

## APPENDIX 1.

| Item No | Application No. and Parish               | 8/13 week date              | Proposal, Location and Applicant  |
|---------|--|-----------------------------|---|
| (2)     | 15/03468/FULEXT<br>Thatcham Town Council | 16 <sup>th</sup> April 2016 | Demolition of existing facilities, and the erection of 47 new dwellings, including internal access road.<br><br>Pound Lane Depot, Pound Lane, Thatcham, Berkshire.<br><br>Persimmon Homes North London. |

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/03468/FULEXT>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to the completion of a Section 106 agreement by the 13th September 2016.

Or if an agreement is not completed by the 13th September 2016 to **REFUSE PLANNING PERMISSION.**

**Ward Members:** Councillor Ardagh-Walter  
Councillor Goodes

**Reason for Committee determination:** This is a major application on land owned by West Berkshire Council.

**Committee Site Visit:** 6<sup>th</sup> July 2016

### Contact Officer Details

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## 1. PLANNING HISTORY

No previous applications of relevance.

## 2. PUBLICITY

Site Notice Expired: 24<sup>th</sup> February 2016  
Neighbour Notification Expired: 12<sup>th</sup> February 2016

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

**Thatcham Town Council:** No objections subject to assurances that the proposed layout of the three storey flats will not impact on the amenity of residents of existing flats on the east side of Pound Lane.

**Highways:** No objection subject to condition.

**Thames Water:** No objections.

**Environmental Health:** This is a derelict brown field site and previous uses of the land have resulted in contamination. There is also an old landfill immediately adjacent to this site. The Geotechnical and Geo-Environmental Site Investigation Report submitted with the application confirms that remedial actions will be required to make sure the site is suitable for use including a 600mm clean cap in gardens and landscaped areas and gas protection measures in buildings.

Further investigations will be needed to characterise the current gassing regime on site and whether a hydrocarbon resistant membrane will need to be installed in properties. Notably the site investigation did not include any gas monitoring and only 3 samples were analysed for speciated petroleum hydrocarbons (TP06 at 0.5m bgl, TP07 at 0.3m bgl and TP08 at 0.5m bgl) despite the previous use of the site and above ground fuel tank close to TP13 and TP14. Further, when any below ground fuel tanks are removed it is advisable that chase back sampling is undertaken to make sure any contaminated soils have been removed.

Demolition and construction activities should be controlled to minimise the impact on people living and working in the area. This should including auger piling in respect of any piling operations.

It is also noted that buildings to be demolished contain asbestos. Demolition activities should be undertaken in an appropriate manner, including the use of a licensed asbestos removal contractor where appropriate. The applicant is advised to contact the Health and Safety Executive or Environment Health for further advice if needed.

**Waste:** No objection subject to condition.

**Ecology:** No objections subject to condition.

**Environment Agency:** No objection subject to condition.

**Housing:** The National Planning Policy Framework strongly supports the delivery of affordable housing that meets a recognised housing need in the District. The Council's policy for affordable housing provision is set out in CS6 of the West Berkshire Local Plan 2006-2026. It enables the authority to seek affordable housing either on site or as a financial contribution in lieu of on site provision on sites of 5 units or more.

Any request for a diversion from this policy should be accompanied by an open book viability assessment. The Government currently states that the provision of affordable housing will remain within the Section 106 regime. Requirements to deliver affordable housing will be determined during the planning application process and secured through a Section 106 legal agreement, to be completed prior to determination of the planning process. The full cost of providing affordable housing on site (in accordance with our policy) was taken into account of when setting our level of CIL.

In accordance with the CIL Regulations 2010 (as amended), the element of any development which is deemed affordable (in accordance with the West Berkshire Core Strategy) will be eligible for relief from paying CIL, together with a proportional element of any communal areas forming the development. Further details can be found within paragraphs 49 to 54 of the CIL Regulations 2010 (as amended).

There are 47 dwellings proposed on this site and 30% of all dwellings on site are required for affordable housing provision, which equates to 14 units (rounded up/down). The SPD states the starting position for negotiation of affordable housing should consist of 70% social rent and 30% intermediate housing options such as shared ownership.

I understand that Persimmon Homes have been in negotiation with Sovereign Housing regarding the Affordable Housing provision for a considerable period of time and due to the financial pressures created by the Chancellors Budget announcements they have proposed a mix of:

Affordable Rent: 6 X 2 Bed Flats and 2x 2 Bed Houses  
Shared Ownership: 2 x 2 Bed Houses and 3 x 3 Bed Houses

The Housing Service is supportive of this amended mix and the location identified within the application for the Affordable Housing.

To ensure satisfactory integration, affordable housing on new

developments should be fully integrated within the general market housing. The Council expects affordable housing to be 'pepper potted' throughout a development. Where practicable, this means that affordable housing should be in groups of not more than 5 dwellings at any single location within the development.

I note that within the scoping document there is a suggestion the scheme will consist of a range of units with 2, 3, 4 and 5 bedroom. Following welfare reform and the introduction of social sector size criteria (bedroom tax) the Local Authority now requires smaller properties for affordable housing, predominantly 1 and 2 beds, although there is still a need for some three bedroom homes.

In order to keep service charges to a minimum, it is preferable to have affordable housing flats situated in a separate block, or where this is not possible, to be located in a part of the block with its own core and entrance. This is also preferable from a housing perspective. It is also preferable to have the shared ownership unit accessed separately to the social rented units.

The SPD states that the Council will assess all affordable housing development proposals against the minimum standards which reflect standards required by the HCA HQI calculator. This will ensure the dwelling sizes are suitable for future occupants.

All affordable housing units should be developed to Lifetime Home Standards and conform to the latest Design and Quality Standards published by the Homes and Communities Agency. The Council also encourages developers to consider sustainable features and methods of construction to reduce energy consumption and conserve resources.

Please note that the SPD requires all affordable housing on planning gain sites to be delivered with nil public subsidy. Developers are expected to make full provision for nil grant affordable housing on all qualifying planning gain sites and pay due consideration when negotiating the land value of a site.

**Planning Policy:** The principle of development in this location is in accordance with development plan policies and will make efficient use of a vacant brownfield site in a sustainable location.

**Tree Officer:** The application has considered the trees at the site as part of the redevelopment, and whilst the majority are to be removed, this is fully supported in the Arboricultural report, and the loss is considered acceptable, as new landscaping will mitigate the losses.

I have no objection to the application subject to condition.

**Transport Policy:** I am satisfied with the revised layout, subject to the S278 agreement to provide a pedestrian refuge on the A4 to help pedestrians reach the east bound bus stop.

The layout is still circa 6 spaces below full parking standards according to the Policy P1 within the Housing Site Allocations DPD, but I don't consider that this would have a detrimental impact on the scheme and the applicant has taken steps to get closer to the requirement through the amended plans.

**Royal Berkshire  
Fire and Rescue:** No objections

**Archaeology:** The application has some archaeological interest. Evidence of Mesolithic activity and Late Iron Age/Roman occupation has been found in the wider landscape and, although no direct evidence has been found within the development area itself there is still some potential for archaeological features or deposits based on the wider context.

Geotechnical investigations and an archaeological desk based assessment have shown that the site has been subject to extensive disturbance due to previous development and gravel quarrying across the majority of the development area, which would have severely truncated any in situ archaeology. However, there has been considerably less disturbance in the eastern portion of the site, where it is possible that islands of undisturbed ground may exist - as such there may be preserved archaeological information in these areas.

As such, I would suggest that the applicants be asked to commission a programme of archaeological supervision (watching brief) during the excavation of the foundations and any related ground works for development in the eastern portion of the site.

**SuDs:** A brownfield site, even with contaminated ground, should not be a barrier to providing a good SuDS scheme for any development. This principle is backed up by C753 The SuDS Manual. It is acknowledged however that infiltration would not be possible on this site.

Whilst initially the proposed attenuation storage with limited discharge may appear to be the only feasible SuDS option for the site due to possible ground contamination, it is quite likely that the site layout has been fixed first with the drainage being fitted in around it whereas with some forethought, other storage measures could have been proposed to combine SuDS into site landscaping to improve the amenity value of the site. The problem that we now have is one of all the surface water being attenuated in oversized pipes in the carriageway or in a large storage crate installation under private driveways towards the south west corner of the site.

Persimmon should already be aware of West Berkshire Council's opposition to the use of under-carriageway storage in any form due to difficulties this may present the Highway Authority in the long term with keeping resident and emergency access open whilst total

reconstruction was undertaken. The position of the large geo-cellular crate system close to the buildings would also be extremely disruptive to residents should that require reconstruction in the long term. Whilst from the Highway Authority's perspective, this location is better than having crates located in adoptable highway, a management plan must be provided for this asset which covers all aspects of the reconstruction process and is suitable for providing to residents to make them aware of what could happen in the future.

I would therefore prefer to see some thought given to including some smaller scale at-ground level storage options to enable reduction of the size of the proposed storage which will also act to improve water quality, provide habitat and improve amenity for residents of the development in line with the basic ideals of SuDS (see SuDS Manual). In addition, it would be worth investigating the use of including a rainwater harvesting system for the flats and possibly some of the housing as well as this will also reduce storage requirements.

A positive point for the development is the provision of gardens which will reduce the area of impermeable surface overall from the existing situation. However, the site is reported as having up to 5.3m of made ground with pollutant levels unknown, so I have a concern about the mobilisation of contamination through infiltration / soakage here creating pollution pathways. The Environmental Report included in the Drainage Strategy does deal with this to an extent - it is stated as low risk in para.15 - but I would like definitive clarification with some more detail and analysis.

The same report recommends the provision of a 600mm un-contaminated soil capping layer be placed to allow soakage to occur in the top layer of garden / landscape areas. What thought has been given to the actual construction of these areas with regard to the buildings and services etc?

Appendices C, F and G of the Drainage Strategy deal with approval by Thames Water Utilities (TWU) for the connection of site drainage into the existing systems. Initially TWU conditionally approved off-site discharge into their SWS system at or less than the existing off-site flows. It is likely that the proposed 40l/sec flow is much less than existing, but an actual calculated existing discharge rate would be helpful for comparison. Can this figure be provided please? TWU also state that it is possible that there are other existing discharge points from the site, not just the one through Clerewater Place to the south has a comprehensive check been carried out to confirm this?

As mentioned above, TWU approval is conditional and is only given for the right to connect, not the actual volume of water discharge; nor does it cover approval for connection to a system on third party land. It also gives WBC as the approving Authority the right to agree the volume of discharge. Each Appendix contains separate correspondence with Thames Water so if the developer considers

that any of these issues have already been addressed, I would be pleased to receive clarification. In any case, a short summary statement giving the developer's interpretation of the TWU correspondence would be helpful including the connection on third party land issue.

Regarding the 40l/s discharge figure, my interpretation of the developer's reason for proposing this figure is that it is the capacity of the 150mm dia. receiving pipe. I would like confirmation of this along with the existing site discharge rate, as already mentioned above, in order to compare the potential flow reduction. Overall, my preference would be for discharge to be reduced further to theoretical Greenfield run-off rates in any case as 40l/s is still quite high bearing in mind limited capacity in the TWU system downstream in Lower Way.

Referring to the Micro Drainage output provided, I am not familiar with Critical Results-only output in this form but I would comment that no factor of safety appears to have been used at the data input stage and because it is only a summary output, a full range of results is not provided. The assumption has to be made from this that the worst case scenario occurs with a summer storm, but the inclusion of winter data would be useful. Also, the pipe run numbers referred to in the output are not identified on the drainage layout plan so it is not possible to relate them easily to identify which run is which.

There are a number of issues listed above which require clarification and/or additional information, but overall, the proposed SuDS scheme fails to add any real social or environmental value to the development and therefore falls short of what we would wish to see.

**Berkshire,  
Buckingham,  
Oxfordshire  
Wildlife Trust  
(BBOWT):**

No objection subject to condition.

The Thatcham Nature Discovery Centre (NDC) and associated reserve is managed by this Wildlife Trust. The proposed development is located just 200m to the north of this reserve and is easily accessed from the development site by both car and on foot. The current proposals are likely to represent a local population increase of an estimated 113 new residents.

The facilities of the Visitor Centre at the NDC provide public open space and a diverse visitor experience. It is therefore expected that the residents of the new development will visit the NDC.

The land surrounding the NDC is also managed by this Wildlife Trust and is statutorily designated as being of both European (Kennet and Lambourn Floodplain SAC) and National importance (Thatcham Reed Beds SSSI) for nature conservation. The SSSI designation includes a large assemblage of breeding birds associated with the wetland habitats, which are sensitive to disturbance.

Increased visitors as a result of the new development are therefore expected to result in increased disturbance to sensitive habitats and

species.

We recommend that a developer contribution (suggested via S106 legal agreement) would therefore be a helpful mechanism to help mitigate the adverse disturbance impacts of increased visitors on both the NDC Visitor Centre and surrounding protected habitats and species. Funds should contribute to infrastructure maintenance and educational / interpretative materials.

**Public Open Space:** No objection.

### 3.2 Representations

No letters of objection received.

## 4. PLANNING POLICY

- 4.1 The statutory development plan comprises policies in the West Berkshire Core Strategy 2006 – 2026, July 2012 and those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
  - The National Planning Policy Guidance (March 2014) (NPPG)
  - By Design: urban design in the planning system: towards better practice (DETR/CABE)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- ADPP1: Spatial Strategy
  - ADPP3: Thatcham
  - CS1: Delivering New Homes and Retaining the Housing Stock
  - CS4: Housing Type and Mix
  - CS5: Infrastructure Requirements and Delivery
  - CS6: Provision of Affordable Housing
  - CS13: Transport
  - CS14: Design Principles
  - CS15: Sustainable Construction and Energy Efficiency
  - CS16: Flooding
  - CS17: Biodiversity and Geodiversity
  - CS19: Historic Environment and Landscape Character
- 4.4 The following policies from the West Berkshire District Local Plan, Saved Policies 2007 are relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
  - OVS7/OVS8: Hazardous Substances
  - HSG1: The Identification of Settlements for Planning Purposes
  - HSG11: Affordable Housing for Local Needs
  - TRANS1: Meeting the Transport Needs of New Development



- 4.5 The Draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document (November 2015) (DPD) is a key material consideration. The following policies from the DPD are relevant to this application:
- GS1: General site policy
  - P1: Residential parking for new development
- 4.6 In addition, the following locally adopted policy document is relevant to this application:
- Supplementary Planning Document (SPD) Quality Design (June 2006)
    - Part 1 Achieving Design Quality
    - Part 2 Residential Development
    - Part 4 Sustainable Design Techniques
  - Planning Obligations SPD
  - West Berkshire Supplementary Planning Guidance: House Extensions. (July 2004) (SPG).

## **5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 5.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). A screening opinion has been issued confirming the proposed development is not EIA development and therefore an Environmental Statement is not required.

## **6. DESCRIPTION OF DEVELOPMENT**

- 6.1 The site is within the Thatcham settlement boundary. It consists of a vacant plot of brownfield land which is situated to the west of Pound Lane. The site has an area of 0.9 hectares. It is currently vacant but was previously in use as a Council waste and recycling depot. Vehicle access is via Pound Lane to the north-east. The eastern area of the site consists of an area of stone hard standing with a wide grass verge adjacent to the west of Pound Lane. Mature conifers are situated to the west of the area of hard standing. 2 metre high post and wire security fencing is situated along the east, south and west boundaries. 2.5 metre mixed dense hedging is located to the north and west. The depot has several pitched roof industrial buildings located in its central yard. The largest of these buildings is situated to the south-east.
- 6.2 The surrounding area is characterised by high density housing of similar scale and design. The majority of these dwellings consist of three storey flats although there are some two storey dwellings located to the north-east. Housing is situated to the south and east of the site, with an area of public open space to the north and west.
- 6.3 Planning consent is sought for the demolition of the existing facilities and associated buildings, and to construct 47 new dwellings including an internal access road. Ten different housing types are proposed including 6x 2 bed flats. The houses will consist of 2, 3, and 4 bed dwellings. The houses will range from 2 to 2.5 storeys high, whilst the flats will be three storeys in height.
- 6.4 The units will be a mix of detached, semi-detached and terraced dwellings. They will be built of red and buff brick with grey and brown roof tiles. The housing will be designed with pitched roofs with some having dormer windows, and front gables.

The flats will be situated to the east of the site, adjacent to the west of Pound Lane. The flats will be designed with a hipped roof to a height of 10.3 metres.

- 6.5 Vehicle access is proposed via Pound Lane to the east. 94 car parking spaces are proposed along with cycle spaces. The car parking consists of formal parking bays to the front of the dwelling units and front driveway spaces.

## **7. APPRAISAL**

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

- Principle of the development
- Affordable housing
- The impact upon the character and appearance of the area
- Design
- The impact upon neighbouring amenity
- Highway implications
- Drainage
- Other matters
- Community Infrastructure Levy (CIL)
- The presumption in favour of sustainable development

### **7.1 Principle of the development**

7.1.1 Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates Thatcham as an urban area within its district settlement hierarchy. These are areas with a wide range of services. The policy seeks to focus the majority of development within these areas.

7.1.2 Policy ADPP3 of the WBCS re-emphasises Policy ADPP1. It sets out the criteria for the principle of development within Thatcham in which the site is situated. Policy ADPP3 permits such development providing it preserves the surrounding environment. It seeks to conserve and enhance the character of the area, ensuring that any development responds positively to the local context.

7.1.3 Policy CS1 of the WBCS sets out the Council's approach to delivering new homes and retaining the housing stock. Provision will be made for the delivery of at least 10,500 net additional dwellings and associated infrastructure over the period of 2006 to 2026. New homes will be located in accordance with the settlement hierarchy outlined in Policy ADPP1. It states that there should be no net loss from the existing stock of homes in West Berkshire whilst new homes will be primarily developed on suitable previously developed land within settlement boundaries.

7.1.4 The development is located in a settlement boundary within an area that benefits from a range of services. It will provide 47 additional dwelling units in West Berkshire, meeting the Council's requirement for the delivery of new homes. The development is considered to accord with the context of the surrounding area.

7.1.5 In view of the above the principle of development is therefore acceptable providing it maintains the character and appearance of the surrounding area. Furthermore,

although the principle of development is acceptable the proposal still needs to accord with other relevant development plan policies.

## **7.2 Affordable housing**

7.2.1 Policy CS6 of the WBCS is concerned with the provision of affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The Council's priority and starting expectation will be for affordable housing to be provided on-site in line with Government policy. The affordable units will be appropriately integrated within the development. The Council will expect units to remain affordable so as to meet the needs of both current and future occupiers.

7.2.2 The proposal will provide a total of 14 affordable housing units. The proposal therefore complies with Policy CS6 of the WBCS which requires 30% affordable housing provision on development sites of 15 dwellings or more on previously developed land. This provision must be secured through a planning obligation.

## **7.3 The impact upon the character and appearance of the area**

7.3.1 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.

7.3.2 The criteria contained within the policy state that development shall contribute positively to local distinctiveness and sense of place. This is achieved by making efficient use of land whilst respecting the density, and character of the area.

7.3.3 Policy CS19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Proposals for development should be informed by and respond to features identified in various settlement character studies including the Quality Design West Berkshire Supplementary Planning Document, and community documents which have been adopted by the Council such as Parish Plans and Town Design Statements.

7.3.4 The site is currently vacant brownfield land with industrial buildings centred around the service yard to the south-west of the site. The surrounding area is characterised by modern high density dwellings that are uniform in appearance. Three storey flats are situated to the south and east of the site, whilst two storey dwellings are situated to the north-east. A public park is situated to the north and west of the site.

7.3.5 Taking the above policies into account, the proposed development is considered to improve the character and appearance of the surrounding area. The development reflects the overall appearance and density of neighbouring dwellings.

7.3.6 In view of the above the proposed development will be in accordance with the character and appearance of the area and is in compliance with Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

## **7.4 Design**

7.4.1 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

7.4.2 The NPPF also adds that the visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.4.3 Policy CS14 of the WBCS states that new development must demonstrate high quality and sustainable design that relates not only to the appearance of a development, but the way in which it functions.

7.4.4 Policy CS4 of the WBCS states that residential development will be expected to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The mix on an individual site should have regard to; the character of the surrounding area, the accessibility of the location and availability of existing and proposed local services, facilities and infrastructure, the evidence of housing need and demand from housing market assessments and other relevant evidence sources. Development proposals will be expected to demonstrate how these matters have been addressed within the proposed dwelling mix.

7.4.5 Policy CS4 states that developments will make efficient use of land with greater intensity of development at places with good public transport accessibility. Higher densities above 50 dwellings per hectare may be achievable in town centres, particularly in parts of Newbury town centre, and along main transport routes and close to transport nodes. In the areas outside town centres, new residential development will predominantly consist of family sized housing which should achieve densities of between 30 and 50 dwellings per hectare, and should enhance the distinctive suburban character and identity of the area. Lower density developments below 30 dwellings per hectare will be appropriate in certain areas of the District. Some parts of the urban areas and some villages are particularly sensitive to the impact of intensification and redevelopment because of the prevailing character of the area, the sensitive nature of the surrounding countryside or built form, and/or the relative remoteness from public transport.

7.4.6 The development proposes ten different housing types, including 6x 2 bed flats. The houses will consist of 2, 3, and 4 bed dwellings. The houses will range from 2 to 2.5 storeys high, whilst the flats will be three storeys in height. The various designs will

be dispersed throughout the site. Each dwelling type will be finished with different materials.

- 7.4.7 The density is relatively high at 52 dwellings per hectare. Although not situated within a town centre the development is considered acceptable. The site follows the density of neighbouring residential units to the south and east whilst it is situated within an area that is close to a main transport route where high density dwellings are located.
- 7.4.8 The design and overall appearance of the development will fit with the general scale and features of the surrounding area. There will be adequate amenity space, parking and privacy for the future occupants.
- 7.4.9 In view of the above the design and appearance of the proposed development is in compliance with the advice contained within the NPPF, and Planning Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

## **7.5 Impact upon neighbouring amenity**

- 7.5.1 Planning Policy CS14 of the WBCS is of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire.
- 7.5.2 The proposed impact upon neighbouring occupants is considered to be minimal. The development will be adequately distanced and screened from the views of neighbouring occupants. There will be some impact on the amenity of the future occupants of plot 21 from the dwellings in Clearwater Place to the south. The neighbouring first floor windows will be approximately 16 metres from the rear garden. A minimal loss in privacy will occur on the rear garden amenity space of plot 21. Paragraph 1.14.2 of the West Berkshire Quality Design SPD states that occupants should experience a high level of privacy at the rear of a dwelling and that overlooking windows, whether in neighbouring workplaces or other homes, should be avoided or be some distance away. There is a long standing good practice guideline of 21 metres as a privacy distance between houses backing onto each other. At 16 metres the distance between the rear garden of plot 21 and the first floor windows at Clearwater Place is less than the recommended 21 metre distance. However, the distance is not considered to create a detrimental harm to the privacy of the future occupants of plot 21 as the neighbouring window will be situated at a 90 degree angle.
- 7.5.3 In view of the above the proposed development is not considered to create a detrimental impact towards neighbouring amenity. The proposal accords with planning policies CS14 of the West Berkshire Core Strategy 2006 – 2026 July 2012, and the advice contained within the NPPF which seeks to protect neighbour amenity.

## **7.6 Highway implications**

- 7.6.1 Planning Policy CS13 of the WBCS concerns transport. It emphasises that road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, and other vulnerable road users.

- 7.6.2 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.
- 7.6.3 Policy P1 of the emerging Housing Site Allocations DPD states the parking standards for new residential development. The layout and design of parking spaces should follow the parking design guidance from the Building for Life Partnership, 2012 and principles contained in the Manual for Streets in order that good quality homes and neighbourhoods are created. This site is in parking zone 2, the policy states that a minimum of 2 car parking spaces should be available for 2 bed dwellings, 2.5 spaces for 3 and 4 bed dwellings, and 1.5 spaces for 2 bed flats, plus 1 additional space per 5 flats. The parking requirement for this location therefore equates to a total of 107 car parking spaces. The application proposes 94 car parking spaces.
- 7.6.4 Policy TRANS1 of the West Berkshire Local Plan Saved Policies 2007 states that the transportation needs of new development should be met through the provision of a range of facilities associated with different transport modes including public transport, walking, cycling and parking provision. The level of parking provision will depend on the availability of alternative modes, having regard to the maximum standards adopted by West Berkshire Council. Standards below the maximum level may be applied in more accessible locations. The local plan requires 1.5 car parking spaces per dwelling, this equates to 71 car parking spaces for the proposed development. This is clearly different from the requirements of Policy P1 of the emerging DPD. Given that the DPD is at a late stage of preparation (currently at examination), weight may be given to its policies; however, it will not attract full weight until it is adopted by the Council at the end of the plan-making process. A judgement must therefore be made on what parking requirement is appropriate in this instance.
- 7.6.5 Highway officers acknowledge that the proposed parking spaces are below the required standard stated within the Policy P1 of the emerging DPD, however they are above the older WBDLP parking standards. The development site is located within close proximity to a main transport route which is served well by public transport services. In addition to this adequate cycling spaces are proposed. In view of this the proposed level of parking is considered acceptable in this location having regard to the advice of highway officers.
- 7.6.6 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. It further states that, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.6.7 Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, development should be located and designed where practical to accommodate the efficient delivery of

goods and supplies, and give priority to pedestrian and cycle movements. Proposed development must have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.

- 7.6.8 The Council's Highways Service has reviewed the proposed plans raising no objections. Adequate car parking and access is available. It is therefore considered that the proposed development will comply with the criteria contained within Planning Policy CS13 of the WBCS and the NPPF.

## **7.7 Drainage**

- 7.7.1 Planning Policy CS16 of the WBCS concerns flood risk from any source of flooding, including critical drainage areas and areas with a history of groundwater or surface water flooding. Proposals for development within these areas will only be accepted if it is demonstrated that they are appropriate, and there are no suitable and available alternative sites at a lower flood risk. When development has to be located in flood risk areas, it should be safe and not increase flood risk elsewhere, reducing the risk where possible.

- 7.7.2 The site is situated outside of a critical drainage area, and is not designated as being within flood zones 2 or 3. The Council's drainage officers have raised concerns with regard to drainage and possible implications on the future occupants of the site. Drainage officers have requested additional information to overcome these concerns. Further information will therefore be required via condition to satisfy the concerns raised by West Berkshire Council drainage officers.

## **7.8 Contribution to the Thatcham Nature Discovery Centre**

- 7.8.1 Berkshire Oxfordshire and Buckingham Wildlife Trust (BBOWT) have requested a S106 contribution of £20,000 to mitigate the cost of development towards infrastructure maintenance at the Thatcham Nature Discovery Centre which is situated 200m to the south-east of the site.

- 7.8.2 BBOWT have stated that they intend to use this contribution to upgrade the footpaths at the Thatcham Nature Discovery Centre (NDC) and maintain the main lake. They have demonstrated that the proposed development will result in new local residents that will visit the NDC. BBOWT's calculations equate to an additional 146 visits to the NDC each year as a result of the new development.

- 7.8.3 BBOWT state that, "the new development is within easy walking distance of the Thatcham Nature Discovery Centre and Reserve and can therefore be demonstrated to lead to increased footfall / visitor pressure. There is therefore a direct link between the proposed development and the increased requirement for footpath maintenance. In line with WBC S106 / CIL policy documentation, it can be argued that footpath maintenance and upgrade is therefore 'infrastructure required off-site'. Works can be tied to this particular proposed development and is therefore 'required solely as a result of any large scale development'. The proposed development is one of a number of local developments that all lead to a cumulative increase in visitor pressure. Our S106 request therefore constitutes a contribution towards larger footpath maintenance and upgrade costs. This takes account of the flexibility within S106 to pool contributions from up to 5 separate developments".

- 7.8.4 Policy CS5 of the WBCS states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery, whilst protecting local amenities and environmental quality.
- 7.8.5 Paragraph 204 of the NPPF states that planning obligations should only be sought where they; are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. These tests are also given statutory force by the CIL Regulations.
- 7.8.6 BBOWT have provided a detailed consultation response to justify the need for a S106 contribution in this instance. However, officers would recommend that this would fail to accord with the above tests. The contribution is not necessary to make the development acceptable in planning terms, is not directly related to the development, and is not fairly and reasonably related in scale and kind to the development. Furthermore, the proposed works requested by BBOWT could be covered by the Community Infrastructure Levy (CIL), in accordance with the CIL Regulation 123 list (which defines what infrastructure is to be mitigated by CIL receipts or by planning obligations).

## 7.9 **Community Infrastructure Levy (CIL)**

- 7.9.1 Planning Policy CS5 of the WBCS states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery. The Council has implemented its Community Infrastructure Levy (CIL) as from 1st April 2015. Planning applications which are decided after 1st April 2015 may be liable to pay the levy.
- 7.9.2 The proposed new build in terms of the gross internal floor space area (GIA) as defined by the Royal Institute of Chartered Surveyors (RICS) is 4503.07m<sup>2</sup>. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, new dwellings and residential development of 100m<sup>2</sup> or more will be liable to pay the Community Infrastructure Levy. In this instance the site is within the Newbury and Thatcham Area under which the chargeable rate is £75 per m<sup>2</sup>.
- 7.9.3 As such this application is CIL Liable as consent is sought for new dwellings. CIL is managed separately, but in parallel to, the planning application process. A CIL Liability Notice will be issued shortly after the planning decision notice if planning permission is granted.

## 7.10 **Sustainable Development**

- 7.10.1 When considering development proposals, the Council is required to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 7.10.2 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with



consideration being given to economic, social and environmental sustainability aspects of the proposal. 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 neighbouring amenity 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 affordable housing. As these have been found acceptable the development is considered to constitute sustainable development.

## **8. Conclusion**

- 8.1.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that having regard to the clear reasons to support the development proposed is considered to be acceptable and a conditional approval is justifiable for the following reasons.
- 8.1.2 The proposal will not unduly harm the character and appearance of the surrounding area, 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.
- 8.1.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP3, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy OVS5, OVS7, OVS8, HSG1, HSG11 and TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, Policy GS1 and P1 of the Draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document (November 2015) (DPD), and the National Planning Policy Framework.

## **9. FULL RECOMMENDATION**

**DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the completion of a legal agreement by 13<sup>th</sup> September 2016 and in accordance with the schedule of conditions (Section 9.1).

### **9.1 Schedule of conditions**

#### **1. Full planning permission time limit**

The development shall be started within three years from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) should it not be started within a reasonable time.

#### **2. Approved plans**

The development hereby permitted shall be carried out in accordance with drawing numbers 13.055.DM1A, 701A, POU-L-001B, 700, P712/1, 13.055.100Y, 13.055.FL01B, 13.055.BS.01, 13.055.A01A, 13.055.B01A, 13.055.C01A, 13.055.D01A, 13.055.E01A, 13.055.F01A, 13.055.GA01A, 13.055.GA02A, 13.055.J01A, 13.055.K01A, 13.055.20C, 100C, 200C, 500C, 13.055.100AA, 13.055.100.MPAA, 13.055.100.SHAA, and 13.055.104AA received on 24<sup>th</sup> December 2015, 15<sup>th</sup> January 2016, 11<sup>th</sup> April 2016, and 3<sup>rd</sup> June 2016.

Reason: For the avoidance of doubt and in the interest of proper planning.

### **3. Samples**

No development hereby permitted, except the demolition operations and construction of the building foundations, shall take place until samples, and an accompanying schedule of the materials to be used in the construction of the external surfaces of the dwellings and any other external surface to the development hereby permitted, have been submitted to and permitted in writing by the Local Planning Authority by way of a discharge of condition application. 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **4. Cycle storage**

No dwelling hereby permitted shall be occupied until the cycle storage has been provided in accordance with the approved drawings.

Reason: To encourage the use of cycles in order to reduce reliance on private motor vehicles. This condition is imposed in accordance with the National Planning Policy Framework, 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).

### **5. Archaeological supervision**

No development shall commence until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 141 of the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

**6. Bat/ Bird boxes**

None of the dwellings hereby permitted shall be occupied until three built-in bat boxes and ten bird boxes have been provided within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed development enhances local biodiversity. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

**7. Reptiles**

No development shall commence until plans showing the location and construction details of a reptile hibernaculum have been submitted to and approved by the Local Planning Authority via a condition discharge application. Such approved hibernaculum will be retained thereafter.

Reason: To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

**8. Tree protection**

No development shall commence until protective fencing is erected in accordance with the tree and landscape protection scheme identified on approved drawings numbered plan JSL2325\_701A dated 22/12/2015 and supported by RPS tree report RPS ref JSL2325\_770 dated December 2015. The fencing shall be retained and intact for the duration of the development. Within the fenced areas, 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.

**9. Construction management plan**

No development shall commence until a Construction Management Plan has been submitted to the Local Planning Authority via a condition discharge application. The plan should detail items such as phasing of construction, lorry routing and potential numbers, types of piling rig and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations from, for example, dust, noise and vibration. In addition the plan should make note of any temporary lighting that will be used during the construction phase of the development. The plan shall be implemented in full and retained until the development has been constructed. Any deviation from this statement shall be first agreed in writing with the Local Planning Authority via a condition discharge application.

Reason: To ensure potential disruption is minimised as much as possible during construction in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

#### **10. Refuse storage**

No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

#### **11. Drainage strategy**

No development shall commence until a drainage strategy detailing any on, or off site drainage works has been submitted to and approved by the local planning authority via a condition discharge application. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. This is in accordance with the NPPF, and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006 - 2026.

#### **12. Management plan**

No development shall commence until a landscape and ecological management plan has been submitted to and approved by the Local Planning Authority via a condition discharge application. The landscape and ecological management plan must incorporate the recommendations outlined within Section 5.2 'Conclusions and Recommendations' of the 'Pound lane, Thatcham Bat Survey Report' dated November 2015.

The landscape and ecological management plan should include adequate details of the following;

- Description and evaluation of features to be managed and created
- Aims and objectives of management
- Appropriate management options to achieve aims and objectives
- Prescriptions for management actions
- Preparation of a costed work schedule for securing biodiversity enhancements in perpetuity
- Ongoing monitoring and remedial measures.

This condition is required to ensure compliance with the sustainable development objectives of the NPPF and Policy CS14 of the West Berkshire Core Strategy 2006 -2026.

#### **13. Spoil**

No development shall commence on site until full details of how spoil arising from the development will be used and/or disposed of have been submitted to and permission in writing by the Local Planning Authority in respect of a planning application. These details shall:

- a) Show where any spoil to remain on the site will be deposited,

- b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels),
- c) Include measures to remove the spoil from the site.
- d) Include a timescale for the spoil removal and associated works.
- e) All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### **14. Hours of work**

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 by way of an appropriate planning consent 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: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

#### **15. Layout and design standards**

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. The Developer must enter into a S278 Agreement for the access, footway link fronting the site, and the relocation of the traffic calming along Pound Lane.

Reason: In the interest of road safety and 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 Saved Policies 2007.

#### **16. Access closure with reinstatement**

The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has been brought into use. The footway shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interest of road safety and highway maintenance. 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.

#### **17. Visibility splays**

No dwelling shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the vehicular access onto Pound Lane. 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.

**18. Parking/turning in accord with plans**

No dwelling shall be occupied until the vehicle parking and any turning space related to that dwelling have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars 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 Saved Policies 2007.

**19. Access construction**

No development shall take place until details of all accesses into the site have been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. No dwelling shall be occupied until the access has been constructed in accordance with the approved details.

Reason: In the interest 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.

**20. Sustainable drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been permitted in writing by the Local Planning Authority via a discharge of condition application. These details shall:

- (a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;
- (b) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- (c) 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;
- (d) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- (e) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- (f) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the development hereby permitted is commenced in accordance with a timetable to be permitted in writing with the Local Planning Authority via a discharge of condition application 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy 2006-2026, and Part 4 of Supplementary Planning Document Quality Design (June 2006).

**21. Hard landscaping (as submitted)**

No dwelling hereby permitted shall be occupied until the hard landscaping of the site has been completed in accordance with the details of boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) shown on the approved plans (drawing numbers 100C, 200C, and 500C received 3<sup>rd</sup> June 2016).

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP3, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

**22. Soft landscaping (as submitted)**

All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (drawing numbers 100C and 500C received 3<sup>rd</sup> June 2016) within the first planting season following completion of building operations. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP3, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

**23. Land contamination 1: site characterisation.**

The construction of the dwellings hereby permitted shall not take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:

- a) A survey of the extent, scale and nature of contamination;
- b) An assessment of the potential risks to:
- c) human health,

- d) property (existing and proposed) including buildings, pets, and service lines and pipes,
- e) adjoining land,
- f) groundwater and surface water,
- g) ecological systems,
- h) archaeological sites and ancient monuments; and
- i) An appraisal of remedial options, and proposal of the preferred option(s).

This report shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

#### **24. Land contamination 2: remediation scheme submission**

The construction of the dwellings hereby permitted shall not take place until a remediation scheme for any land contamination has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. The scheme shall:

- (a) Provide for the removal of unacceptable risks to human health, buildings and other property, and the natural and historical environment;
- (b) 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;
- (c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and
- (d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

#### **25. Land contamination 3: remediation scheme implementation.**

The approved remediation scheme for land contamination shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out



has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

**26. Land contamination 4: unexpected contamination.**

In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 24, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 25. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority via a condition discharge application. Following completion of the measures identified in the approved remediation scheme, no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

**27. Land contamination 5: monitoring and maintenance**

Following completion of the measures for the monitoring and maintenance of the effectiveness of the land contamination remediation approved under clause (d) of condition 25 (if any), a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority via a condition discharge application. These details shall be submitted within 2 months of the completion of the measures. These reports shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

**28. Unexpected contamination**

During development, if contamination is found at the site, which has not previously been identified, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation scheme for this unexpected contamination has been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. The remediation scheme shall thereafter be implemented in accordance with the approved details.

If no unexpected contamination is encountered during the development, written notice confirming this fact shall be submitted to the Local Planning Authority via a condition discharge application before the dwellings are first occupied.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informatives:

**1. Proactive actions of the LPA**

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

**2. CIL liability**

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 from this 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](http://www.westberks.gov.uk/cil)

**3. Infiltration drainage**

No infiltration drainage should be installed in any area of where contamination is known/suspected.

**4. Thames Water**

Thames Water have assessed and responded to the application based on the information provided to date. The proposed drainage strategy involves connecting surface water flows into the public surface water sewer at manhole SU49679253 in Clerewater Place, restricting the discharge to 40 l/s by a flow control chamber, and reducing the amount of impermeable area from 0.882 hectares to 0.496 hectares, thereby providing betterment. Foul water flows will be connected into the public foul sewer at manhole SU50671301 in Pound Lane. Should the development proposal change, Thames Water would need to re-assess the application and review the comments accordingly.

**5. Construction/demolition noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for

prior consent to the works, can be made to the Environmental Health and Licensing Manager.

**6. Surface water drainage**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

**7. Developer co-ordination**

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.

Reason: 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. 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.

**9. 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.

**10. 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.

### 11. **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.

**9.2 OR** in the absence of a completed legal agreement by 13<sup>th</sup> September 2016 to **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission for the following reason:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of development on local infrastructure, services, amenities, or affordable housing, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government guidance as set out within the National Planning Policy Framework, Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as West Berkshire District Council's adopted Planning Obligations SPD.