

ITEM FOR DECISION

Item No.	Application No. and Parish	13 Week Date	Proposal, Location and Applicant
(3)	15/02842/OUTMAJ Theale	12 January 2016	Outline application for Residential development of up to 325 houses and apartments (including 70 extra-care units) with associated access, parking, amenity space and landscaping. All matters reserved. Lakeside, The Green, Theale Central Corporation Securities Ltd; Alliance Security(The Green) Ltd, Central Corporation Estates Ltd and Insistmetal2 Ltd

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/02842/OUTMAJ>

Recommendation Summary: **DELEGATE** to the Head of Planning & Countryside to make representations at appeal that planning **permission should be granted** subject to conditions and planning obligations.

Ward Member: Councillor Alan Macro

Reason for Committee Determination: Level of objection

Committee Site Visit: 11th January 2017

Contact Officer Details

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1. INTRODUCTION

- 1.1 This is an item for decision in relation to appeal against non-determination pursuant to planning application 15/02842/OUTMAJ. The application sought outline planning permission for up to 325 houses and apartments on land known as Lakeside, The Green, Theale. All matters are reserved.
- 1.2 The application has been subject to prolonged negotiations in relation to several principle issues including viability, affordable housing, education mitigation, design, and landscape impacts. The applicants exercised their ability to appeal against non-determination of the application, so the decision whether to grant planning permission will be made by the Planning Inspectorate, not the Council. An informal hearing is scheduled for 9th February 2017.
- 1.3 The decision of the Committee on this item will determine the position the Council adopts at the appeal (i.e. whether the Council supports or resists granting planning permission). This decision should nonetheless be made on the basis of compliance with the Development Plan and material considerations.
- 1.4 The outline application was originally submitted with all matters reserved except Access. The Council used its powers under the Town and Country Planning (Development Management Procedure) Order 2015 to “call-in” Layout to be considered at outline stage. Following negotiations on design, the Council withdrew this call-in. The Appellant has subsequently amended the application so that the Access is also reserved for later consideration.

2. PLANNING HISTORY

2.1 Lakeside (whole site)

- 2.1.1 Outline planning permissions for a business park and public open space were granted on appeal in 1989 and 1996, but neither was implemented despite reserved matters approval being gained in respect of the latter. A further outline planning permission was granted by the Council in 2000 for a B1 business park and associated open space (Application 154882). A reserved matters application in respect of this latest outline permission was approved in 2001 (Application 01/01266/RESMAT). It provides for 14,488sqm of B1 floor-space in three 3-storey buildings together with 545 surface car-parking spaces. All the buildings and car-parking would be contained within South Lakeside (excluding the area protected by TPO), and North Lakeside would be landscaped as open space.
- 2.1.2 All pre-conditions applying to the 2000 outline planning permission and the 2001 reserved matters approval have been discharged and material operations have been carried out to begin implementing the permission.

2.2 North Lakeside

- 2.2.1 A proposal for 58 dwellings on the whole North Lakeside site was dismissed at appeal in January 2007 (APP/W0340/A/05/1186340). Two subsequent outline applications for residential development on the site were refused by the Council in 2006. The Council then granted planning permission, also in 2006, for one pair of

four-bedroom semi-detached residential properties with garages and car parking on part of North Lakeside fronting The Green, next to the access to the appeal site (Application 06/00236/FULD).

- 2.2.2 The Housing Sites Allocation Development Plan Document (HSA DPD) Proposed Submission Version (November 2015) included an allocation in the central parcel of North Lakeside for approximately 15 dwellings (Policy HSA14). As part of this proposed allocation, the banks of the lake and the western and eastern parcels of North Lakeside were proposed to be maintained as open space and a landscape buffer.
- 2.2.3 Subsequently, an appeal was granted for seven dwellings on land south of St Ives Close, which forms the eastern parcel of North Lakeside (Application 14/02195/OUTD). This conflicted with the proposed allocation. In response the Council has elected to delete the proposed allocation policy and simply include the whole Lakeside site within the proposed revised settlement boundary to Theale, whereby the principle of residential development becomes acceptable.
- 2.2.4 Application 16/01846/OUTMAJ sought outline planning permission for 25 dwellings on the remainder of North Lakeside (i.e. the central and western parcels). This application has been appealed for non-determination, and is another item for decision.

2.3 South Lakeside

- 2.3.1 An application (04/01219/FULMAJ) for proposed residential development of 350 houses and apartments with associated access, parking, amenity space and landscaping on the land known as South Lakeside was submitted in May 2004. The Council refused planning permission in October 2006 on grounds of density, overdevelopment, landscape, design, lack of on-site public open space, and the lack of a planning obligation. This decision was appealed, and in November 2006 the appeal was recovered for determination by the Secretary of State. An inquiry was held in June 2007, and the Inspector recommended that planning permission be granted subject to conditions. In September 2007 the Secretary of State granted full planning permission.
- 2.3.2 A lawful development certificate (11/00117/CERTP) was approved on 10th June 2011. This certificate confirmed that planning permission 04/01219/FULMAJ was deemed to be lawful by virtue of its implementation prior to the 26th September 2010 (3 years after the grant of permission).

3. CONSULTATION

3.1 Statutory and Non-Statutory Consultations

Theale Parish Council:	Object on grounds of infrastructure (medical, schools), sewerage, affordable housing, building heights, landscaping, highways (St Ives Close, The Green, A4/A340 Roundabout, access and egress)
Englefield Parish Council (adjacent):	Object on grounds of infrastructure (schools, medical, drainage), and that any development on the site

	should be no more than 100 homes.
Sulhampstead Parish Council (adjacent):	No objections, but comments that PC would like there to be no buildings more than 2 storeys high for aesthetic reasons. Due care should be given to existing residents and an alternative solution to using St Ives Close sought.
Planning Policy:	Detailed comments, no objection in principle
Education:	Contribution to primary school extension required
Highways:	No objections subject to conditions and S106
Transport Policy:	No objections subject to S106
Minerals and Waste:	No objections
Housing:	40% affordable housing sought
Waste Management:	Conditional permission
Emergency Planning:	No objections
Archaeology:	Conditional permission
Ecology:	Conditional permission
Countryside (open space):	No objections
Environmental Health:	Conditional permission
Tree Officer:	Conditional permission
Lead Local Flood Authority:	Conditional permission
Environment Agency:	No objections subject to conditions
Thames Water:	Conditional permission
Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust:	Conditional permission
Natural England:	No objections
Royal Berkshire Fire and Rescue Service:	Conditional permission
West Berkshire Spokes:	No response
Health and Safety Executive:	No objections
Office of Nuclear Regulations:	No objections
Canals and Rivers Trust:	Consultation returned (outside remit)

3.2 Public consultation

Total: 12 Support: 1 Object: 11

Summary of support

- Makes use of an area that has been neglected
- Creates an attractive amenity out of the lake
- Upgrades road of St Ives Close

Summary of objection

- Access arrangements
- Traffic and disturbance along St Ives Close
- Loss of amenity to properties on St Ives Close
- Exacerbate impacts on local doctor's surgery
- Insufficient school places available
- Exacerbate existing sewage problems
- Traffic and noise pollution
- Layout and close proximity to neighbouring properties

- Loss of security to neighbouring properties
- Loss of privacy to neighbouring properties
- Overdevelopment
- Excessive scale of development
- Loss of local wildlife habitats
- Inadequate parking provision
- Construction traffic and parking
- Small garden sizes
- Risk to existing trees to be retained
- Conflicts with Policy HSA14 of emerging HSA DPD
- Landscape impacts
- Out of keeping with local character
- Air quality
- Ecological impacts inadequately assessed
- Housing mix inappropriate

4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for West Berkshire comprises:
- West Berkshire Core Strategy (2006-2026)
 - West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
 - Replacement Minerals Local Plan for Berkshire (2001)
 - Waste Local Plan for Berkshire (1998)
- 4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and who these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).
- 4.3 According to paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:
- NPPF Policy
 - ADPP1: Spatial Strategy
 - ADPP4: Eastern Area
 - CS1: Delivering New Homes and Retaining the Housing Stock
 - CS4: Housing Type and Mix
 - CS5: Infrastructure Requirements and Delivery
 - CS6: Provision of Affordable Housing
 - CS8: Nuclear Installations AWE Aldermaston and Burghfield

- CS13: Transport
- CS14: Design Principles
- CS15: Sustainable Construction and Energy Efficiency
- CS16: Flooding
- CS17: Biodiversity and Geodiversity
- CS18: Green Infrastructure
- CS19: Historic Environment and Landscape Character

4.5 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the Development Plan following the publication of the Core Strategy. The following saved policies from the Local Plan are relevant to this development:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- OVS.7: Hazardous substances
- HSG.1: The Identification of Settlements for Planning Purposes
- TRANS.1: Meeting the Transport Needs of New Development
- RL.1: Public Open Space Provision in Retail Development Schemes
- RL.2: Provision of Public Open Space (methods)
- RL.3: The Selection of Public Open Space and Recreation Sites

4.6 According to Paragraph 216 of the NPPF, decision-takers may also give weight to relevant policies in emerging plans according to: (1) the stage of preparation, (2) the extent to which there are unresolved objections to relevant policies, and (3) the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. The Local Development Scheme (LDS) provides a timetable for the preparation of emerging development plan documents.

4.7 The emerging Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of new West Berkshire Local Plan. It will allocate non-strategic housing sites and sites for Gypsies, Travellers and Travelling Showpeople, and will provide update residential parking standards and a set of policies to guide housing in the countryside. The Proposed Submission Version of the HSA DPD was published in November 2015 and is currently at examination. According to the LDS, adoption anticipated for Spring 2017. The following policies from the HSA DPD are relevant to this development:

- GS1: General Site Policy
- HSA14: North Lakeside (now deleted)
- P1: Residential Parking for New Development
- Settlement Boundary Review

4.8 The following local policy documents adopted by the Council are material considerations relevant to the development:

- North Wessex Downs AONB Management Plan (2014-2019)
- Quality Design SPD (2006)
- Planning Obligations SPD (2015)

5. APPRAISAL

5.1 Principle of development

- 5.1.1 The West Berkshire Development Plan provides an up-to-date framework for making decisions on the location of new residential development in the District.
- 5.1.2 Policies ADPP1 and ADPP4 provide a spatial strategy for the District and the Eastern Area respectively. Theale is identified as a Rural Service Centre, the second tier of the District Settlement Hierarchy and is expected to accommodate growth in residential development. Policy ADPP1 states that in open countryside (i.e. outside settlement boundaries) only appropriate limited development will be allowed.
- 5.1.3 Core Strategy Policy CS1 states that new homes will be primarily developed on suitable previously developed land within settlement boundaries, other suitable land within settlement boundaries, strategic sites and broad locations identified on the Core Strategy Key Diagram, and land allocated for residential development in subsequent Development Plan Documents.
- 5.1.4 Local Plan Policy HSG.1 permits new residential development within existing settlement boundaries, and its supporting text confirms that new residential development outside settlement boundaries will only be permitted in exceptional cases. Policy HSG.1 is a saved policy of the West Berkshire District Local Plan. The weight to be given to this policy must be considered on a case-by-case basis.
- 5.1.5 Through the Core Strategy and the emerging Housing Site Allocations DPD, the Council is now allocating land outside the existing settlement boundaries, and reviewing these boundaries more generally, to accommodate housing growth within the District. This is necessary to meet the Core Strategy housing requirement and the Government's policy to boost housing supply.
- 5.1.6 The Council is proposing to include the whole Lakeside site within the Theale settlement boundary. Owing to its late stage of preparation, consistency with the NPPF and the absence of any objections to the proposal to incorporate the site within the settlement boundary, the policy changes proposed by the HSA DPD should attract substantial weight in the determination of this appeal. Accordingly, specifically in relation to this site, Policy HSG.1 attracts diminished weight because of the clear direction being taken through the HSA DPD. The HSA DPD views Lakeside as committed development in light of the extant permission, and development on the site is included within the Council's five year housing land supply.
- 5.1.7 The site is located outside but adjacent to the existing settlement boundary of Theale, and a previous appeal decision has established that, despite former operations on the site (such as mineral extraction), the site is not to be regarded as previously developed land.
- 5.1.8 Owing to its location outside the existing settlement boundary, the proposal plainly conflicts with Policy HSG.1. However, viewed as a whole, the proposal complies with the up-to-date framework for housing supply provided by Core Strategy Policies ADPP1, ADPP4 and CS1, and Policy C1 of the emerging HSA DPD, which

includes the revised settlement boundary around the site. Accordingly, the above policies weight heavily in favour of granting planning permission.

- 5.1.9 Further, the extant planning permissions on the site are important material considerations. They also establish the principle of residential development on most parts of the site. Overall, therefore, the principle of development is considered acceptable.

5.2 Landscape and visual impacts

- 5.2.1 The site is located on the western edge of Theale, outside of but in close proximity to the boundary of the North Wessex Downs AONB to the west.

- 5.2.2 The proposed development clearly represents a marked increase in scale and density compared to neighbouring development within Theale. Development of this scale and massing is broadly established through the extant planning permissions on the site. The focus of consideration on this application has therefore been on the differences between the current proposals and the extant permissions. The Council has employed a Landscape Architect Consultant to appraise the application.

- 5.2.3 The original submissions included a substantial change to the mass, scale and extent of development, and to the maximum heights by comparison to the extant permission. They also made significant changes to the ratio of open space and built form at Lakeside. Subsequent amended parameter plans have responded to the majority of the Landscape Consultant's concerns in terms of the maximum heights and extent of development.

- 5.2.4 However, the Council's Landscape Consultant maintains concerns in relation to the balance within the site between dense development and open areas, and has sought to keep land at North Lakeside as open as possible to provide a counterbalance to the dense development on South Lakeside. Following the appeal decision which granted outline planning permission for seven houses on land to the south of St Ives Close, the remaining area in dispute is the western-most parcel of land within North Lakeside, which lies to the east of the access from The Green.

- 5.2.5 According to the Landscape Consultant, this area forms a narrow open gap between the houses on The Green and the development at South Lakeside. It includes a tree group on the water's edge, scrub and an area of perennial growth. The vegetation cover, other than the trees, is of little particular merit but the combination of open space and vegetation cover provides a soft landscape setting and the potential base for a good quality area of landscaped open space immediately north of South Lakeside, which will complement the lake. This end of the Lakeside site as a whole would be particularly developed and urban in character (based on the approved development) and does not benefit from the tree cover and open space, or the wider lake, at the eastern end of the site. The Landscape Consultant considers that it is particularly important that this part of North Lakeside is not developed and is set aside to provide a good sized area of landscape open space in the west and a buffer between the existing houses and South Lakeside.

- 5.2.6 Owing to the relatively small size of this parcel of land, planning officers consider its potential contribution as an open buffer is limited. Moreover, because of the location of this parcel of land, any contribution would be limited to views from within the site; it is not considered that it would have ameliorate the landscape and visual impact from outside the site. As such, the remaining harm arising from the development of this land is considered to attract diminished weight in the overall planning balance.
- 5.2.7 The Landscape Consultant also maintains concern with the inclusion of some private gardens within the 10m buffer that is shown along the northern bank of the lake. However, given that the housing layout is illustrative, and the majority of the buffer is not shown to be encroached by any private land, it is considered that the layout parameters would not prejudice the Council's ability to ensure an appropriate buffer at the reserved matters stage.
- 5.2.8 Overall, the proposed development is broadly acceptable in terms of its landscape and visual impact. Some limited harm has been identified in terms of development on the western parcel of North Lakeside, and some minor encroachments of private gardens into the lake buffer. Planning officers have sought to negotiate improvements on the design prior to the appeal being lodged, and have generally secured an acceptable design in terms of the scale and massing of development. The few remaining areas of harm identified above are considered to attract limited weight in the overall planning balance for the reasons stated.

5.3 Education mitigation

- 5.3.1 The development of 325 dwellings generates the demand for 0.5 form entry (FE) primary school provision. The catchment school is Theale CoE Primary School that has recently obtained planning permission to relocate to a new site. The new school will be built to 1.5FE which will meet its existing demand without development on Lakeside. The existing project for the new school site includes core infrastructure for a 2FE, so the additional need generated by the development relates to the cost of building new classrooms.
- 5.3.2 The total cost of a new project to expand the new 1.5FE primary school by 0.5FE to 2FE, including land and buildings has been calculated by Education Officers. A contribution of £1,439,059 is sought accordingly. The £1,439,059 Education Contribution sought under this application passes the CIL tests (NPPF paragraph 204, CIL Regulation 122) because:
- a. It is necessary to make the development acceptable in planning terms. Without this contribution the new extension for the school could not be funded.
 - b. It is directly related to the development. The 325 dwellings generate the demand for a 0.5FE primary school provision, which this contribution seeks to cover.
 - c. It is fairly and reasonably related in scale and kind to the development. The size of the extension is determined by the pupil generating capacity of the development, based on established formulaic calculations, and seeks no more mitigation than is necessary for the development (i.e. it is not fixing an existing problem).

- 5.3.3 The Regulation 123 list includes a S106 exclusion for “the delivery of facilities or infrastructure required off-site but required solely as a result of any large scale development”. It is considered that the proposed Education Contribution clearly falls within this definition. Moreover, the Planning Obligations SPD states extensions and/or new school buildings required directly as a result of a development will be mitigated through S106, whereas incremental increases in school capacity will be mitigated through CIL.
- 5.3.4 There can be no actual or perceived ‘double dipping’ with developers paying twice for the same item of infrastructure because the proposed Education Contribution clearly falls within the S106 exclusion for off-site infrastructure for large scale development included within the Regulation 123 list.
- 5.3.5 There would be no pooling required, and so CIL Regulation 123 restrictions on pooling are not engaged. This new contribution would be the sole source of funding for the 0.5FE expansion of Theale Primary School on the new site. It is a distinct project from the separate ongoing Council project to relocate the school to a new site, although the Council has positively planned to facilitate the future expansion in light of the information available (i.e. using the already paid contribution to fund the land purchase).
- 5.3.6 The Education Contribution of £1,439,059 for 15/02842/OUTMAJ is therefore justified and consistent with statutory and policy requirements.

5.4 Highways and transport

Access and layout

- 5.4.1 The access from The Green has already mostly been constructed, and no objections have been raised to its continued inclusion.
- 5.4.2 A further access to serve seven houses is also proposed using St Ives Close. This part of the proposal is similar to planning application 14/02195/OUTD, which has been approved at appeal and to which Highway Officers raised no objections. Original proposals for rumble strips along St Ives Close have now been removed as they were unnecessary.
- 5.4.3 Highway Officers have requested a new pedestrian route from the site through to Station Road, running adjacent to the A4. This would provide a direct route for residents making journeys to the railway station and business park.

Traffic generation

- 5.4.4 Page 12 of the transport assessment (TA) considers the peak hours in the morning and evening periods to be 08:00 to 09:00 hours for the AM peak and 17:00 to 18:00 hours for the PM peak, which Highway Officers find acceptable.
- 5.4.5 To project traffic levels for residential the Appellants have followed what is often a standard procedure by referring to the Trip Rate Information Computer System (TRICS) to obtain a rate of traffic generation. TRICS is a UK national database of traffic surveys covering many different land uses. Highway Officers are content that the projected traffic generation is robust as is as follows.

Period	Arrive	Depart	Total
Weekday AM Peak (08.00 to 09.00)	32	88	120
Weekday PM Peak (17.00 to 18.00)	84	46	130

- 5.4.6 The seven house from St Ives Close would be expected to generate four vehicle movements out during the AM peak and four vehicles in during the PM peak.
- 5.4.7 Overall due to the reduction in residential units from the previously approved development, it can be expected that there will be a reduced traffic generation, for instance during the AM peak from 142 to the 120 mentioned in the table above.

Traffic impact

- 5.4.8 Overall the development will have a reduced traffic impact from the previous proposal. However there is one difference being traffic from the development can now turn right from towards Theale centre. This will reduce the traffic impact even further on the A4 / A340 / The Green Roundabout, but will increase traffic towards Theale Centre. Highways Officers are satisfied that this can be accommodated.

Mitigation

- 5.4.9 A travel plan will be required because of the scale of development. This can be secured by a planning condition and planning obligation.
- 5.4.10 The following highway works are also considered necessary to make the development acceptable in planning terms:
- (a) Improving the two nearby bus stops with the provision of fully enclosed bus shelters with high kerbing and relocation of the eastbound bus stop, with the footway to the westbound bus stop widened to 2 metres in width;
 - (b) The provision of pedestrian and cycle route from the site to Station Road (running parallel and adjacent to the A4);
 - (c) Provision of a pedestrian crossing facility within Station Road.
- 5.4.11 As part of the extant permission contributions were also sought towards other local highways schemes. These are now considered to fall within the scope of CIL.
- 5.4.12 Subject to the above mitigation, the proposed development is considered acceptable in highways and transport terms, and the proposal is considered to comply with Core Strategy Policy CS13, Local Plan Policy TRANS.1, and emerging HSA DPD Policy P1.

5.5 Viability and infrastructure provision

- 5.5.1 The development will be CIL liable. The precise liability will only be known at the reserved matters stage because it is calculated based on floor space.

- 5.5.2 Several items of infrastructure have been identified that will require specific planning obligations in addition to the CIL receipts. These include a contribution to enable the extension of the new (to be constructed) Theale CoE Primary School, affordable housing, public open space provision, travel plan, and highway works.
- 5.5.3 In accordance with Core Strategy Policy CS6, 40% of all dwellings on site equates to 130 units which would be the starting expectation for on-site affordable housing. The application sought to provide no affordable housing owing to viability. Accordingly, the application has been subject to lengthy viability appraisal and discussions in order to secure the best possible outcome in planning terms. The Council has appointed viability consultants, the Dixon Searle Partnership (DSP), to independently assess the submitted viability information and advise the Council.
- 5.5.4 During the viability negotiations to date, officers have prioritised the primary education contribution because that is necessary to make the development acceptable in terms of mitigating its primary school impact. Several off-site highway works are also considered necessary to make the development accessible. Thereafter, affordable housing has been treated as the next priority given its importance in planning policy terms.
- 5.5.5 The nature of an outline application is such that values will change over time and with the detailed design. However, DSP has established common ground of the various assumptions, and has now agreed a scenario with the Appellants which they are comfortable recommending to the Council as the best possible option based on the priorities advised by planning officers.
- 5.5.6 A separate confidential report is being finalised for Members of the Eastern Area Planning Committee. This will be provided under separate cover and will include the relevant viability information and commentary. Including all expected planning obligations (including the education contribution and CIL), DSP consider that up to 27 affordable housing units can be provided.
- 5.5.7 DSP are recommending this base position with the inclusion of an overage / clawback scenario, which would allow for a later stage viability review based on parameters fixed at the outline stage.
- 5.5.8 Whilst the 27 units of affordable housing falls considerably short of the 130 unit starting requirement, Policy CS6 makes clear that such levels of provision are subject to the economics of provision. Given that DSP independently consider this level of affordable housing to be the optimum contribution possible, it is considered that this level of provision is justified.

5.6 AWE and hazardous sites

- 5.6.1 There are two licensed nuclear installations located in West Berkshire, the Atomic Weapons Establishment (AWE) in Aldermaston and in Burghfield. In the interests of public safety Core Strategy Policy CS8 provides a framework for determining planning applications in close proximity to either site. This includes consultation with Off-Site Emergency Planning Group via the Council's Civil Contingencies Manager and the Office of Nuclear Regulation (ONR). There are also hazardous industrial sites located to the south, which require consultation with the Health and Safety Executive (HSE), and to which Local Plan Policy OVS.7 applies.

5.6.2 Consultation has been undertaken with the above parties, and no objections have been received. The proposed development is considered to comply with Policies CS8 and OVS.7.

5.7 Layout and design

5.7.1 During the consideration of the application, officers raised concerns with the layout and design of the proposed development. Detailed negotiations were undertaken and numerous options and amendments considered. The concerns related primarily to the constraints imposed by the parameters plans, which have subsequently been amended. The application has also been amended so that all matters are reserved giving greater flexibility at the reserved matters stage. The current illustrative layout is considered to demonstrate that an acceptable layout and design can be achieved at the reserved matters stage.

5.8 Neighbouring amenity

5.8.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. SPDQD and SPG04/4 provide guidance on the impacts of development on neighbouring living conditions.

5.8.2 The impact on neighbouring amenity is an issue that would need to be examined at the reserved matters stage. However, at outline stage it is considered that the illustrative layout does not raise any significant concerns in this respect, particularly because of the separation distances from indicative buildings and neighbouring properties.

5.8.3 The proposed layout to the south of St Ives Close is the same as the extant permission. The relationship with neighbouring properties was judged as acceptable by the Planning Inspector.

5.8.4 The proposed layout along the remainder of the northern boundary maintains an acceptable separation distance with neighbouring properties, and is thus considered acceptable.

5.8.5 The retained woodland along the eastern boundary maintains a good standard of amenity for existing residents to the east. The provision of public access along this boundary does not raise significant concerns in terms of noise and disturbance or security.

5.9 Contaminated land

5.9.1 The site is recognised to be contaminated due to previous land uses. Indeed, the level of contamination and need for remediation is a significant factor in the viability of the development. The application included an environmental site investigation. This has been examined by Environmental Health Officers who have raised no objections subject to conditions to ensure appropriate detailed investigation and remediation.

5.10 Flood risk and sustainable drainage

- 5.10.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of fluvial flooding. It is therefore suitable for residential development in terms of flood risk. No objections have been received by the Environment Agency, subject to conditions.
- 5.10.2 Core Strategy Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). The Council's highways drainage engineers (the Lead Local Flood Authority) raise no objections at this outline stage subject to conditions relating to the detailed design.

5.11 Noise

- 5.11.1 The noise report which accompanied the application indicated the need for noise mitigation to protect future residents from noise from the adjacent A4 dual carriageway. A detailed noise mitigation scheme will need to be submitted at a later stage pursuant to a condition because the noise environment will be partly affected by the layout of the buildings which is a reserved matter. The noise report indicates the likely need for short runs of acoustic fencing along the southern boundary of the site. The precise details would be subject to detailed design. Environmental Health Officer raises no objections subject to conditions.

5.12 Ecology

- 5.12.1 Natural England (NE) has advised that the proposal is unlikely to affect any statutorily protected sites. NE has not offered any bespoke advice in relation to protected species, but refers to standing advice. The standing advice has been taken into account by the Council's Ecologist.
- 5.12.2 The Council Ecologist has reviewed the submitted documents and considered the implications of this application against The Conservation of Habitats and Species Regulations 2010. They consider that, subject to the resolution of an issue relating to invertebrate habitats and the application of the suggested conditions, the actions authorised would not be detrimental to the maintenance of the species concerned at a Favourable Conservation Status in their natural range. The suggested conditions include the prior approval and implementation of a Landscape and Ecological Management Plan (LEMP) and a Construction and Environmental Management Plan (CEMP).
- 5.12.3 Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) support the comments of the Council Ecologist. They also raise further concerns in relation to the reptile surveys supporting the application as they do not fully comply with best practice. Consequently, BBOWT request expanded terms to the LEMP and CEMP proposed by the Council Ecologist.
- 5.12.4 The invertebrate survey report by Davis Clements Ecology Ltd makes clear in paragraph 5.1 that "virtually all the terrestrial habitats which are of value to

invertebrates, including all of the present neutral grassland and short-turf vegetation would be lost". In 5.5.3 it says that "The proposed layout will inevitably result in the loss of those habitats which are considered to be of greatest value to invertebrates".

5.12.5 The above report goes on to suggest some measures that could be undertaken to mitigate the above effects. However, the area of land available to modify for invertebrates is limited and needs to be balanced against the needs of other species such as bats. The applicant owns a further 0.78ha area of land to the east of the site (outlined blue on the Location Plan). The Ecologist considers it necessary for this area of land to be covered by a Landscape and Ecological Management Plan (together with the application site) so that it can be part of the mitigation for invertebrates.

5.12.6 Overall, it is considered that the proposed development would have an acceptable impact on local biodiversity, subject to mitigation being secured by condition, and thereby comply with Core Strategy Policy CS17.

5.13 Trees

5.13.1 The Council's Tree Officer has raised no objection to the development of the site, subject to conditions. The site is now very overgrown in places with a number of self-set and poor-quality trees, such that a good quality landscaping scheme would readily mitigate the losses of existing trees.

5.14 Open space

5.14.1 The proposal includes LEAPS and LAPS, which together with the retained woodland and lake provide sufficient public open space for the scheme to comply with Local Plan Policies RL.1, RL.2 and RL.3. Provision and transfer of public open space (with Commuted Sum) will need to be secured through a planning obligation.

5.15 Historic environment

5.15.1 The development site is close to the site of a reputed Roman villa, indicated through artefacts uncovered during the late 19th century. However, the actual villa itself was not uncovered. The area was subject to gravel extraction which may have removed any archaeological deposits. However, the applicant has commissioned a desk based assessment by Thames Valley Archaeological Services which came to the conclusion that the extent of gravel extraction could not be determined without further ground investigation, and that there would be a moderate potential for surviving archaeology if areas of river gravel remained in situ.

5.15.2 The applicant has also carried out geotechnical investigations that have shown that areas of river gravel do indeed survive (in some cases at a depth of less than one metre) in areas to the north and south of the existing lake. As such, these areas do have the potential for surviving archaeology in situ (in particular of Roman date), although the extent of this potential is yet to be realised.

5.15.3 As such, the Council's Archaeologist has recommended a programme of archaeological supervision during the excavation of the foundations and any related groundworks for the residential development. This can be secured by a planning condition.

5.16 Water/waste utilities

5.16.1 No objections have been raised by Thames Water subject to conditions.

6. PLANNING BALANCE AND CONCLUSION

6.1 Planning balance

- 6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development brings a range of benefits, but there is also some harm and some policy requirements that are not fulfilled. A balanced conclusion is therefore required.
- 6.1.2 The West Berkshire Development Plan provides an up-to-date framework for making a decision on this appeal. The principle of development is considered acceptable in light of the relevant housing supply policies and the extant permissions for housing development on the site. Further, the provision of up to 325 new homes in a sustainable location is a significant benefit of proposal. These factors weigh considerably in favour of granting planning permission in the planning balance.
- 6.1.3 The need to provide affordable housing attracts significant weight. Core Strategy Policy CS6 provides expected levels subject to the economics of development. The reduced levels of affordable housing are due to the economic viability of the development, which have been independently assessed by viability consultants instructed by the Council. The Council's viability consultants advise that the proposed provision is reasonable in light of the viability situation. As such, it is considered that the reduced levels of affordable housing weigh significantly against the development, although the benefits of providing affordable housing are clearly limited compared to a full policy compliant provision.
- 6.1.4 Securing a contribution to facilitate a 0.5FE extension to the new Theale Primary School is considered essential in order for planning permission to be granted. The NPPF attributes great weight to ensuring choice of school places is available, and accordingly great weight should be given to the need to secure mitigation – planning permission should be refused if the identified contribution is not secured.
- 6.1.5 The landscape and visual impact, and important considerations given the scale of development and its location close to the North Wessex Downs AONB. The extant planning permissions on site render the overall scale and massing of development acceptable despite a marked increase in scale and density compared to neighbouring development within Theale.
- 6.1.6 The Council's Landscape Consultant maintains concerns in relation to the balance within the site between dense development and open areas, and some minor encroachment into a lake edge buffer. However, for the reasons stated in this report, these remaining landscape concerns are considered to attract limited weight in the overall planning balance.

- 6.1.7 There will be various other benefits associated with the development (e.g. contributions to the local economy), and a number of impacts that require mitigation (e.g. remediation of contaminated land and ecological management). These matters are considered less determinative on the outcome of the balancing exercise.
- 6.1.8 Overall, it is considered that the provision of up to 325 homes in a sustainable location, and in accordance with housing supply policies, is a significant benefit of granting planning permission. This is considered to outweigh the limited landscape harm and the reduced levels of affordable housing. Given the great weight the NPPF gives to providing school places, the proposed primary school mitigation is considered essential in order to grant planning permission. It is therefore concluded that planning permission would be justified subject to securing necessary mitigation through conditions and planning obligations.

6.2 Recommendation

- 6.2.1 The purpose of this item for decision is not to determine the planning application, but to determine the Council's position at the appeal. For the reasons detailed above, it is recommended that the appeal is supported, subject to securing appropriate mitigation.
- 6.2.2 Irrespective of its position on the planning merits, the Council will provide a list of suggested conditions on a 'without prejudice' basis. Council Officers will negotiate with the Appellant on the wording on the suggested conditions, as well as the contents of any S106 legal agreement.
- 6.2.3 The full recommendation is as follows.

To DELEGATE to the Head of Planning & Countryside to make representations at appeal that planning permission should be granted subject to conditions and planning obligations to secure the following:

- 1. A contribution towards the extension of the new (to be constructed) Theale Primary School to enable the extension of the school by 0.5FE.**
- 2. The provision of on-site affordable housing comprising 27 units of affordable housing, together with an overage clause to trigger a later stage viability review.**
- 3. The provision and transfer to the Council (with commuted sum) of public open space.**
- 4. A travel plan.**
- 5. Improving the two nearby bus stops with the provision of fully enclosed bus shelters with high kerbing and relocation of the eastbound bus stop, with the footway to the westbound bus stop widened to 2 metres in width.**
- 6. The provision of pedestrian and cycle route from the site to Station Road (running parallel and adjacent to the A4).**
- 7. Provision of a pedestrian crossing facility within Station Road.**

To AUTHORISE the Head of Planning & Countryside to enter into a legal agreement under Section 106 of the Town and Country Act 1990 to secure the above Heads of Terms.