

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	17/01096/OUTMAJ Newbury Town Council.	24 th August 2017	New public open space and wildlife area. 157 dwellings with new road accesses. Land to the north of Pinchington Lane, Newbury. Rivar Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/01096/OUTMAJ>

Ward Member(s): Councillor Drummond
Councillor Bartlett

Reason for Committee determination: The Council has received 10 letters of objection.

Committee Site Visit: 3rd August 2017.

Recommendation. **The Head of Development and Planning be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.**

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel No:	(01635) 519111
E-mail Address:	michael.butler@westberks.gov.uk

1. Site History

01/00256/renew. Development of 9 hole golf course. Approved November 2002. Lapsed.

01/01187/resmaj. Construction of new road and roundabout. Approved September 2001. Implemented.

08/00461/comind. Renewal of application number 153831 - new golf course with driving range and amenity building. Refused June 2008.

15/02310/screen. 18th September 2015. LPA confirmed the application would require an ES to be submitted.

16/00669/outmaj . Identical application to current one excepting detailed access considerations. Resolved to be approved at Committee on the 18 January 2017, but subsequently found to be invalid.

17/00223/fulext . Adjacent site under HSA4 off Pyle Hill to the east for 71 dwellings resolved to be approved in July 2017.

2. Publicity of Application

Site notice displayed 18 May 2017. Expiry 8th June 2017.

3. Consultations and Representations

Greenham Parish Council

Objection. Overdevelopment, pollution rise, loss of green space, access/highway problems.

Newbury Town Council

Objection / comment. Impact on traffic particularly along Water Lane. Overdevelopment of site—157 dwellings are too many. Lack of pedestrian crossing on the western access / Greenham Road.

Highways

Amended plans sought regarding the proposed access onto Greenham Road to be a cross road/priority junction as opposed to a 4 arm mini roundabout. Otherwise traffic impact acceptable. Mitigation via CIL. Amended plans now received and acceptable. Conditional permission is recommended.

Education

The impact of the additional residents will be acceptable under CIL charges.

SuDS

Conditional permission is recommended.

Planning Policy

The application complies in principle with the policy designation of HSA4 in the HSADPD - site NEW047D refers. The Inspector at the Local Plan Inquiry has now confirmed adoption of the Plan in May this year. Accordingly the application does not now need to be advertised as a departure.

Housing

Support - 63 units of affordable housing is required via the application of policy CS6 in the Core Strategy at 40% of the proposed 157 dwellings. Obtain via s106 obligation. Homes should be built to lifetime homes standard. 30% should be shared equity, [19 number] 70% for social rent. [44 number]. Homes should be pepper potted through the application site.

Minerals	The application site is a former mineral extraction site and then a landfill tip site. However it has since been fully restored so the Council has no further involvement in the site in regards to waste / minerals issues.
BBOWT	Originally objected to the application on the grounds that the application did not meet “test 3” as applied to European Protected Species, particularly in relation to the GCN population on the site which is an important habitat. An outline Habitat Management Plan submitted has allayed fears in this regard. Conditional permission is recommended, subject to the implementation of this HEMP.
Environmental Health	Conditional permission is recommended. Contaminated land condition, with remediation scheme.
Natural England	No objections on the grounds of impact on the local SSSI, which is Greenham and Crookham Common. Welcome the new public open space which will act as useful enhanced Green Infrastructure.
Tree Officer	No objections. Conditional permission. The site is currently predominantly open grassland with self sown trees with a good quality thicket running to the north of Haysoms Drive. Detailed landscaping plans should be submitted in due course.
Environment Agency	The principal constraints relating to this site correspond to groundwater protection, given it is a former landfill site overlying a Zone 3 source protection zone. Accepted that given local site conditions the risk of such contamination of the ground waters is low. Conditions recommended re. piling, contamination, and drainage.
Fire and Rescue Service	Suitable fire hydrants will be required as a condition of the application if approved.
Thames Water	Do not object but note that pre development conditions should be applied regarding the impact on the local water supply infrastructure, plus the impact on drainage in particular foul sewerage.
Archaeologist	No objections.
Defence Infrastructure	No safeguarding objections raised.
Waste Services	Conditional permission is recommended.
Public Open Space	The proposed open space far exceeds the Council’s minimum requirement for the 157 dwellings and will enhance the public open space as existing with better connectivity. A commuted sum of circa £240,000 will be required for future maintenance in a s106.

Public Representations

10 letters of objection based upon the following issues. Impact on roads, particularly at peak periods, impact on local infrastructure, loss of green space, impact on local ecology and species, restrictive covenant in place, general overdevelopment of south east Newbury, does not conform to the NPPF, urban sprawl which is not required, site accesses are poor, impact on local landscape character, loss of local habitat, impact on local street scene, poor design, potential rise in anti social behaviour, dangers associated with developing on the former tip site i.e. contamination and gas emissions, impact on local schools and health care facilities. All of the HSA4 site as approved should be treated in a comprehensive manner and not via distinct applications. No legal mechanism in place to ensure remainder of land will be open in perpetuity. Air quality concerns in addition via the increased traffic generated.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

HSADPD November 2015. Policies GS1 and HSA 4 - land off Greenham Road.

Policies ADPP1, CS1, CS4, CS6, CS13, CS14, CS16, CS18, and CS19.

5 Description of development.

- 5.1 The application site is a greenfield area, formerly a land fill site, now fully restored. It lies outside any current defined settlement boundary, between Newbury and Greenham. It is proposed to develop two distinct sites, site 4 to the east being 2.51ha and site 5 to the west being 1.36ha. The eastern site will contain 87 dwellings, 33 of which will be affordable [38%] with one new vehicular access off Greenham Road to the east. An additional access will be off Haysoms Drive to the west. This site lies immediately to the north of the new housing development recently completed which was on the former Greenacres Leisure site now demolished and replaced by the David Lloyd Leisure Centre off Monks Lane. The west site will comprise 70 dwellings, 30 of which will be affordable i.e. 43% on this site. The mix here will be 42 two bed flats, 22 two bed houses, and 6 three bed houses. Hence the overall mix of dwellings proposed on both sites, is 20 one bed maisonettes, 25 two bed houses, 27 three bed houses, and 15 four bed houses. In association with the development will be new area of defined public open space to the north, with a new children's play area, footpaths and additional landscaping.
- 5.2 The site to the west will comprise 70 dwellings, as noted above. Access will be gained off Pinchington Lane to the south. The latter will be located on the southern edge of the site facing Pinchington Lane, with a parking court to the rear. The remainder of the red line application site will remain as an ecological area, of publicly accessible open space, in order to retain the local newt population, which is a nationally protected species. A number of paths will cross this area in order to improve connectivity between the new housing areas.
- 5.3 At this stage it is ONLY access and layout which is being considered by the Committee. Accordingly, should the application be approved, matters of scale, appearance and landscaping will be considered at the subsequent reserved matters stage. The outline permission will ensure however the access points and configuration, and the total number of dwellings to be permitted, and their positioning on site.
- 5.4 The Council, on 18th September 2015, required the applicant to submit an Environmental Statement to be submitted with the proposal, following a positive screening opinion, the

reference being 15/02310/screen. This was essentially based upon the fact that the site lay on an ecologically sensitive area - for newts. The applicant has duly submitted an ES with the scheme. Given that this application is identical to 16/00669/outmaj, it was not considered to be necessary to re-issue this screening opinion. The application has been formally advertised as an EIA application in May of this year.

6.0 The application will be considered under the following headings.

- 6.1 - Policy.
- 6.2 - Access.
- 6.3 - Ecology.
- 6.4 - Visual impact/landscape issues.
- 6.5 - Other issues.

6.1 Policy Considerations

6.1.1 Policy HSA4 in the Council in the now adopted HSADPD of May 2017, allocates these two sites [inter alia] for additional housing in order to meet the Council's housing land requirements / needs. It corresponds to site NEW047D, the first sites to come forward according to the policy text. On this site the text notes a density of between 140 - 160 dwellings - thus the application is three below the maximum permissible. The access points are accepted as being onto both Greenham Road and Pinchington Lane, and 40% of the dwellings are to be affordable. In addition the policy highlights the need to provide public open space in the site which will also form an important habitat for Great Crested Newts. Given the former tip site, a full land contamination and remediation survey / works will be required, with appropriate conditions to be applied to any planning permission. Any application should also be accompanied by a full Transport Assessment, to ensure that the additional traffic generated by the housing can be accommodated within South Newbury and beyond - given existing potential housing commitments such as Sandleford Park coming forward.

6.1.2 The principle of new housing on this greenfield site is thus accepted, so in the Committee consideration of this particular application, it is the technical issues which are required to be examined in order to see if it complies with other policy considerations.

6.1.3 The Committee may be aware that the Inspector appointed to examine the Council HSADPD made formal recommendations to modify the Plan. For policy HSA4 he has not recommended any changes, other than to alter the developable area from 8.5ha to 7.7ha and to delete the need for the submission of an air and noise quality impact assessment. The application complies with both of these altered aspects.

6.1.4 Section 38 [6] of the Planning and Compulsory Purchase Act of 2004 requires all planning applications to be determined in accord with the Development Plan, unless material factors indicate otherwise. Firstly, policy ADPP1 in the Core Strategy [CS] notes that most new development will be within of adjacent existing settlement boundaries. This site adjoins the present boundaries of Newbury to the north and Greenham to the south. Next, policy ADPP2 confirms that Newbury will be the principal focus for new housing over the Plan period, with Sandleford being the main allocation, along with more "minor" sites such as the one in question. Policy CS1 notes that in order to meet the Council housing needs, greenfield sites will have to be allocated. Policy CS4 deals with proposed housing types and mix, in order to meet local needs as identified in census data. In addition the local character of the area and its accessibility will need to be taken into account. The development in hand achieves an overall density of just under 28 dwellings per ha which is actually quite low in relative terms, when the Public Open Space allocation is taken into account, although this equates to a net density of over 40 dwellings per ha when related to the actual development site excluding the public open space. If one takes into account the whole red line application area of 9.75ha the density falls to just 16 units per ha. Policy CS6 requires new housing, on greenfield sites, to

meet the target of 40% affordable dwellings. A mix of 8 one bed maisonettes, 18 two bed flats 27 two bed houses, and 10 three bed houses [63 units] has been agreed with the Housing Provider, Sovereign Housing. However, although the application, if permitted, will be in conjunction with a s106 agreement to ensure this level of housing is delivered, the applicant has reserved the right to re-consider this at a later stage should viability be an issue, in accord with para 173 of the NPPF. Given this the application presently conforms to policy CS6. Policy CS13 examines transport issues and this will be considered later. Similarly policy CS17 deals with biodiversity issues which will be examined under the ecology section later. Finally, policy CS18 examines the impact of new building on the District Green Infrastructure [GI], which will be examined under landscape issues again.

6.1.5 To conclude, assuming the development complies with policies CS13, 17 and 18 noted, it will be acceptable in policy terms.

6.2. Access.

6.2.1 The applicants, within the submitted Environmental Statement [ES] have included a Transport Assessment as required by the NPPF for this level of additional housing. The Highways Officer has examined this document in some detail, especially in the light of on-going traffic congestion at peak periods for junctions directly onto the A339 to the west. For site 5 with 87 dwellings, the increase in traffic movements in the morning peak will be 50 vehicles, and in the pm peak, 55 vehicles. These flows will be distributed between Haysoms Drive and Greenham Road. Via amended plans now submitted, the proposed mini roundabout access onto the latter is to be altered to a new crossroads, which is in accord with the latest advice on road safety in Manual for Street [MFS]. For site 4 in the west the flows will be 28 in the morning peak and 29 in the pm peak, all onto Pinchington Lane. In summary, this equates to a rise in flows of 1.37% in the am peak, and 1.55 % in the pm peak for Pinchington Lane and 1.63% and 1.97% respectively onto Greenham Road to the east. All these figures are below the 3% guideline noted in para 32 of the NPPF so it is concluded that the development impact will be acceptable in terms of impact upon the local highway network. Consequently, no additional mitigation works under policy CS5 will be required, other than the required s278 works for the construction of the three new accesses onto the local adopted highways and the funding which will be achieved via CIL.

6.2.2 The internal access of the layout has been examined in detail at this stage. It is expected that all of the roads will be adopted in due course, with suitable waste collection arrangements. Given layout is to be agreed now, the precise parking levels have been agreed. These meet the standards for the mix of housing proposed to those identified in zone 2 of policy P1 in the HSADPD of 2017. Finally the officer is content that the level of interconnectivity of footways and paths both through the new housing and within the public open space will assist in enhancing local permeability and so community inclusivity as espoused in the advice in the NPPF, so assisting overall sustainability provision.

6.2.3 It is accordingly concluded that the application complies with the advice in both policy CS13 in the CS and the advice in the NPPF, in terms of accessibility and traffic /parking issues.

6.3. Ecology.

6.3.1 The application site forms an important natural habitat for Great Crested Newts [GCN]. Accordingly, given that this was the principal reasoning behind the LPA requesting an ES to accompany the application, it is no surprise that in the ES a full Ecological Impact Assessment has been undertaken in relation to the newts and their future population levels, should the development proceed, with appropriate mitigation. There are 3 water bodies on the site which contain newts, being the Bowls Club pond, the ditch line and Haysoms Pond to the south. These contain the "meta population" of the newts which have been surveyed over a number of years, following various developments now permitted and built in the locality - namely the new CSG site [11/00585/outmaj for 13 dwellings] and the permission

12/02884/fulext at the former Greenacres for 40 dwellings now fully occupied. The applicant's agents have concluded that if appropriate mitigation is put in place, the long term population of newts will be preserved via the maintenance of the three water bodies noted, in terms of quality, via removing rubbish, reducing shading, removal of silt accumulation and informing the public about newt habitats. The water bodies are seen as the local constraining factor, not the extent of the terrestrial habitat, which is being necessarily reduced by the physical development under consideration.

6.3.2 Extensive consultation over the detail has occurred with BBOWT the local nature trust with the relevant expertise on these issues. Meetings have been held last year in order to resolve these issues, resulting in BBOWT and Natural England removing objections to the application. The basis of this objection removal is providing the necessary on site mitigation and enhancement features can be put in place on the site, via a condition on a Landscape and Ecological Management Plan [LEMP] being put in place, and conditioning a Habitat Management Plan, plus a sensitive lighting strategy, and a Construction Environmental Management Plan. This will ensure that the three tests set out in the Conservation of Habitat and Species Regulations of 2010 are met:-

- 1 - Meeting the housing needs of the District is an overriding public interest.
- 2 - The Council has explored alternative housing sites, through the HSADPD process, and the sustainability appraisal, having regard to alternate ecological implications.
- 3 - Favourable conservation status of the future GCN population will be achieved.

For information it is the Council [via the case officer in making this recommendation] who has "agreed" points 1 and 2, whilst BBOWT are agreed on point 3, subject to the various ecology conditions being put in place.

6.3.3. Policy CS17 in the Core Strategy identifies how the Council should determine planning applications having regard to their ecological implications. This notes that development which would harm [inter alia] habitats of species importance, as could be the case here, can only be approved if there are no reasonable alternatives, and there are clear social and economic benefits arising. Clearly the acceptance [if this is the case at Committee] of 157 additional dwellings with 63 affordable units and associated substantial open space can be considered a significant social and economic benefit, to the advantage of the Newbury community as a whole. It is on this basis that officers believe that policy CS19 is adhered to, as are the three tests in the Regulations identified above. This then flows onto the ecological advice in the NPPF.

6.3.4 Finally, under both policy GS1 and HASA4 in the adopted HSADPD, it is noted that all 4 development sites should be comprehensively managed. This is particularly important in regard to biodiversity issues. It is recognised that under application number 17/00223/fulext an area of land to the south of that site is to be secured as an ecological area, and this will be contiguous with [although separated by Pyle Hill/ Greenham Road] the ecological area and public open space with this application under consideration. If improved links can be made across the highway in respect of these ecological points, this will be explored in the s106 negotiations, which will be undertaken post this Committee, if approval is resolved.

6.4. Landscape and visual impact.

6.4.1 Section 11 of the NPPF sets out advice on how Local Planning Authorities should determine planning applications, where they have a potentially significant impact upon local landscape character and quality. Notwithstanding the needs of supplying new housing, wherever possible suitable mitigation should be put in place to minimise visual impacts. This policy theme is effected via policy CS19 in the Core Strategy, which seeks to ensure that the local distinctiveness of landscape is retained and enhanced where possible.

- 6.4.2 Clearly, if this development is approved and built out, it will have an impact on the present open [but not necessarily attractive] nature of the former gap site between Newbury and Greenham. The site presently has a valuable function in achieving this “open” feel, assisted by the fact that it is a relatively flat plateau. Having said that it is now bounded on all sides by either housing or commercial development as the site visit should have shown, apart from the north east sector across Greenham Road. Having said that, part of this site, will now be built out in the future under the planning permission [once issued] of 17/00223/fulext noted in the planning history section, to the east of this application site. Consequently, the open nature of the site is/will be diminished by the cumulative surrounds of built form.
- 6.4.3 The applicants, within the ES, have submitted a Landscape and Visual Impact Assessment [LVIA]. This, in summary, sets out the following advice: it notes the application site forms part of the Newbury urban fringe and so, whilst currently countryside in pure policy terms, does not enjoy the same value or quality of open countryside. It is also noted that it forms a plateau rising to 120m AOD which is 60m above the Kennet Valley to the north. Consequently it would be relatively prominent, were it not for the built form surrounding it, as identified. These constrain surrounding views both into and out of the site.
- 6.4.4 The application proposes 157 dwellings rising to up to 10/11m in places where 3 storey flats are proposed. Whilst only access and layout is under actual consideration at this juncture, should the application be approved, that is the outline permission. So, it is only right that the Committee take into account the potential visual impacts that will flow from the density of building proposed. In the submitted layout it is proposed [for example] to construct 3 storey flats on the north section of Pinchington Lane. This will be visually read in conjunction with the larger commercial buildings in the Triangle Motor Park, and the larger retail buildings on the Retail Park immediately to the west. The dwellings to the north of site 4 in the west will be read in conjunction with those now built in Equine Way. As to the eastern site, it is noted that Greenacres has now been built out, so this provides a more urban backdrop to the south for this new level of housing. Before this area was more rural in character with the former sports centre being present, now demolished. The greatest impact will be along the street scene to the west of Greenham Road, where the new building will be a minimum of 4 / 5m from the carriageway edge. In addition the new line of housing will extend some 100m to the north from the present Greenacres site - however there will still be an open gap of approximately 135m distance to the existing Bowls Club, which is still quite substantial, i.e. the gap will be reduced by some 42% in distance. What is also helpful in visual terms is the fact that the limit of new building to the west aligns with the current western limit of the Greenacres site [12/02884/fulext] so the backdrop will remain in place, and this allows for a minimum width of 120m across the proposed new open space to be provided.
- 6.4.5 To put the above in perhaps more perspective, given the overall site area is 9.75ha and the developable area is just 3.87ha, the overall plot development ratio will be 40%. This means that 60% of the land will be open space retained. This open space itself will enhance the local fairly degraded character of the site in terms of quality, and of course will become formally accessible to the public. This in turn will assist in reducing the overall visual impact of the scheme.
- 6.4.6 To conclude, it is considered by your officers that the application, whilst obviously having some local landscape impact, is acceptable within the terms of policy CS19, when the added benefits of the new housing and open space are taken into account, with the local biodiversity improvements.

6.5 Other Issues.

- 6.5.1 Firstly, the application, if approved and built out, will be liable to CIL charges. This can only be calculated in detail at the reserved matters stage, once the precise floor areas of the dwellings are known. The charge rate at present is £75/m² net gain in C3 space. Very approximately [without prejudice] if one applied an average footprint of 60m² per new

dwelling, this would equate to in excess of £420,000 for the market dwellings as the 63 affordable units are exempt from CIL charging.

- 6.5.2 The applicants have expressed in principle a willingness to enter into a s106 obligation for funding for additional improvements towards Greenham Common. This is due to the additional impact the new occupants would / could have upon the Common, given its proximity. However, in applying the section 122 criteria in the 2010 CIL regulations, as amended, it is clear that the Council cannot justify such funding, as it would not meet those tests. Accordingly, any improvements would need to be paid for via CIL. However via a s 106 obligation there will be ongoing future maintenance obligations upon the open space/ecological area resting between the two built up areas, which will assist in mitigating the impact upon Great Crested Newts and Dormice, both protected species.
- 6.5.3 A number of the objectors have referred to the presence of a legal agreement between the Council and the applicant Rivar, dated 3rd December 1992, which is still in force. This corresponded to planning permission 139662, which corresponded to [in part] keeping a large part of the application site open in perpetuity, but permitted recreational use. If this planning permission is granted, it would in effect override this covenant. Accordingly it would need to be released by a further deed of covenant by the relevant parties. If the application is resolved to be approved tonight, instructions to this effect will be made by officers. Just for information, planning permission number 139662 corresponded to the construction of the motor trade retail park to the south of the application site, which clearly has been implemented, so the covenant agreed is operative.

7. Conclusion

- 7.1 The Committee will be aware that all planning applications must be determined in accord with the Development Plan, having regard to the three tenets of sustainability as set out in the NPPF. First, the economic aspects. The applicants have estimated that the cost of construction will be circa £18 million, including the land remediation aspects. This will involve about 117 fte jobs per annum, in addition. For the 157 dwellings these could accommodate up to 400 people, who may spend approximately £6 million spend in the local economy pa, when the salaries of those in the housing are also taken into account. Clearly this will have beneficial impacts especially when the New Homes Bonus is taken into account. Secondly, in terms of the social aspects, there will be 63 affordable units [subject to future viability], and the provision of the additional public open space and play area. These are all considered to be positive. It is the environmental aspects which are not so clear cut. On the one hand, there will inevitably be some visual and landscape character impact by virtue of the loss of the open area noted, leading to some diminution and so harm to that landscape. There will also be a degree of traffic impact in what is already a relatively congested area at peak periods. However, amongst the environmental benefits will be the enhancement of the local habitat for the newts, as identified, and the final "proper" and full remediation of this historic landfill site ready for residential occupation. The latter is considered to be a substantial benefit, as this could not be done at the public cost.
- 7.2 Accordingly, taking all the above aspects into account, including the delivery of an additional 157 dwellings to the District Housing Land supply, and the policy compliance of the site, it is considered that there are clear reasons to approve the application, before Committee.
- 7.3 The Committee are advised that should they wish to refuse the application, the matter would be referred to the District Planning Committee by the Development Control Manager under his delegated authority, as to refuse the application would be contrary to the Development Plan.

8. Recommendation.

The Head of Development and Planning be authorized to GRANT Conditional Planning Permission subject to the first completion of a s106 planning obligation. That obligation to deliver the 63 affordable homes and the commuted sum of £240,000 for the public open space maintenance, plus the relevant s278 highways works. In addition the obligations required for ecological enhancement and monitoring of the open space in perpetuity, for the newt population.

CONDITIONS

Time limit

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

1 - 3 years from the date of this decision

2 - the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: to clarify the permission in accord with the advice in the DMPO of 2015.

Reserved matters

2. Full details of the external appearance of the housing, the scale, and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: 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 advice in the DMPO of 2015.

Drainage strategy

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. 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, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Hours of working.

4. 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: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Highways layout.

5. 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 road and footpath design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application. All the required s278 and s38 agreements shall be completed prior to the first occupation of any dwelling.

Reason: In the interest of road safety and flow of traffic, and waste disposal. . 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).

CMS

6. 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).

Removal of permitted development rights.

7. 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 the advice in the NPPF of 2012.

Fire hydrants

8. No development shall commence until details of fire hydrant provision on the site has been submitted and agreed with the LPA. The development must be carried out in strict accord with this scheme prior to any dwelling occupation.

Reason: To protect public safety in accord with the advice in the NPPF of 2012.

Suds.

9 No development shall take place 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;
- d) Include a drainage strategy for surface water run-off from the site;
- e) 1. 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;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) 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, plus a stress test for the affect of a 40% increase;
- i) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) 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;
- n) 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;
- p) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- v) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- x) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- y) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/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 in the

approved condition thereafter/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.

Land contamination.

10. No development shall commence in each phase approved by this planning permission until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The land was previously landfill. It will need to be remediated in accord with NPPF advice.

Verification.

11. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters in accord with the advice in the NPPF.

Remediation.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unexpected contamination encountered during the developments is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water in accord with the NPPF advice.

Piling.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which maybe given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site is on a former landfill, piling could lead to the contamination of groundwater, in accord with the advice in the NPPF.

Access.

14 No development shall take place until details of the proposed accesses into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawings.

Reason: To ensure that the accesses into the site are constructed before the approved dwellings are occupied in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

Lighting.

15 . Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the LPA. This is required to identify locations particularly sensitive to bats, indicate where the lighting is to be installed, and so installed in accord with the approved details.

Reason: to protect the local bat population in accord with the advice in the NPPF.

CEMP

16 No development shall take place [including demolition] until a CEMP has been submitted to and approved in writing by the LPA. This shall include:-

- 1 - Risk assessment of potentially damaging activities to local ecology.
- 2 - The location and timing of sensitive works to avoid harm to local biodiversity.
- 3 - Times on site when an ecologist is needed.
- 4 - Use of protective fences.

This CEMP shall be adhered to in full during the construction process.

Reason: to conserve local biodiversity in accord with the advice in policy CS17 in the WBCS.

Landscape Management Plan.

17. No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 20 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 and also include any areas of proposed landscaping other than areas of 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 to 2026.

Arboricultural Method Statement

18 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

Watching Brief.

19 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.

Tree works.

20 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 and approved in writing by the Local Planning Authority. In addition, no trees, shrubs or hedges shown as being retained on tree survey 824-01.1 & 824-01.2 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.

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 the policy CS18 in the WBCS of 2006 to 2026.

Height restriction.

21 All the proposed dwellings hereby permitted, shall be of two storey height only [with NO rooms in the roof] apart from the proposed 3 storey building facing Pinchington Lane [Plots 116 to 157].

Reason: To ensure that the overall visual impact of the scheme is restrained given the plateau nature of the site having regard to the advice in policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

INFORMATIVE:

- 1 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 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
- 3 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the ****. You are advised to ensure that you have all the necessary documents before development starts on site.

DC