

Item No	Application and Parish	No.	8/13 Week Date	Proposal, Location and Applicant
(3)	16/02191/OUTMAJ Kintbury Parish.	15 th 2016	November	Outline application for erection of 11 dwellings with associated access, car parking, landscaping and sustainable drainage infrastructure. Matters to be considered: Access and Layout Donnington New Homes Land East Of Laylands Green and South Of Craven Close Kintbury

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/02191/OUTMAJ>

Recommendation Summary: **The Head of Development and Planning be authorised to APPROVE Outline Planning Permission subject to conditions set out in section 8.1 below.**

Ward Member(s): Councillor Anthony Stansfeld and Councillor James Cole

Reason for Committee determination: More than 10 letters of objection

Committee Site Visit: 11th May 2017

Contact Officer Details	
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1. Site History

- No recent relevant planning applications relating to this site.

2. Publicity of Application

Site Notice Expired: 7th September 2016

Neighbour Notification Expired: 6th September 2016.

3. Consultations and Representations

Kintbury Parish Council	Objection - (Full comments of Parish Council in Appendix). Impact on AONB Kintbury has already had new recent housing and does not need more Highway safety due to narrow streets and lack of footpaths within the village and no practical/achievable solution. Existing problems will be exacerbated by more housing. Former use as clay workings and potential impact for ground water GCN habitat Subsidence to nearby properties, ground conditions may make delivery of affordable housing difficult. Buffer zones inadequate as they include rear gardens
Highways	No objection Comment: During consideration amended details requested to secure visibility splays, road construction (width, service margins, turning for refuse vehicles) access radius, access construction (bell mouth with dropped kerbs and tactile paving) Clarification on parking provision/spaces and cycle parking Amended plans received including car ports, now acceptable. Requested Conditions: Construction Method Statement, Road and Footpath Design, Creation of Access first development operation, Visibility Splays, Parking and Turning, Use of Car Ports for Parking, Cycle Storage plus informatives
Waste Management	No objection Swept Path Analysis to meet highway design requirements. Details of provision of storage of refuse and recycling materials to be secured by condition.
Ecology	No objection Further details submitted during consideration including addendum with Habitat Suitability Index. Mitigation measures set out in the Middlemarch Ecological Report and Addendum dated 25 th April 2017 acceptable. These are reasonable and necessary without being overburdening. No need to see EPS Licence informative suggested.
Natural England	No comments to make The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes
BBOWT	No objection. Comment: Assessment of submitted documents: Preliminary Ecological Assessment (RT-MME-121281-02) Reptile Survey (RT-MME-122054-01)

	<p>Great Crested Newt Survey (RT-MME-121281-03) Landscape Mitigation and Enhancement Plan (ACLA/BFR04) Herpetofauna Mitigation Strategy (RT-MME-122498-01)</p> <p>Boundary hedgerow and trees to be retained. A section of species poor hedgerow will be lost to create access. Permanent loss of 0.54ha of semi improved grassland for new housing. The reptile survey revealed slow worm and grass snake on site and Great Crested Newts (GCN) at ponds in close proximity. Mature trees and species rich hedgerow on site likely to be used as foraging habitats by bats and breeding habitat by wild birds. Lack of Habitat Suitability Index (HSI).</p> <p>If minded to approve, conditions are requested to ensure:- Necessary licences from Natural England Full HSI assessment to assess impact on foraging habitat for GCN Compensatory habitat land for protected species and reptiles Details of lighting strategy. Biodiversity enhancements through a Landscape and Ecological Management Plan.</p>
Tree Officer	<p>No objection</p> <p>Detailed comments. Initial concern regarding siting of houses impact on protected trees, shading from trees to south and likely pressure to future removal. Amended plans secured. No objection in principle. A method statement will be required to ensure that the development will have minimal impact on retained trees. Conditions requested to secure Arboricultural Method Statement, Tree Protection, Landscape Scheme and Boundary Treatments and Landscape Management.</p>
Archaeology	<p>No objection</p> <p>Comment: The applicant has supplied an archaeological desk based assessment, which concludes that, due to the undisturbed nature of the development site, there is some archaeological potential. However, reviewed against information held regarding heritage assets and historic land uses in this area, the site is some distance from the historic settlement core of Kintbury and areas of earlier (prehistoric and Roman) potential. It is therefore unlikely to contain any archaeological features or deposits of significance and an archaeological assessment or programme of investigation and recording is not necessary.</p>
Environmental Health	<p>No objection.</p> <p>Comment: The Phase 1 & 2 Environmental and Geotechnical Investigation ref no. 3794/15 concludes that additional gas monitoring is required to be carried out. A full contaminated land condition is requested. Given proximity to existing dwellings an hours of work condition is requested.</p>
Drainage Engineer	<p>No objection</p> <p>Comment: Detailed comments provided to original documents and further additional details submitted during consideration. The proposed SuDs methods area acceptable given clay make up of ground. Attenuation methods should be under permeable paving areas and swale with restricted off site discharge. There was a query regarding groundwater investigation results; actual position of groundwater table and design of attenuation which should be allowing for at least a 30% Climate Change. A further response has been submitted by the consulting engineer and accepted by</p>

	<p>the Council Drainage Engineer. This included the fact that the development and proposed SuDS measures will not affect existing drainage within the vicinity of the development and may provide opportunity for water run off into site given new road and gradient away from Layland's Green.</p> <p>Further detailed design of SuDS solution to be secured following further site investigation. This should include source control measures within individual properties, and design of adoptable road and swale to increase biodiversity benefits and maintenance/management.</p> <p>A condition is suggested to secure SuDS to manage surface water.</p>
Thames Water	<p>No objection</p> <p>Detailed comments regarding: discharge of groundwater into public sewer (licence required); surface water drainage measures; pollution control (interceptors to be fitted). No objection regarding water infrastructure or sewerage capacity</p>
RBFRS	<p>No objection</p> <p>No additional hydrants required. Comment on access width and consideration to the fitting of domestic sprinklers.</p>
No other consultation responses received	
Representations.	<p>13 no. of letters of objection received, 4 from the same property. Comments summarised as follows:</p> <ul style="list-style-type: none"> • traffic impact/highway safety – existing narrow road and poor junctions • existing parking and likely parking on Laylands Green • existing and potential flooding, poor drainage, clay base • busy road • impact on protected species and wildlife • impact on street scene, character of area, AONB • overdevelopment of Kintbury/ no need for more housing • is footway necessary/character of area/ urbanisation/ ownership for delivery • subsidence in area • disturbance during construction • loss of outlook • lack of landscape buffer and protected TPO area • does not comply with HSA27

4. Policy Considerations

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006- 2026 (WBCS) and the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
 - National Planning Practice Guidance (NPPG)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy

- Area Delivery Plan Policy 5: North Wessex Downs AONB
- CS 1: Delivering new homes and retaining the housing stock
- CS 4: Housing Type and Mix
- CS 5: Infrastructure requirements and delivery
- CS 6: Provision of Affordable Housing
- CS 13: Transport
- CS 14: Design Principles
- CS 15: Sustainable Construction and Energy Efficiency
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 18: Green Infrastructure
- CS 19: Historic Environment and Landscape Character

4.4 The proposed Housing Site Allocations Development Plan Document (HSA DPD) will form part of the Local Plan and contains proposed housing and parking standards policies which would replace those of the Local Plan Saved Policies. Significant weight must be given to these policies for which the anticipated adoption date will be late Spring 2017. The following policies are relevant to this application:

- GS1: General site policy
- HSA27: Land at Laylands Green, Kintbury
- Appendix 6: New Settlement Boundaries - Kintbury
- C1: Location of new housing in the countryside
- C3: Design of housing in the countryside
- P1: Residential parking for new development

4.5 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- HSG.1: The Identification of Settlements for Planning Purposes
- TRANS.1: Meeting the Transport Needs of New Development

4.6 In addition, the following locally adopted and other policy documents are relevant to this application:

- Supplementary Planning Document Quality Design (June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Part 3 Residential Character Framework
 - Part 4 Sustainable Design Techniques
- Planning Obligations SPD (December 2014)
- Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.
- The North Wessex Downs AONB Management Plan 2014-19

5. Description of Development

5.1 This application seeks outline planning permission for the erection of 11 dwellings with associated access, car parking, landscaping and sustainable drainage infrastructure. The matters to be considered under this application relate to access and layout with Scale, External Appearance and Landscaping to be considered under a separate Reserved Matters application.

5.2 The site is located to the south of Kintbury on the eastern side of Layland's Green, adjacent to, but outside the current settlement boundary. It has been allocated for approximately 10 dwellings in the Council's emerging Housing Site Allocations Development Plan Document (HSA DPD)(HSA27). The DPD proposes to extend the settlement boundary to include the site and existing dwellings Albany and Villa Real, located on Layland's Green, between the application site and the existing settlement boundary. Access into the site would be taken off Layland's Green, which at this point is characterised by a linear development form. Land to the north, within the existing settlement is more densely developed. Dwellings opposite the site and further to the south, all outside the identified settlement, comprise detached or semi detached dwellings. Most appear to date from the 19th Century, some originally as agricultural workers dwellings, plus some more recent infill. The two bungalows to the north appear to have been constructed during the 1960's. The site is an irregular shaped plot, comprising semi improved grassland with a few trees within the site. It is contained by established vegetation including mature trees and hedgerow and to the north woodland protected by a Woodland TPO. With dwellings on three sides and existing power lines crossing the site has an urban fringe feel rather than open rural feel. Land to the east is in agricultural use.

The site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

5.3 The submitted layout plan, which has been revised during consideration of the application, proposes 7 detached dwellings, all set in spacious plots, a pair of semi detached dwellings and two maisonettes. The maisonettes and semi detached dwellings will be affordable dwellings.

5.4 The proposed maisonettes (plots 1&2) and house 11 will have a separate parking/driveway off Layland's Green, with the remaining 8 dwellings sharing a new access road, constructed to adoptable standards. The new accesses will result in the loss of existing hedgerow, other boundary trees and hedgerow around the site will be retained. The layout plan shows each detached four bedroom dwelling with a garage, car port and 2 further spaces. The three bedroom dwelling (plot 7) has a garage and two spaces, each two bedroom dwelling has 2 car parking spaces. The one bedroom maisonettes each have one space plus one shared space for visitors, accessed directly off Layland's Green.

5.5 During consideration of the application, the layout of the site has been revised to address concerns initially expressed from The Highway, Waste and Tree Officers. Plot sizes, house footprints and position within the site have been altered slightly to maximise garden areas, move built form away from protected trees and increase distance to the landscape buffer zone.

5.6 The application includes provision of a footway to link with the existing footpath along the eastern side of Layland's Green to the north. The application also refers to the use of the site during construction for the storage of materials/plant to enable the stalled development at the Kintbury Garage site (06/02632) to proceed.

6.0 Consideration of the application.

The main issues for consideration in the determination of this application are:

- 6.1. The principle of the development
- 6.2. The impact on the character of the area including the AONB
- 6.3. Amenity issues
- 6.4. Highway impact
- 6.5. Drainage and Flooding
- 6.6. Ecology
- 6.7. Affordable Housing

- 6.8. Community infrastructure Levy
- 6.9. The assessment of sustainable development

6.1 The Principle of Development.

- 6.1.1 The NPPF takes the development plan as the starting point for all decision making, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy (adopted 2012) and the Saved Policies of the West Berkshire District Local Plan 1991-2006.

Compliance with Development Plan and Emerging Policies

- 6.1.2 Policy CS1 of the Core Strategy attracts full weight as a development plan policy adopted since the publication of the NPPF. It states that new homes will be located in accordance with the district settlement hierarchy, and primarily developed on suitable previously developed land, and other suitable land, within settlement boundaries. Whilst Policy ADPP1 of the Core Strategy promotes the redevelopment of brownfield land, the Core Strategy acknowledges in Policy CS1 that undeveloped land will need to be allocated to maintain housing supply.
- 6.1.3 According to the area delivery plan policies of the Core Strategy, allocations in the spatial areas will be made adjacent to existing settlement boundaries which will be re-drawn through the Housing Site Allocation DPD (HSA DPD). Policies ADPP1 and ADPP5 provide the spatial strategy for the AONB within West Berkshire. Together with Policy CS1 they are guiding the allocation of housing sites across the district outside the existing settlement boundaries through the HSA DPD.
- 6.1.4 The selection and allocation of sites in the Housing Site Allocations DPD has been based on evidence, technical assessments, the SA/SEA (Sustainability Appraisal/Strategic Environmental Assessment) and the outcomes of public consultation. The objective of the DPD is to allocate the most sustainable non-strategic sites based on the technical evidence and the SA/SEA and in accordance with the housing distribution as set out in the spatial strategy of the Core Strategy.
- 6.1.5 Therefore although the site is shown as adjacent to the settlement boundary under extant Policy HSG.1 of the WBDLP, it is shortly to be replaced by Policy C1 (location of new housing in the countryside) of the HSA DPD. This policy will provide a presumption in favour of development within the redrawn settlement boundary of Kintbury. At this advanced stage in the plan making process, Policy C1 is a material consideration, which now attracts substantial weight.
- 6.1.6 Policy GS1 of the HSA DPD is a general site policy applicable to all allocations. It seeks to ensure comprehensive developments and several requirements which are generally applicable to all sites. The proposed development complies with this policy, or is capable of doing so by condition.
- 6.1.7 Policy HSA27 of the HSA DPD is the site specific policy for the application site. A full assessment of the policy criteria below will be provided in the relevant sections of the report, however the proposal is, taking POLICY HSA27 as the starting point, considered to be in accordance with the details of the policy. The full policy is:

Land to the east of Layland's Green, Kintbury (site reference KIN006 and KIN007)

The sites, when considered together, have a developable area of approximately 0.5 hectares. They will be delivered together comprehensively in accordance with the following parameters:

- The provision of approximately 10 dwellings in a low density scheme that provides a mix of dwelling sizes and types appropriate for the local area.
- Vehicular access to the site will be obtained from Layland's Green.
- Footway provision will be expected along Layland's Green to join the site with the existing footway to the north.
- The scheme will be developed in accordance with the Landscape Sensitivity Assessment (2011) and will include:
 - The protection and enhancement of existing landscape features including boundary hedgerows and trees.
 - Appropriate buffers to be provided to protect the woodland Tree Preservation Order in the north and the tree boundary to the south.
 - The development of the pit in the north of KIN007 into a permanent pond as part of a SuDS scheme.
- The development design and layout will be further informed by a full detailed landscape and visual impact assessment.
- Two dwellings will front Layland's Green to integrate the development into the existing street scene.
- A Flood Risk Assessment (FRA) will be required for the site, given that the area is underlain with clay and the site lies within a groundwater vulnerability zone. This will include appropriate flood mitigation measures, including SuDS required.
- A methodology for foundation design will be required as the area is underlain with clay.
- The scheme will be informed by an extended Phase 1 habitat survey with further detailed surveys arising from that as necessary. A Great Crested Newt survey will also be required to cover all ponds within 250m south and east of the site. Appropriate avoidance and mitigation measures would need to be implemented to ensure any protected species were not adversely affected. This will include a corridor left for newts along the northern boundary. Development will be expected to contribute net gains for biodiversity given that the site is within a Biodiversity Opportunity Area.
- The scheme will be informed by a phase 1 contamination report with further detailed reports arising from that as necessary, due to the old brick and tile works at Kiln Farm.

Prematurity

- 6.1.8 According to the Planning Practice Guidance, in the context of the NPPF and in particular the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.
- 6.1.9 The emerging HSA DPD now attracts substantial weight, and the proposed allocation of the site weighs heavily in favour of the proposed development. Having considered the above guidance on weight and prematurity in relation to the emerging HSA DPD, the principle of development is acceptable.

6.2 The Impact on the Character of the area including The North Wessex AONB

- 6.2.1 Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The site is situated within the North Wessex Downs AONB where the sensitive nature of the landscape and special qualities of the area are conserved under Policy ADPP5.
- 6.2.2 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD). Part 1 provides design guidance including key urban design principles.

Part 2 provides detailed design guidance on residential development. Part 3 provides a residential character framework for the prevailing residential developments in the district.

- 6.2.3 The proposed layout has been informed by a Landscape and Visual Impact Assessment (LVIA). This concludes that impact on landscape will be at local level rather than the wider AONB, due primarily to the enclosed nature of the site by woodland and viewed from the east hedgerow and topography. The existing appearance of the site, from agricultural land (semi improved grassland) to housing will be altered by the new built form and creation of new access points, this will be obvious when viewed locally, especially from Layland's Green. The layout has been given careful consideration to ensure overall density is medium to low. This will maximise the opportunity for tree and hedgerow retention, reinforcement planting of native species and to soften the settlement edge. The new dwellings will all have rear garden areas within part of the required landscape buffer and the dwellings on plots 5 and 6 encroach slightly into the woodland TPO area. The LVIA notes that the woodland TPO area includes young trees and scrub at the southern end. It is noted that there is an error in species identification (hedge plants) shown on the submitted topographic survey and existing site plan. Correct species are identified in the arboricultural consultant reports.

The Tree Officer has, following receipt of amended plans, concluded that, with the use of suitably worded conditions, the long term survival of mature trees will be ensured, most boundary hedging and trees will be retained and enhanced and the woodland TPO area will be brought under enhanced management. Policy HSA27 seeks to ensure appropriate buffers between the development and woodland TPO to the north and tree boundary to the south. Some built form and gardens will encroach into these areas, however the criteria set out within Policy HSA27 set out the starting point. Based on the planning merits, constraints on the site and submission documents it is considered that the slight encroachment into the landscape buffer and woodland TPO area will provide an acceptable form of low density development. The encroachment of gardens into the landscape buffer area and gardens and buildings within plots 5 and 6 into the woodland TPO will provide a much lower density development appropriate to the edge of settlement location and existing development within the immediate area. The landscape buffer areas will be contained within garden areas, the requirement for a landscape scheme and management, tree protection and the removal of PD rights in respect of ancillary buildings and structures would ensure their long term retention and enhancement.

- 6.2.4 The southern boundary of the site lies adjacent to a woodland buffer. This will ensure that views into the site from the south will be limited. Any works to these trees outside of the application site will require consent from the owner.
- 6.2.5 The application also includes the extension of the existing footway on the east side of Layland's Green into the site. This will involve no-dig construction (subject to S278 requirements) close to existing hedgerow, in addition some species poor hedgerow (see ecology section below) will be lost to provide new access points. New hedging outside of sightlines is proposed. It is accepted that these works will affect the character of this part of the road, but are required by HSA27 criteria. It has been questioned whether this footway extension is really necessary. The improvement to pedestrian facilities with the extended footway, safe access into the site, with removal of some hedgerow and provision of new housing is considered on balance to outweigh the change in character to this part of Layland's Green, immediately to the south of the already built up area. Full details including replacement planting can be secured by condition. It is noted that ownership of the verge to facilitate the footway is questioned by properties affected (Villa Real and Albany). It has been confirmed by the Highway Department, that the location of the extended footway is on public highway, which extends to the hedge at the top of the verge in this location.
- 6.2.6 The LVIA recommends that the woodland TPO area, wildlife corridor and boundary hedgerow should be retained and reinforced and to include an enhanced management scheme. Careful consideration of appropriate new landscaping and boundary treatments

will be taken at the Reserved Matters stage or through condition details. The retention, reinforcement and enhanced management of the woodland TPO area, wildlife corridor, retained hedges/landscape buffers and new landscaping will ensure that the development is in keeping with the character of the area, visual character of the AONB and will safeguard neighbouring amenity.

- 6.2.7 It is considered that the quality of the overall internal site layout, combined with the retention, reinforcement and enhanced management of existing woodland trees and boundary hedgerow will facilitate a scheme which, with appropriate attention to detail, could ensure a high quality public realm and compliance with policy HSA27 and GS1, CS14, CS19 and the Quality Design SPD.

6.3 Amenity

- 6.3.1 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 NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The West Berkshire Quality Design SPD and the West Berkshire House Extensions SPG provide guidance on the impacts of development on neighbouring living conditions.
- 6.3.2 The impact on neighbouring amenity is an issue that would need to be examined further at the Reserved Matters stage. However, at outline stage it is considered that the layout does not raise any significant concerns in this respect, particularly because of the separation distances between the proposed buildings (layout) and neighbouring properties and the intervening landscaping along the boundaries of the site.
- 6.3.3 According to the Quality Design SPD, the Council considers it essential for the living conditions of future residents that suitable outdoor amenity space is provided in most new residential development. The quality of outdoor space is of high importance, with the SPD providing minimum size guidelines. At this outline stage it is clear that good quality outdoor amenity space, would subject to Reserved Matters detail, be provided.
- 6.3.4 The site has previously been used to provide clay and chalk for the nearby Kiln Farm Brick and Tile works. The application includes a phase 1 and 2 Environmental and Geotechnical Investigation which concludes that further additional gas monitoring is required. This monitoring is scheduled and will either require mitigation measures or, due to the age of the disused clay and chalk pits, may conclude no measures are required. A suitably worded condition to secure further contamination surveys and mitigation measures has been suggested by the Environmental Health Officer.
- 6.3.5 The application site is close to existing residential properties. In order to minimise disturbance during construction a condition restricting construction hours is suggested.
- 6.3.6 It is considered that the amenity of neighbouring dwelling and future occupiers of the proposed houses will not be adversely affected by the proposed development. Consideration to scale and external appearance of the dwellings will be taken at the Reserved Matters stage. Suitably worded conditions to secure contaminated land survey and restrict hours of construction are suggested. The proposal therefore complies with policies CS14, OVS6 and the Quality Design SPD.

6.4 Highway Impact

- 6.4.1 Policy CS13 states that development generating a transport impact will be required to reduce the need to travel, improve and promote opportunities for healthy and safe travel, mitigate the impact on the local transport network and the strategic road network, and

prepare transport assessments to support planning proposals in accordance with national guidance.

- 6.4.2 Policy P1 of the emerging HSA DPD sets out the parking standards for new residential development. This site is in the parking zone 3, where the policy states that a minimum of 2.5 spaces for 3 bed dwellings and 3 spaces for 4 bed dwellings is required. The total proposed spaces will be determined at the reserved matters stage, but from the illustrative block plan, sufficient space is available for the parking and turning of vehicles on site. The proposed car ports will be conditioned for retention.
- 6.4.3 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development. It states that transport assessments must; ensure safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. As part of Policy HSA27, a footway is required along the frontage of the site to link with the existing footway to the north. This will be constructed on highway owned land. The footway extension will add to safety for pedestrians from the site accessing the facilities in Kintbury to the north.
- 6.4.4 Cycle and refuse storage is expected within new development in accordance with the Quality Design SPD, and the Council's Highways and Waste Officers have provided comments and conditions in relation to the proposed layout. Full details would be secured at the reserved matters stage or by condition.
- 6.4.5 The Highway Officer has reviewed the proposed plans, following receipt of additional details and amended plans, no objection is raised. Acceptable visibility and access is demonstrated in the submitted plans. It is noted that there is concern from the Parish Council and residents regarding existing highway issues within Kintbury, in terms of narrow streets, lack of footpaths and no scope to improve the situation. These objectors consider that the current application will worsen the existing situation. The Highway Officer is aware of the local concern, however based on the size of this new development (11 dwellings) and proposed improvements to the local footpath network an objection, on highway safety grounds is not raised. It is therefore considered that the proposed development will comply with the criteria contained within Policy CS13 of the Core Strategy, Policy P1 of the HSA DPD and the NPPF.

6.5 Flood Risk and Drainage

- 6.5.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Policy CS16 of the Core Strategy 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. The site is therefore suitable for residential development in terms of flood risk. The underlying clay means that there could be some risk from surface or groundwater flooding.
- 6.5.2 Policy CS16 of the Core Strategy states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). This application includes a Flood Risk Assessment and proposed drainage design following a ground investigation report. Given the underlying clay, the site is not suitable for infiltration discharge. The proposed scheme will manage surface water drainage through the use of a variety of methods including permeable paving to private drives, attenuation tanks and a swale, with controlled discharge to the existing pond located in the northern part of the site. The application includes a Foundation Methodology, as required by HSA27. This concludes that foundations will be designed at the detailed construction design stage, taking into account clay ground conditions, proximity to trees and geotechnical evidence. Different types of foundation may be used in different parts of

the development. This will be considered mainly through Building Regulations and with regard to trees as part of the Arboricultural Method Statement (see above).

- 6.5.3 It is considered that the proposed development will be capable of managing and discharging surface water run off through controlled attenuation via a new swale and existing pond, without increasing surface water flooding and affecting the existing network. Further source control measures, within the site, have been requested by the Drainage Engineer, these design details along with management and maintenance of the drainage for the site can be secured by condition. Thames Water raise no objection to this application but provide advice regarding groundwater discharge and surface water management. Necessary licences would be required at the construction stage. An informative to address Thames Water comments is suggested. The proposed development will comply with the criteria contained within Policy CS16 of the Core Strategy and advice contained within the NPPF.

6.6 Ecology

- 6.6.1 Policy CS17 of the Core Strategy states that biodiversity and geo diversity assets across West Berkshire will be conserved and enhanced. Policy HSA27 of the HSA DPD requires the submission of an extended phase 1 habitat survey and resulting surveys as necessary, along with a Great Crested Newt Survey to cover all ponds within 250m south and east of the site. A phase 1 Habitat Survey, Reptile Survey, Great Crested Newt (GCN) survey and Herpetofauna Mitigation Measures Survey has been submitted, along with a further addendum including a Habitat Suitability Index (HSI). There is no evidence of bats on site, although one tree may be a roost; there is evidence of GCN at the ponds in the adjacent nature reserve/local wildlife site known as Kintbury Newt Ponds 60 metres to the west; the presence of slow worms and grass snakes on site (northern boundary) and the mature trees and hedgerow providing a foraging habitat for bats and breeding wild birds. The development of the site would result in the loss of 0.54 ha of semi improved grassland. The proposed layout will ensure that woodland TPO trees, boundary trees and most boundary hedgerow will be retained all providing areas suitable for bio and geo diversity. The woodland TPO area and hedgerow to the east will be brought under enhanced management with land to the north of the site and north of the neighbouring dwellings (Albany and Villa Real) providing a wildlife corridor. Landscaping including the swale will include native species and bio diversity enhancement opportunities. A 0.2ha receptor field to the southeast of the site has been identified to provide a compensatory habitat area. The mitigation measures also include capture and relocation of reptiles to the identified receptor sites under a European Protected Species (EPS) licence.
- 6.6.2 The Council Ecologist has commented that the proposals are acceptable subject to compliance with the submitted reports. The addendum providing the HSI for the GCN population demonstrates that there are existing maternity ponds close to the site. The site itself only provides foraging for the GCN population. The proposed 0.2 ha of compensatory land is considered acceptable, given the location of the site on the edge of settlement, with mature groups of trees/hedgerow to the boundaries, wildlife corridor to the north, open countryside to the east and existing nature reserves in close proximity. Further conditions in relation to the use of external lighting and planting schemes containing native species, including details of the proposed swale, are considered essential to the conservation and enhancement of protected species. It is noted that the response from Berks, Bucks and Oxon Wildlife Trust (BBOWT) requests further details, by condition, in respect the impact of the development on the terrestrial foraging habitat for GCN (an HSI), compensation for the 0.54ha loss for the development, details of proposed external lighting (sensitive lighting strategy) and further details of landscape mitigation and enhancement to ensure there is a net gain for bio diversity. However, the Council Ecologist is now satisfied that the Environmental Report and Addendum (25th April 2017) with proposed mitigation measures contained within the Herpetofauna Mitigation Strategy, is reasonable and necessary without being overburdening. Suitably worded conditions to ensure the development is carried out

in accordance with the Environmental reports, further landscape details, enhancements and management and external lighting are suggested. It is not considered necessary to see the required EPS licences as this requirement is set out within the Environmental Report.

- 6.6.3 It is therefore considered that the proposed development, subject to suggested conditions would comply with Policy CS17 of the Core Strategy, advice set out in the NPPF , and the statutory provisions of the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2010, and the Natural Environment and Rural Communities Act 2006.

6.7 Affordable Housing

- 6.7.1 Policy CS6 of the Core Strategy states that in order to address the need for affordable housing a proportion of affordable housing will be sought from housing development. This proposal is for 11 new dwellings on a greenfield site of 0.5 ha or more. A 40% contribution is sought. A total of 4 units are required, these are proposed by the applicant as plots 1&2 (one bed maisonettes) and plots 3&4 (three bedroom houses). The applicant has agreed to this provision and recognises the need to provide affordable housing within the rural areas of the district.
- 6.7.2 The Housing Officer has welcomed the proposal. A mix of two one bed flats (maisonettes) and a two bedroom house and three bedroom house would be preferred. The provision can be secured by condition with the exact tenure and unit size negotiated at that stage. The proposal therefore complies within the requirement of Policy CS 6 and advice set out within the NPPF.

6.8 Community Infrastructure Levy

- 6.8.1 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations the proposal is liable for CIL. The CIL Charging Schedule sets out that the amount calculated is to be determined under the AONB Residential Rate of £125 per m². As this is an Outline application, the final figure will be based on the floorspace details submitted at the Reserved Matters stage.

6.9 Presumption in favour of sustainable development

- 6.9.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 6.9.2. Future residents would make a contribution to the local economy, and the development would provide employment in construction for a short period. The environmental considerations have been assessed in terms of the impact on the character and appearance of the area and the AONB, and neighbouring amenity and highway safety and for the reasons given above are considered acceptable. The development would bring social benefits in terms of providing housing required to meet the needs of present and future generations, including four affordable housing dwellings. As these have been found acceptable the development is considered to constitute sustainable development.

7. CONCLUSION

- 7.1. Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered the proposal is considered to be acceptable and a conditional approval is justifiable for the following reasons.

- 7.2. The proposal will not unduly harm the character and appearance of the surrounding area and the AONB, or neighbouring amenity, and there are no other material considerations that indicate planning permission should otherwise be refused. It is recommended that the application be approved.

8. RECOMMENDATION.

The Head of Development and Planning be authorised to APPROVE Planning Permission subject to the following conditions:-

8.1 Schedule of conditions

1. Time limit

The development to which this permission relates shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.

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).

2. Reserved Matters

Details of the appearance, landscaping, and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority no later than the expiration of three years beginning with the date of this permission, and no building or other operations shall start on site until the Reserved Matters have been approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved details and with the requirements of any conditions attached to any approved reserved matters application. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the application hereby approved.

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). The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with the development plan.

3. Plans approved

The development hereby approved shall be carried out in accordance with:

Site Location Plan BFR 102 Rev B
Existing Site Plan BFR 101 Rev A
Proposed Site Layout 15128.04 Rev N
Proposed Landscape Mitigation and Enhancement ACLA/BFR 04 Rev A (indicative)
All received by e-mail dated 8th March 2017

Associated Documents and Background Documents

Site Survey 1638 01 dated 6th April 2016

Context Plan 15128.14

Site Section (plots 3, 4, 5, 7) 15128.15 (received by e-mail dated 8th March 2017)

Planning, Design and Access Statement, Jackson Planning 043 16 August 2016

Arboricultural Survey and Arboricultural Impact Assessment RT-MME-121281 01 Rev D (revised May 2017)(received by e-mail dated 3rd May 2017)

Landscape and Visual Impact Assessment (ACLA/BFR 6th March 2017) (received by e-mail dated 8th March 2017)

Flood Risk Assessment and Preliminary Surface Water Drainage Strategy 16-018 July 2016
Flood Risk Assessment 16-018 Addendum (received by e-mail dated 8th March 2017)

Phase I Preliminary Ecological Assessment RT-MME-121281 02 February 2016
Middlemarch Environmental Addendum dated 25th April 2017 (received by e-mail dated 26th April 2017).

Reptile Survey RT-MME-122054-01 April 2016

GCN Survey RT-MME-121281-03 May 2016

Herpetofauna Mitigation RT-MME-122498-01 July 2016

Archaeological Report (Thames Valley Archaeological Services)(LGK16/95)

Phase 1 & 2 Environmental & Geotechnical Investigation 3794/15

Aerial Image Context Plan (ACLA BFR 05) (received by e-mail dated 8th March 2017)

All received with the application validated on 16th August 2016 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS13, CS14, and CS19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006, and HSA DPD Policy HSA27.

4. Materials

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character AONB and Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5. Hours of work (construction)

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

6. Affordable Housing

No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- i) the provision of four dwelling houses, identified as plots 1, 2, 3 and 4 on the approved plans, which consists of 40% of the proposed dwellings;
- ii) the type and size;

- iii) the tenure shall be split 70% social rented (and 30% intermediate (which may include affordable rented) or other split as agreed by the RSL and local planning authority;
- iv) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- v) the arrangements for the transfer of the affordable housing to a Registered Provider regulated by the Homes and Communities Agency (HCA) or any body that replaces it;
- vi) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, including arrangements where appropriate for the subsidy to be recycled for alternative affordable housing provision;
- vii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing (in accordance with the common housing register) and the means by which such an occupancy criteria shall be enforced;
- viii) the affordable homes to be built to the standards by the HCA at the time of development.

The affordable housing provided shall remain affordable on site thereafter.

Reason: To ensure that the site delivers affordable housing to meet local need. In accordance with West Berkshire Local Plan 2006-2026 Policy CS6 and advice contained within the NPPF and NPPG.

7. Full Contaminated Land Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, 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*'.

2. Submission of Remediation Scheme

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 must be prepared, 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.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

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 in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

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. In accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and advice set out within the NPPF.

8. SuDS

Notwithstanding the details submitted with this application, no development shall commence until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- j) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

9. CONS1 - Construction method statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development

shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Variation HIGH1 - Layout and Design Standards (YHA1)

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a S278/S38 Agreement for the adoption of the site and construction of the extended footway along Layland's Green. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety, pedestrian safety, flow of traffic and to ensure waste collection. 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).

11. Access Condition

As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

12. HIGH9 - Visibility splays before development (YHA21)

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

13. HIGH12 – Parking/turning in accord with plans (YHA24)

No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars 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 that would adversely affect road safety and the flow of traffic. 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).

14. HIGH23 – variation (car ports)

Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 2015, the car ports on the site shall not be used for any purpose other than as vehicle parking, no doors are to be added to enclose the car ports unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the car ports are kept available for vehicle parking in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. HIGH20 - Cycle storage (YHA41)

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. 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).

16. Storage of refuse

No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

17. Landscaping (including hard surface/means of enclosure)

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing, means of enclosure and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development;
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species;

- c) The completion of all hard surfacing and means of enclosures, for each dwelling before first occupation.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

18. Landscape Management Plan

No development or other operations shall commence on site until a landscape management plan (for the lifetime of the development) including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands, boundary buffer zones within rear gardens, and also include any areas of proposed landscaping except areas of new landscaping in private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

19. Tree Protection (scheme submitted)

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan C121281-01-03_Rev D (shown in the AIA document) . Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

20. Tree Protection Construction Precautions

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted to and agreed in writing by the local planning authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

21. Arboricultural Method Statement

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

22. Arboricultural Watching Brief

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in

accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

23. Arboricultural Programme of Works

No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

24. External lighting

No external lighting shall be erected until full details of a sensitive lighting strategy have been submitted to and agreed in writing by the local planning authority. The strategy shall;

a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or 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 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. No other external lighting shall be installed without prior consent from the local planning authority.

Reason: To ensure the protection of protected species, which are subject to statutory protection under European Legislation and to protect the dark night skies within the AONB. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

25. Ecology

The development hereby approved shall be carried out in accordance with the following documents:

Phase I Preliminary Ecological Assessment RT-MME-121281 02 February 2016

Middlemarch Environmental Addendum dated 25th April 2017 (received by e-mail dated 26th April 2017).

Reptile Survey RT-MME-122054-01 April 2016

GCN Survey RT-MME-121281-03 May 2016

Herpetofauna Mitigation RT-MME-122498-01 July 2016

Landscape Mitigation and Enhancement ACLA/BFR 04 Rev A (indicative)

Further details of the proposed Landscape Mitigation and Enhancement shall be submitted and agreed in writing by the local planning authority, as part of conditions attached to this permission.

The mitigation measures will be carried out in full and retained/maintained thereafter, with implementation and timing agreed as part of the required EPS licence process.

Reason: To ensure the protection of protected species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy 2006-2026.

26. Removal of permitted development rights (extensions etc).

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policies CS14, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 and HSA DPD Policy HSA27.

27. Removal of permitted development rights.

Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no walls or fences shall be erected beyond the front wall or along side boundaries adjacent to the highway/footway, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: In the interests of amenity and character of the area, within the AONB and at the edge of a settlement. In accordance with Policies CS14, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 and HSA DPD Policy HSA27.

Informatives:

1. The NPPF

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. Community Infrastructure Levy

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately with the Reserved Matters Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. HI 1 Access construction

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

4. HI 3 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

5. HI 4 Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

6. HI 8 Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

7. H 100 Developer Coordination Requirements

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

8. Ecology

The developer must ensure that all necessary licences required in respect works affecting protected species are secured before development commences, or within the timescale set out within the licence.

DC

APPENDIX – FULL COMMENTS OF KINTBURY PARISH COUNCIL - [See Over Page.](#)

Kintbury Parish Council's Observations

Planning App 16/02191/OUTMAJ

- Area Delivery Plan Policy 5 of the Core Strategy clearly states "that conservation and enhancement of the natural beauty of landscape within the AONB will be a paramount consideration". The Parish Council considers that as the Village is located in the heart of the AONB, it means that any development opportunities, particularly outside of the current Village Envelope, are bound to be harmful to the natural beauty of the landscape and must, therefore, be avoided if the Core Strategy is to be complied with.
- The Core Strategy in referring to the Service Villages and other areas makes it clear that the overall number that these areas are required to contribute to the total number of units in the Plan is extremely limited and the fact that Kintbury has already contributed a significant number of units to the Plan suggests that there should be no further development in the Village. The Council strongly holds the view that a number of developments, over and above the previous LDF, have been given consent and have been built in Kintbury, comprising at least 143 units. These additional 143 units should be taken into account when consideration is being given to approval of development in Kintbury and there should, therefore, be no further development permitted.
- The Council also holds this view because these proposals will contribute further to the difficulties already experienced by Kintbury residents in relation to the current street network. This network consists of narrow lanes and streets, some used as main through routes, without adequate provision for pedestrians and with no practical solution to this problem, as it is impossible to provide pavements because of the proximity of houses to the streets. Furthermore, the narrow and difficult to negotiate junctions on the Village streets cannot, reasonably, take any further traffic movements that would be generated by further development and improvements to these junctions cannot, practically, be achieved for the same reasons set out above. Decisions on proposed developments must take into account the currently increasing amount of traffic generated from existing developed areas including those outside the Village and including increasing HGV traffic bound to and from Inkpen and Hungerford. To allow this development will only exacerbate the problem.
- The area for this development falls below an area used as clay workings for brick and tile manufacture in the 18th, 19th and 20th Centuries. It is a low lying area in relation to the surrounding land and prone to being waterlogged and, according to Ordnance Survey maps, includes a pond. Any development of this land is likely to disperse the current ground water to other areas and properties.
- The nature of the ground encourages its habitat for Great Crested Newts and neighbours to the sites confirm that they inhabit the area, which is extremely close to other areas that are Great Crested Newt habitats.
- A number of adjacent properties have been subject to repeated problems with subsidence because of the ground conditions and development will, therefore, be very difficult and expensive making it extremely likely that the suggestion, that the site will support the provision of affordable housing, will not materialise.
- The development of this area for C11 properties or more will increase the burden on the existing road and street network in Kintbury and although it is suggested that footway connections can be made they lead eventually to streets where there are no footways and no prospect of creating them.
- The proposed buffer zones are inadequate as they include areas that are developed/are to be used as gardens.