.

15/01360/REM: S73A - Variation of Condition 3 of approved application 14/00753/REM - Approval of Reserved Matters following outline planning permission 12/01584/OUTD - Matters to be considered: Access, Appearance, Landscaping, Layout and Scale. Invalid application.

2. **Publicity of Application**

   Site Notice Expired: 07.07.2015
   Neighbour Notification Expired: 20.08.2015.

3. **Consultations and Representations**

   **Town Council**

   First response: Object.

   **Town Council Response to additional information:**

   Withdraw our objection subject to receiving confirmation that these conditions have been met. In future the Council would like to see cross sectional drawings where height is likely to be an issue.

   **Highways:**

   No objections, conditions can be amended to refer to details submitted.
<table>
<thead>
<tr>
<th><strong>Tree Officer 1st Response:</strong></th>
<th>No objections.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tree Officer Response to amended landscaping plans:</strong></td>
<td>Concern regarding ability of native shrubs and beech hedge being able to grow due to shade.</td>
</tr>
<tr>
<td><strong>Drainage Officer:</strong></td>
<td>No response received.</td>
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<tr>
<td><strong>North Wessex Downs AONB:</strong></td>
<td>No response received.</td>
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<tr>
<td><strong>Principal Ecologist:</strong></td>
<td>No objections.</td>
</tr>
<tr>
<td><strong>Waste Services:</strong></td>
<td>No response received.</td>
</tr>
<tr>
<td><strong>Public Protection:</strong></td>
<td>Environmental Health are satisfied that the details provided comply with condition 20 regarding dust.</td>
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<tr>
<td><strong>Thames Water:</strong></td>
<td>No comments to make.</td>
</tr>
<tr>
<td><strong>Representations:</strong></td>
<td>Ten representations received objecting to the application citing: overlooking; impact on trees; loss of light; potential for sub-soil landslide; boundary damage; insufficient room for landscaping proposed; removal of existing landscaping; disruptive building works; mud on the road; loss of water pressure; loss of privacy; impact on neighbouring properties; impact on access to neighbouring properties; raising of floor level; raising of ground levels; maintenance of boundaries; overbearing presence; boundary treatment to be provided when existing shed is removed; proposed oak tree will impact on garden of neighbouring property. A petition of 28 signatories has also been received requesting the investigation of the development taking place and possible breaches in the original planning application and consideration of representations received. Six of the signatories within the petition have submitted separate representations objecting to the proposal.</td>
</tr>
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4. **Policy Considerations**

4.1 The statutory development plan comprises the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP), and the West Berkshire Core Strategy 2006-2026. The policies from the West Berkshire Core Strategy 2006-2026 relevant to this application are:
- NPPF Policy.
- CS 1: Delivering New Homes and Retaining the Housing Stock.
- CS 4: Housing Type and Mix.
- CS 5: Infrastructure Requirements and Delivery.
- CS 13: Transport.
- CS 14: Design Principles.
- CS 15: Sustainable Construction and Energy Efficiency.
- CS 16: Flooding.
- CS 17: Biodiversity and Geodiversity.
- CS 19: Historic Environment and Landscape Character.

4.2 The West Berkshire Core Strategy replaced a number of Planning Polices in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes.
- TRANS1: Meeting the Transport Needs of New development.
- OVS5: Environmental Nuisance and Pollution Control.

4.3 Other material considerations for this application which includes government guidance are:

- The Conservation of Habitats and Species Regulations 2010.
- National Planning Practice Guidance (PPG).

5. **Description of Development**

5.1 This application is a section 73A application under the Town and Country Planning Act 1990 (as amended) which seeks permission to vary a number of conditions attached to permission 12/01584/OUTD as development has commenced on site without the discharging of those conditions prior to the development commencing. The conditions proposed to be varied are: condition 4 – details of surfacing arrangements for the vehicular access; condition 6 – provision of visibility splays at access; condition 7 – details of vehicle parking and turning space; condition 8 – details of temporary parking area; condition 10 – samples of materials and schedule of materials to be used in the development; condition 11 – means of enclosure; condition 13 – details of hard and soft landscaping; condition 14 – details of spoil removal; condition 15 – details of finished floor levels in relation to existing and proposed ground levels; condition 18 – tree protection; condition 20 – scheme of works to minimise the effects of dust.

5.2 Outline permission with all matters reserved for the erection of 2 houses with garages was granted under application 12/01584/OUTD. Previous outline permissions for the erection of two houses have been granted dating back to 1998 (see planning history). Earlier permissions (ref: 151041, 00/01052/OUT and 06/00255/FUL) referred in application submissions to the dwellings proposed as being chalet bungalows, however all matters were reserved in these permissions and no conditions were attached restricting the height or type of the dwellings. Irrespective of this the recent permissions (09/00420/OUTD and 12/01584/OUTD) were granted and did not reference the type of dwelling proposed. For both applications a design and access statement submitted noted that the dwellings will have a maximum ridge height of 8 metres. However as scale was not a matter for
consideration in these application, and there were no conditions restricting the height or type of the dwelling, there is restriction on the height or type of dwellings granted under these outline permissions.

5.3 Following the granting of permission 12/01584/OUTD a reserved matters application was submitted (ref:14/00753/REM) and approved for the erection of two dwellings one with a ridge height of 8 metres and one with a ridge height of 7.5 metres. The dwellings approved were two storey dwellings.

5.4 Therefore the application under determination here does not seek permission for the type of dwellings proposed, rather it is whether the details submitted in respect of conditions 4, 6, 7, 8, 10, 11, 13, 14, 15, 18 and 20 are acceptable and the conditions can be varied to reflect the development under construction.

6. Consideration of the Proposal

The main issues for consideration in the determination of this application are whether the details submitted in respect of conditions 4, 6, 7, 8, 10, 11, 13, 14, 15, 18 and 20 are acceptable in terms of:
- The impact on the character and appearance of the area and AONB;
- The impact on neighbouring amenity;
- Highway matters;
- Other matters.

6.1 The impact on the character and appearance of the area and AONB.

6.1.1 The site is located within the defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

6.1.2 In respect of condition 4 – surfacing arrangements for the vehicular access, the details proposed within drawing numbers 1506 104 and 1506 113b for the access to be bonded with tarmac and a granite sett for a distance of at least 3 metres from the highway, are not considered to detrimentally impact on the character and appearance of the AONB.

6.1.3 In respect of condition 6 – visibility splays, drawing number 1506 106 shows a visibility splay of 33 metres to the right when existing the site and 25 metres to the left. The condition requires visibility splays to be provided prior to the development of the site. Your Officer has visited the site and can confirm that the visibility splays at the access have been provided.

6.1.4 The provision of the visibility splays are not considered to detrimentally impact on the character and appearance of the AONB.

6.1.5 With regard to condition 7 – parking and turning space, drawing number 1506 107 has been submitted showing two garages proposed and an area outside of each garage sufficient for the parking of two vehicles together with sufficient room for turning within the site. The provision of the parking and turning areas are not considered to detrimentally impact on the character and appearance of the AONB.

6.1.6 In respect of condition 8 – temporary parking, drawing number 1506 108 has been submitted showing an area of temporary parking within the site. The provision of the temporary parking area is not considered to detrimentally impact on the character and appearance of the AONB.

6.1.7 With regard to condition 10 – samples and schedule of materials, the following materials have been proposed in the application documents:
- Brick: Michelmersh Downs Blend;
- Roof Slates: Cembrit Westerland;
- Windows and Doors: White uPVC;
- Rainwater Goods: Black plastic 'Osma Roundline';
- Paviours: Marshalls 'drivaset';
- Gravel: 10mm South Cerney.

6.1.8 Samples of the brick and tile materials have been seen on site and are being used in the continuing development of the site. The proposed materials are not considered to detrimentally impact on the character and appearance of the AONB.

6.1.9 In respect of condition 11 – fencing and enclosures, drawing number 1506 113b has been submitted showing a 1.8 metre close boarded fence to the south-eastern boundary of the site. A beech hedge is proposed along the north-eastern boundary of the site adjoining 14-19 Upper Eddington. A 1.8 metre close boarded fence and beech hedge is proposed for approximately two thirds of the length of the north-western boundary of the site between the site and No. 5 Hamblin Meadow. Towards the rear of the site on the north-western boundary a gabian retaining wall of 1.5 metre in height with a close boarded fence on top of 1.8 metre in height is proposed. This boundary treatment will continue along the south-western (rear) boundary between the application site and the neighbouring properties of Linden Lea and No. 3 Waram Close. The proposed gabian wall with a 1.8 metre close boarded fence on top is set within the site boundary. At the edge of the site boundary on lower ground to the site a further 1.8 metre tall fence with a beech hedgerow is also proposed.

6.1.10 During the processing of this application further plans were requested by your Officer to show the relationship between the proposed dwellings and the neighbouring properties with the proposed boundary treatments and landscaping shown. Plans were received (drawing numbers 1506 114, 1506 116 and 1506 128) and all parties were reconsulted to provide the opportunity for further comment. The proposed boundary treatments are not considered to detrimentally impact on the character and appearance of the AONB.

6.1.11 With regard to condition 13 – hard and soft landscaping, drawing number 1506 113b has been submitted showing a number of trees within the site and beech hedgerows along the boundaries as identified above. Further mixed native shrubs are proposed within the site along the south-western boundary. Permeable paviours are proposed for the length of the shared driveway and the rear paved areas of the dwellings. Gravel is to be laid in the areas fronting the garages and to the footpaths. The proposed hard and soft landscaping is not considered to detrimentally impact on the character and appearance of the AONB.

6.1.12 In respect of condition 14 – spoil removal, the application documents confirm that the spoil is to be handled in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites as published by DEFRA (2009). This is considered acceptable and is not considered to detrimentally impact on the character and appearance of the AONB.

6.1.13 In respect of condition 15 – finished floor levels in relation to existing and proposed ground levels, drawing number 1506 115 has been submitted showing the proposed finished floor levels in relation to an ordnance datum point. The application site is surrounded by the built form of Nos. 14 - 19 Upper Eddington to the north-east, Hamblin Meadow to the west and north-west, Linden Lea to the south and Waram Close to the south-west. During the processing of this application further plans were requested by your Officer to show the relationship between the finished floor levels of the proposed dwellings and the neighbouring properties. Plans were received (drawing numbers 1506 114, 1506 116 and 1506 128) and all parties were reconsulted to provide the opportunity for further comment. The ground levels to the south-west and north-west drop considerably from the levels of the site.
6.1.14 The proposed finished floor levels and the subsequent resultant height of the dwellings in relation to the character of the area are not considered to detrimentally impact on the character and appearance of the AONB. It is acknowledged that the site is located on higher ground than the existing built form to the south and west. However the proposed finished floor levels are not considered to result in dwellings of height that appear at odds with the surrounding built form when viewed from the public realm.

6.1.15 With regard to condition 18 – tree protection, an arboricultural method statement has been submitted which confirms that apart from a small cherry tree at the eastern end of the site no other tree stand within the boundaries of the site. The statement confirms that a number of tree stumps remain. From site visits undertaken at various points in the past the site has been subject to clearance involving the removal of trees prior to development commencing. This can be undertaken without the need for permission as the trees were not protected and were not located within a Conservation Area.

6.1.16 The statement identifies the root zones of two trees and hedges close to the boundary but not within the application site that require protective fencing and a tree protection plan has been submitted. However at the time of your Officer’s most recent site visit (20th August 2015) no tree protection had been erected on site.

6.1.17 Provided that the condition regarding tree protection is amended to require the erection of the tree protection within one week of the approval it is not considered that the details submitted in respect of this condition will detrimentally impact on the character and appearance of the AONB.

6.1.18 In respect of condition 20 – dust mitigation, the application documents confirm that the works shall be undertaken in accordance with ‘The control of dust and emissions from construction and demolition’ Best Practice Guidance. This is considered acceptable and is not considered to detrimentally impact on the character and appearance of the AONB.

6.1.19 Therefore the details submitted in respect of conditions 4, 6, 7, 8, 10, 11, 13, 14, 15, 18 and 20 are considered acceptable in respect of the impacts on the character and appearance of the area.

6.2 The impact on neighbouring amenity

6.2.1 In respect of conditions 4 – details of surfacing arrangements for the vehicular access; 6 – provision of visibility splays at access; 7 – details of vehicle parking and turning space; 8 – details of temporary parking area; 10 –samples of materials and schedule of materials to be used in the development; 14 – details of spoil removal and 18 – tree protection, the proposed details submitted are not considered to detrimentally impact on the amenity of neighbouring properties.

6.2.2 In respect of condition 11 – fencing and enclosures, as previously mentioned drawing number 1506 113b has been submitted showing a 1.8 metre close boarded fence to the south-eastern boundary of the site. A beech hedge is proposed along the north-eastern and north-western boundary of the site adjoining 14 - 19 Upper Eddington. A 1.8 metre close boarded fence and beech hedge is proposed to for approximately two thirds of the length of the north-western boundary of the site between the site and No. 5 Hamblin Meadow. Towards the rear of the site on the north-western boundary a gabian retaining wall of 1.5 metre in height with a close boarded fence on top of 1.8 metre in height is proposed. This boundary treatment will continue along the south-western (rear) boundary between the application site and the neighbouring properties of Linden Lea and No.3 Waram Close. The proposed gabian wall with a 1.8 metre close boarded fence on top is set within the site boundary. At the edge of the site boundary on lower ground to the site a further 1.8 metre tall fence with a beech hedgerow is also proposed.
6.2.3 During the processing of this application further plans were requested by your Officer to show the relationship between the proposed dwellings and the neighbouring properties with the proposed boundary treatments and landscaping shown. Plans were received (drawing numbers 1506 114, 1506 116 and 1506 128) and all parties were reconsulted to provide the opportunity for further comment.

6.2.4 The proposed boundary treatments to the north-western boundary of the site adjoining 14 - 19 Upper Eddington and for two thirds of the length of the north-western boundary of the site, between the site and No. 5 Hamblin Meadow are not considered to detrimentally impact on the neighbouring amenities of 14 - 19 Upper Eddington and No. 5 Hamblin Meadow.

6.2.5 The proposed boundary treatment along the south-eastern boundary of the site comprising a 1.8 metre tall close boarded fence largely exists at present except for the area where an existing shed is sited. The shed will be removed as part of the works and the boundary treatment plan shows the 1.8 metre close boarded fence to continue along the boundary where the shed was located. Therefore the proposed boundary treatment along the south-eastern boundary is not considered to detrimentally impact on the amenities of the neighbouring properties to the south-east, No. 1 Waram Close and Whitestacks.

6.2.6 The proposed boundary treatment along the south-western boundary comprising a 1.5 metre gabian wall with a 1.8 metre close boarded fence on top, mostly set back from the boundary within the site by 0.5 metres, would introduce a 3.3 metre tall structure along the boundary between the site and Linden Lea and No.3 Waram Close.

6.2.7 This is not considered to result in any significant overshadowing due to the boundary largely being sited to the north of these neighbouring properties.

6.2.8 The proposed boundary will result in a tall structure when viewed from the neighbouring properties to the south-west. However it is not considered that the proposed boundary treatment would be so significant as to warrant a refusal given that the boundary treatment is largely set back within the site by approximately 0.5 metres and would comprise materials that are textured and softer in appearance than a large brick wall. The boundary treatment in this location also benefits the neighbouring properties to the south from what previously existed had the site not been developed, and with the site being developed. The proposed boundary treatment is considered to mitigate any overlooking or loss of privacy generated by occupants of the dwellings under construction for the neighbouring properties of Linden Lea and No.3 Waram Close.

6.2.9 A short section of the same boundary treatment comprising the gabian wall with a close boarded fence on top is proposed along the north-eastern boundary of the site adjoining No. 6 Hamblin Meadow.

6.2.10 This will be located beyond the rear boundary of the rear garden at No.6 Hamblin Meadow and again will introduce a tall structure set within the application site by approximately 0.5 metres. As this boundary treatment is located rear (south-east) of the garden of No.6 Hamblin Meadow any impact in respect of overbearing or overshadowing is not considered to sufficient to warrant a refusal. The proposed boundary treatment is also considered to sufficiently mitigate any potential overlooking and loss of privacy generated by occupants of the proposed dwelling on plot 1.

6.2.11 It is important to note that the rear elevation of the proposed dwelling on plot 1 has no openings at first floor level and roof lights are positioned above head height in the rear rooms within the dwelling. The first floor opening on the north-western side elevation serves a bathroom and is conditioned to be obscure glazed.
6.2.12 Representations received raise concern regarding the damage to existing boundaries during construction works. This is not a planning consideration and is a civil matter between land owners.

6.2.14 Therefore the details of the proposed boundary treatments submitted in respect of condition 11 are not considered to significantly impact on the amenities of neighbouring properties to warrant a refusal of the application.

6.2.15 With regard to condition 13 – hard and soft landscaping, drawing number 1506 113b has been submitted showing a number of trees within the site and beech hedgerows along the boundaries as identified above. Further mixed native shrubs are proposed within the site along the south-western boundary. Permeable paviours are proposed for the length of the shared driveway and the rear paved areas of the dwellings. Gravel is to be laid in the areas fronting the garages and to the footpaths. The proposed hard and soft landscaping is not considered to detrimentally impact on the amenities of neighbouring dwellings. It is noted that the canopy of the proposed oak tree at the front of the site would potentially overhang into the rear garden of No. 5 Hamblin Meadow. Any overhang of the canopy would take a considerable period, circa. 20-30 years, to occur and the owner of the neighbouring property would have rights to cut back any overhang on their property. Any leaf matter shed from the tree would be seasonal and is not considered sufficient to warrant a refusal.

6.2.16 In respect of condition 15 – finished floor levels in relation to existing and proposed ground levels, drawing number 1506 115 has been submitted showing the proposed finished floor levels in relation to an ordnance datum point. The application site is surrounded by the built form of Nos. 14 - 19 Upper Eddington to the north-east, Hamblin Meadow to the west and north-west, Linden Lea to the south and Waram Close to the south-west. During the processing of this application further plans were received (drawing numbers 1506 114, 1506 116 and 1506 128) and all parties were reconsulted to provide the opportunity for further comment. The ground levels to the south-west and north-west drop considerably from the levels of the site.

6.2.17 The proposed finished floor levels and the subsequent resultant height of the dwellings in relation to the character of the area are not considered to detrimentally impact on the amenities of the neighbouring properties in terms of overlooking, loss of privacy or overbearing impact. It is acknowledged that the outlook from neighbouring properties will be changed by the erection of the proposed dwellings, however, in planning there is no right to a private view.

6.2.18 Concern has been raised in respect of overlooking from the rear elevation of plot 2 and the neighbouring properties to the west, Whitestacks and No.1 Waram Close. The proposed dwelling would be located approximately 30 metres and 26 metres from the neighbouring dwellings respectively. As such the proposed finished floor levels are not considered to introduce any significant overlooking or loss of privacy for these neighbouring properties.

6.2.19 In respect of condition 20 – dust mitigation, the application documents confirm that the works shall be undertaken in accordance with ‘The control of dust and emissions from construction and demolition’ Best Practice Guidance. This is considered acceptable and is not considered to detrimentally impact on the amenities of neighbouring properties.

6.2.20 Therefore the details submitted in respect of conditions 4, 6, 7, 8, 10, 11, 13, 14, 15, 18 and 20 are considered acceptable in respect of the impacts on the amenities of neighbouring properties.

6.3 Highway matters
6.3.1 The conditions relevant to highway matters are condition 4 – details of surfacing arrangements for the vehicular access; condition 6 – provision of visibility splays at access; condition 7 – details of vehicle parking and turning space and condition 8 – details of temporary parking area.

6.3.2 The Highways Officer has reviewed the details submitted in respect of these conditions and considered them acceptable.

6.3.3 Therefore the proposed details in respect of conditions 4, 6, 7 and 8 are not considered to detrimentally impact on highway safety.

6.4 Other matters

Contaminated Land

6.4.1 Planning permission 12/01584/OUTD had a condition attached requiring the submission of a contaminated land assessment prior to commencement of development (condition 21). The applicant has confirmed that a contaminated land assessment is underway and will be submitted shortly. Whilst this has not be sought to be varied as part of this application the Local Planning Authority has the power to amend conditions attached to the original permission under this application. It is considered that this condition can be varied to require the contaminated land assessment to be submitted within 1 month of the approval and any remediation works to be completed prior to the occupation of the dwellings.

Presumption in Favour of Sustainable Development

6.4.2 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals.

6.4.3 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

6.4.4 The proposal is considered to have limited economic considerations. The environmental considerations have been assessed and are considered acceptable. The proposal is also considered to contribute to the social sustainability through the provision of much needed housing.

6.4.5 As such the proposal is considered to contribute to the aim of delivering sustainable development in accordance with the NPPF.

7. Conclusion

7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, on balance, the details submitted in respect of the conditions proposed to be varied are considered to be acceptable and should be approved subject to the amended conditions set out in section 8.2 of this report for the reason set out below.

7.2 The details submitted in respect of conditions 4, 6, 7, 8, 10, 11, 13, 14, 15, 18 and 20 are not considered to detrimentally impact on the character and appearance of the area, the amenity of neighbouring properties or highway safety.

8. Full Recommendation
8.1 **DELEGATE** to the Head of Planning & Countryside to **APPROVE PLANNING PERMISSIONS** subject to the relevant conditions set out in Section 8.2.

8.2 **Conditions**

**Reserved Matters**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one month from the date of this permission.

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

**Surfacing Arrangements**

2. No occupation of the dwellings shall occur until the surfacing arrangements for the vehicular access to the highway have been implemented in accordance with drawing number 1506 104 received on 1st June 2015 and drawing number 1506 113b received on 23rd July 2015.

   **Reason:** To avoid migration of material onto the highway in the interest of road safety in accordance with policy CS14 of the West Berkshire Core Strategy 2006-2026.

**Visibility Splays**

3. The visibility splays shown on drawing number 1506 106 received on 1st June 2015 shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

   **Reason:** In the interests of road safety, in accordance with Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

**Vehicle Parking**

4. No dwelling shall be occupied until the vehicle parking and turning spaces have been provided in accordance with drawing number 1506 107 received on 1st June 2015. The parking and turning space shall thereafter be kept available for parking (of private motor vehicles and/or light goods vehicles) at all times.

   **Reason:** To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. In accordance with Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

**Temporary Parking**

5. Within one week of this decision the approved temporary parking and turning area shall be provided in accordance with drawing number 1506 108 received on 1st June 2015. The approved parking and turning area shall thereafter be maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

   **Reason:** To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed to comply with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.
Restriction on New Openings

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B or C of that Order shall be constructed at first floor level on the south-western and north-western elevations of plot 1 and on the north-eastern and south-western elevations of plot 2, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjoining properties and in the interests of the amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

Materials Used In Construction

7. The development shall be constructed in accordance with the schedule of materials received on 1st June 2015.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

Fencing and Enclosures

8. No dwelling shall be occupied until the fencing and other means of enclosure have been erected in accordance with drawing numbers 1506 113b, 1506 114, 1506 116 and 1506 128 received on 23rd July 2015. The fencing and means of enclosure shall thereafter be retained.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and are required to mitigate any potential impact on neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

Code for Sustainable Homes

9. The dwellings shall achieve Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). No dwelling shall be occupied until a final Code Certificate relevant to it, certifying that Code Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CC1 and CC4 of the South East Plan (May 2009), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

Hard and Soft Landscaping

10. No dwelling shall be occupied until the hard landscaping as shown on drawing number 1506 113b received on 23rd July 2015 has been implemented in full. Within the first planting season following the completion of the development the soft landscaping shall be implemented in full in accordance with drawing number 1506 113b received on 23rd July 2015. Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approved
Landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

**Reason:** To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**Spoil Removal**

11. Any spoil shall be disposed of in accordance with the ‘Construction Code of Practice for the Sustainable Use of Soils on Construction Sites as published by DEFRA (2009).

**Reason:** To ensure appropriate dispersal of spoil in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**Finished Floor Levels**

12. The development shall be carried out in accordance with drawing number 1506 115 received on 1\(^{st}\) July 2015 and drawing numbers 1506 114, 1506 116 and 1506 128 received on 23\(^{rd}\) July 2015.

**Reason:** To ensure a satisfactory relationship between the proposed building and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**Gates**

13. Any gates to be provided at the access where vehicles will enter or leave the site shall open away from the adjoining highway and be set back a distance of at least 5 metres from the edge of the highway.

**Reason:** To ensure that vehicles can be driven off the highway before the gates are opened, in the interest of road safety in accordance with Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Policy CS13 of the West Berkshire Core Strategy 2006 - 2026.

**Garage Use**

14. The garages shall be used solely for purposes incidental to the use of the dwellings hereby approved. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garages.

**Reason:** This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**Tree Protection**

15. Within one week of this decision the approved Tree Protection Plan received on 1\(^{st}\) June 2015 shall be implemented in full. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

**Note:** The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**Construction Hours**

16. No construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**Dust Mitigation**

17. The development shall be constructed in accordance with ‘The control of dust and emissions from construction and demolition' Best Practice Guidance received on 1st June 2015.

Reason: In the interests of amenities of neighbouring occupiers in accordance with and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**Contaminated Land**

18. Within 1 month of this decision an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
- human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency’s 'Model Procedures for the Management of Land Contamination, CLR 11'.

The report shall also provide a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

No dwelling shall be occupied until the approved remediation scheme has been implemented in full, if required, and a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and submitted for the approval in writing by the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme no dwelling shall be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is imposed in accordance with Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and the NPPF.

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