

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	17/03079/COMIND Thatcham	07 February 2018	<p>The flood alleviation scheme comprises a series of strategically located bunds (earth embankments) in Dunstan Green and Siege Cross play area varying in height from 0.4m to 1m. A shallow swale approximately 440m long is proposed along the perimeter of the Kennet School playing fields to collect and convey water into storage basins in Siege Cross play area, allowing the water to drain at a controlled rate into the existing surface water sewer system. The scheme also includes re-profiling a section of Harts Hill Road to divert flood water off the carriageway and into Dunstan Green.</p> <p>Land Between Francis Baily and Kennet Schools and Land Adjacent To Dunstan Park, Thatcham, Berkshire</p> <p>West Berkshire Council</p>

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/03079/COMIND>

Recommendation Summary: To **DELEGATE** to the Head of Development & Planning to **GRANT PLANNING PERMISSION**

Ward Member(s): Councillor Alan Law

Reason for Committee determination: More than 10 letters of objection

Committee Site Visit: 31 January 2018

Contact Officer Details

Name: Simon Till
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1. PLANNING HISTORY

No relevant planning history.

2. PUBLICITY

Site Notice Expired: 29 December 2018

Neighbour Notification Expired: 01 December 2018

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

Parish Council: No objections subject to:

- Continued collaboration with residents to address concerns;
- Consideration for the impact on allotments on Dunstan Green;
- Dunstan Green's village green status is considered and that there is pest control prior to build up.

Highways: I have the following comments to the current proposals:

- Visibility splays (forward around bends and at junctions) for the new cycle paths have not been provided. This are sought and should be in accordance with current guidance;
- Proposed changes to the vertical profile of Harts Hill Road are satisfactory;
- The construction traffic element of the application has been agreed to be controlled and managed by a Construction Management Plan. This is a common arrangement for applications for this part of a development. Consequently a Condition will be recommended in due course;
- The haul routes are shown on in Figure 7-1 of the DAS – these appear logical and satisfactory;
- The period of construction is anticipated to run from February until October. This period of nine months is an acceptable period for construction.

Overall, aside from the construction period, the impact of this scheme on highways is minimal and thereby the principal of the application is acceptable.

Conservation Officer: No response received by date of writing.

Tree Officer: I have no objection to the application, but further details on tree protection and landscaping will be required. Conditions recommended regarding tree protection and detailed scheme of landscaping.

Environmental Health: Conditions recommended in respect of working hours and land contamination.

Ecology:	The application raises no concerns with regard to the storage and collection of refuse and recycling.
Tree officer	<p>The plans provide have identified the trees at the site to be lost as indicative circles only, but provide no further details, therefore the impact to trees and hedges was determined during my site visit.</p> <p>The majority of the trees and hedges to be lost are of very little amenity value, apart from the hedge and tree to the south of dunstan green, which due to its location adjacent to the A4 make it more desirable, and whilst its identified for removal, I'm glad that suitable landscaping has been identified to mitigate the loss, so overall I don't have major objection to the proposed scheme.</p> <p>There are other trees along the proposed route of the bunds which might be indirectly affected, but due to the nature of the works, the use of fixed tree protection, would not be a workable solution, so the use of a tree informative to provide the contractor with some guidance, would be more beneficial, and can be added along with the relevant tree conditions.</p> <p>The Landscaping proposals provide by Kirkham landscape planning, has provided a comprehensive scheme, to both mitigate the losses and provide a better landscaped structure for the areas affected.</p> <p>Conclusion:</p> <p>The majority of the trees/hedges and scrub to be lost are of very little landscape value, and will be mitigated by the new landscaping, there are other trees within the works areas to be retained and could be affected by the works is precaution are not undertaken.</p> <p>I have no objections to the application. Condition recommended in respect of compliance with the submitted scheme of landscaping and an informative regarding tree protection.</p>
National Allotments Association	No comments received by date of writing.
Sport England	Following receipt of details confirming that works would not result in a detrimental impact on ability to utilise sports pitches, no objection.
Government Pipelines Agency	Holding objection – in discussions with applicant re. securing survey and access work to pipeline on Dunstan Green.
Archaeologist	No objections subject to a condition requiring that works are undertaken in accordance with the recommendations of the Written Scheme of Investigation.

Civil Contingencies	I have no adverse comments to make indeed I support the work in relation to the flood alleviation.
Public Open Space	No objections subject to landscaping being of an appropriate standard.
Ecologist	No comments received by date of writing.

3.2 Community Infrastructure Levy

No CIL is payable for this proposed development.

3.3 Representations

Total: 29 letters Object: 26 Support: 3

Summary of material planning considerations raised in representation letters:

Against

- Will not address the causes of flooding, unnecessary and a waste of public money;
- May cause localised flooding in the gardens of nearby properties in Siege Cross residential state, and flooding of allotments and Dunstan Green and will render the area surrounding the scheme as Flood Zone 3(a);
- Would render public amenity spaces on Dunstan Green and Siege Cross estate unusable due to collecting high volumes of standing water;
- Part of site is former landfill and may contain contaminated land;
- Would result in development on existing allotments and Dunstan Green, which has Village Green status;
- Will result in a detrimental impact on local ecology including bats that forage in trees on Siege Cross;
- Bunds will detract from character and appearance of the area;
- Loss of play and outdoor gym equipment from the northern (Dunstan Green) and southern (Siege Cross) parts of the site;
- Increased waterlogging and flooding to sports pitches on Kennet School land;
- Loss of trees and vegetation in southern part of site;
- New trees will result in overshadowing and loss of outlook of residential properties close to Dunstan Green and Siege Cross open spaces;
- Bunds will generate overlooking of residential properties on Harts Hill Road and Siege Cross estate;
- Will create hidden areas behind bunds increasing likelihood of crime;
- May cause access difficulties for Thames Water in accessing the sewage network;
- Application not accompanied by a flood risk assessment;
- Poor layout of pedestrian routes through southern part of scheme;
- Disruption to residential amenity during construction.

In favour

- Need to plan for future flood events and alleviate this;
- Evidence of previous flooding in south eastern area of Thatcham. In 2007 large numbers of properties around Pipers Lane, south and downhill of the proposed works, along with

properties elsewhere in Thatcham, were flooded. These properties continue to be in danger of flooding. Failure to approve this scheme would lead to continued risk to these properties and many others;

-Scheme designed in consultation with, and using funding secured by, Thatcham Flood Forum residents group who support the proposed works.

Other matters

- Will devalue properties in the vicinity of the scheme;
- Would result in the creation of a reservoir;
- Risk of unexploded ordnance in vicinity of scheme;
- Poor maintenance of existing drains and gulleys which led to previous flooding
- Consultation has not taken place in a transparent manner;
- The application has not been publicised sufficiently.

4. PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).

4.3 According to paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP3: Thatcham
- Policy CS5: Infrastructure Requirements and Delivery
- Policy CS13: Transport
- Policy CS14: Design Principles
- Policy CS16: Flooding
- Policy CS 17 Biodiversity and Geodiversity
- Policy CS18: Green Infrastructure
- Policy CS19: Historic Environment and Landscape Character

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

- TRANS.1: Meeting the Transport Needs of New Development
- OVS5: Environmental Nuisance/Pollution Control
- OVS.6: Noise Pollution

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

- West Berkshire Supplementary Planning Guidance: House Extensions (adopted July 2004)
- West Berkshire Supplementary Planning Document Series: Quality Design (SPDQD), (adopted June 2006)
-Part 1 Achieving Quality Design
- Planning Obligations SPD

4.7 The requirements of the following other pieces of legislation are also a material consideration in respect of this planning application:

- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010.

4.8 The proposed works were screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA) and it was concluded that Environmental Impact Assessment was not required. A screening opinion (included in the applicant's design and access statement) confirming this was issued on 29 September 2017.

5. DESCRIPTION OF DEVELOPMENT

5.1 The application site is located entirely within the defined settlement boundary of Thatcham, in land spread between Dunstan Green and Marsh Meadow, east of Harts Hill Road; the playing fields associated with Kennet School and public open space to the south east of the school, off Agricola Way that is associated with the surrounding Siege Cross housing estate. The application proposes the installation of a series of bunds and Swales within the site for the purposes of flood alleviation for housing and commercial properties along the A4 Bath Road and to the south east of Thatcham in the southern parts of the Siege Cross estate and the neighbouring Pipers Way Industrial Estate (Colthrop).

5.2 The application site occupies an area of land comprising 10.9 hectares. The northern part of the site, alongside Harts Hill Road and the A4 Bath Road is bordered by allotments and open space to the east, while to the west, across Harts Hill Road, is mid 20th Century residential development. The central elements of the scheme are confined within the complex of existing sports pitches that serve Kennet School and Francis Bailey School. The southern part of the scheme is located within public open space that is surrounded by medium density residential development constructed in the 1980s and early 1990s. This land is intersected by walking and cycling routes and pedestrian cut-throughs into the surrounding housing estate.

6. APPRAISAL

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

- Principle of the development

- The impact on flood risk in the surrounding area;
- Impact on the character and appearance of the area;
- The impact on residential amenity;
- The impact on public open spaces and allotments;
- The impact on trees and ecology;
- The presumption in favour of sustainable development

6.1 Principle of the development

- 6.1.1 The application site is located within the defined settlement boundary of Thatcham. The proposed works are required for the purpose of flood alleviation in the event of severe rainfall conditions and comprise part of a package of several related schemes being undertaken throughout Thatcham following severe flooding that took place in 2007. Thatcham is defined under the settlement hierarchy set out in the Core Strategy as an Urban Area which is relied upon to deliver a wide range of services and act as the focus for the majority of development. The proposed works, by seeking to alleviate flood risk in the area, would support the needs of the existing community and future development in the Urban Area. In light of these considerations the principle of development is accepted.

6.2 Impact on flood risk in the surrounding area:

- 6.2.1 The application site lies substantially outside of flood zones 2 and 3. The Environment Agency have raised a query with a small area of flood zone 2 land north of Peachey Drive that appears to fall within the red line site boundary, but the drainage engineer has confirmed that this land will not form part of the proposed works. It is noted that as the development is of over 1 hectare in flood zone 1 the requirements of Policy CS16 include a requirement for a flood risk assessment. However, this application has been prepared in conjunction with the lead flood authority, based on a base of technical information and seeks to alleviate flood risk. Therefore the lead flood authority has confirmed as per the note dated 29 January 2018 that while a formal document entitled as a flood risk assessment has not been prepared, the process of assessing flood risk has been satisfactorily addressed during preparation of the flood alleviation measures that have been recommended and brought forward in this application.
- 6.2.2 The proposed works are composed of a series of swales, bunds and shallow excavations that are designed to direct and slow the flow of water in order to allow additional time for high volumes of rain water to be absorbed into the ground. The proposed works are designed for rainfall events with a probability of taking place between once every 30 years (1 in 30) and once every 100 years (1 in 100). These measures have arisen as part of a wider flood risk management strategy for Thatcham that was designed following floods in 2007 which resulted in flood damage to large areas of Thatcham, and in particular in respect of this scheme many residential properties to the south of the site surrounding Pipers Way.
- 6.2.3 The proposed scheme would work by directing excess rain and surface water falling on and towards the north of the site towards shallow areas of low lying and excavated land contained by bunds that, in the event of severe rainfall in the 1 in 30 to 1 in 100 year event category, would serve to slow the passage of water and act as temporary rain water storage basins, allowing water to drain into the land naturally over the course of up to 48 hours, preventing large amounts of water from

travelling downhill to the south in a short space of time, and thereby reducing the risk of flooding to lower lying land and properties. It is therefore considered that the scheme would act to significantly reduce the risk of flooding in the area, in accordance with the requirements of the NPPF, and the aims of Policy CS16.

- 6.2.4 Your officer notes that a number of objections have been received in respect of concerns regarding the area surrounding the site becoming more prone to localised flooding, and also the loss of public open spaces due to standing rainwater. The applicant has confirmed that calculations have been made to model the impact of a 1 in 1000 year extreme rainfall event following completion of the proposed works and that in the case of such an extremely rare event the proposed works would still not result in an increased risk of flooding to properties surrounding the site. In respect of the loss of public open spaces and sports fields to standing water, the applicant has provided details of the drawdown time (the time taken for standing water to dissipate) for the various parts of the site. In the case of a 1 in 30 year rainfall event this would be a maximum of 22 hours, and in the case of a 1 in 100 year event water would dissipate over a maximum of 48 hours. It is therefore not the case that average rainfall conditions would result in the areas of public open space within the site being rendered unusable for significant periods of time. Any minor alteration in the ground conditions on these parts of the site must be considered against the significant benefits of the scheme to the quality of life of residents who might otherwise be affected by flooding. In light of the above considerations the proposed works are considered to result in significant benefits in terms of alleviating flood risk to vulnerable properties, and are therefore accordant with national and local policy in this respect.

6.3 Impact on the character and appearance of the area

- 6.3.1 The proposed works would result in a series of bunds being erected on public land that is well used and visually conspicuous. The northern element of the site takes in land included within Dunstan Green, which has village green status and should therefore be considered to be of high amenity value to the local community, and would result in the erection of bunds of up to 1.5 metres in height, although the majority of bunding in this location would be below 1 metre in height. To the south west of Dunstan Green the Bluecoats School, a Grade I listed building is located alongside a car park. The application proposes a scheme of trees erected at regular intervals alongside Harts Hill Road in order to soften the visual impact of the bunds from dwellings and public land in this direction. Your officer has considered the impact of the proposed bunds on the character and appearance of Dunstan Green. While it is considered that the appearance of a number of man made structures will detract somewhat from the current open appearance of the land in this location, it is nevertheless noted that the proposed works will result in a significant public benefit. The scheme has been designed with some sensitivity to visual amenity, with bund heights of between 0.5 metres and 0.75 metres to the northern part of Dunstan Green, while higher bunds of between 1 metre and 1.5 metres are situated close to the existing skateboard ramp and play area on the southern part of the site which is more developed, closer to the A4 Bath Road and therefore less visually sensitive. While the proposed works would be located approximately 25 metres from the listed building, it is considered that in light of the clear visual separation between the building and the proposed bunds, including both a car park and the public highway, the works would not be such as to detract from the setting of the listed building. Your officer notes that the proposed landscaping buffer of trees alongside Dunstan

Green will assist in softening the impact of the proposed works on public views and in consideration of these matters and the level of public benefit afforded by the works the less than substantial detriment to visual amenity in the vicinity of Dunstan Green is not considered sufficient to merit a reason for refusal of the proposed works.

- 6.3.2 A number of objections raise concerns in terms of the visual impact of the proposed works to the south east of the site, on public open space alongside Agricola Way on the Siege Cross estate. It is noted that this land is well used by dog walkers, cyclists and runners and children using the surrounding cycleways as a route to school, as well as containing a play area and outdoor gym area and therefore has significant public amenity value. The proposed works on this part of the site would entail excavation of the land to a depth of up to 0.5 metres, and creation of bunds surrounding the land with a height of between 1.1 metres to the south east boundary and 45 centimetres to the north east boundary. While it is noted that objections relate to the public value of the land and visual harm resulting from the erection of bunds, your officer notes that although it is well mown the open space has little other benefit to visual amenity. It is therefore considered that the shallow excavation and erection of bunds proposed would not significantly impact on the visual amenity of users of the land or cycle paths. In respect of the erection of bunds, while these would be visually conspicuous within the land, they are not considered to be of such a height or nature as to result in harm to visual amenity.
- 6.3.3 It is noted that on the south east of the site, on the footpath leading north from Agricola Way the majority of a line of mature trees is to be retained alongside a 0.8 metre bund, and this will be accompanied by supplementary landscaping. The tree officer has endorsed the landscaping scheme for the site, and along with other new planting to be undertaken in the area surrounding the part of the site off Agricola Way, and the new line of trees to be planted alongside Harts Hill Road, your officer considers that the proposed landscaping scheme will improve the character of the site. In terms of the works to the Kennet and Francis Bailey School sports pitches, in light of the nature of this land that is used for educational purposes it is not considered that the works in this location would result in any significant harm to visual amenity from within the site or surrounding public locations.
- 6.3.4 In light of the above considerations overall the proposed works are considered to be of an acceptable quality of design that will not result in significant harm to visual amenity in the area surrounding the site, nor detract significantly from the character and appearance of the area in such a manner as to outweigh the significant benefits of the scheme in terms of alleviating flood risk.

6.4 Impact on residential amenity

- 6.4.1 A number of objections have raised concerns with the proposed works in respect of the increased potential of overlooking, due to the proximity of the works to the rear and side boundaries of dwellings on the Siege Cross estate. In response to these concerns the applicant has supplied sections showing the bunds against the existing ground level from four locations within this part of the scheme. These sections demonstrate that the tallest of the bunds in this vicinity are approximately 0.8 metres higher than the existing ground level and located 12 metres from the fence of the nearest dwelling and 23 metres from its rear elevation. Your officer has

reviewed the sections that have been provided and considers that while the bunds in this location might slightly increase the potential for members of the public using the open space to see above the fence line of surrounding dwellings it is unlikely that the bunds would be frequently used by walkers, and that such views as would be available, given the separation of the bunds from the rear boundaries of surrounding residential properties, would be unlikely to exceed those available from neighbouring dwellings. Therefore your officer does not consider this impact to be such as to result in sufficient detriment to residential amenity so as to merit a reason for refusal of the proposed works.

- 6.4.2 Objections to the application refer to concerns regarding overshadowing and the loss of public views across Dunstan Green for dwellings on Harts Hill Road caused by the proposed line of new trees alongside Dunstan Green. However, your officer notes that these trees would be some distance from the front elevation of those dwellings, and therefore unlikely to cause any significant level of overshadowing to them. In respect of the loss of views, the tree officer has considered the scheme and commented that the proposed landscaping will contribute positively to visual amenity in the area, and your officer considers that while the proposed line of trees might result in some reduction in wider views it would not result in the loss of those views and would instead act to soften and improve views from the west across Dunstan Green.

6.5 Impact on public spaces and allotments

- 6.5.1 The proposed works include works to two public open spaces, Dunstan Green and the Siege Cross estate amenity land. The public open space manager has raised no objection to the proposed works subject to satisfactory landscaping being provided. The Town Council has requested that the impact on Dunstan Green, a registered village green, is considered. While the works will entail the erection of bunds across the green, the scheme provides public access routes through the bunding. Therefore the works are not considered to be such as to prevent the public from accessing and using the land of the green, or to restrict accessibility in such a manner as to render the green inaccessible. In respect of flooding affecting the green, while the works would result in use of the green for temporary water storage in a severe rainfall event, such an event would be very infrequent and the temporary loss of amenity that would result is not considered to weigh significantly against the public benefits of preventing flooding of homes and property. Similarly, open space on the Siege Cross estate would not be rendered permanently unusable. Public play equipment on both sites would be retained, with the play area on Dunstan Green moved slightly north. Works to excavate the land on the Siege Cross Estate would be phased so as to allow public access to part of the land throughout the development of the scheme. Works to land on Kennet School would be limited to take place during the summer holiday so as not to interrupt teaching at the school.
- 6.5.2 The bunds on Dunstan Green extend to take in a stretch of allotment land approximately 25 metres in length. While it is noted that objections raise concerns with the loss of this land and the impact of the scheme on allotments, it is not considered that the land included in the bund would result in a significant loss of land from use as allotments. In respect of concerns regarding the impact of stored rainwater on allotments, your officer notes that this might in the occasional event of a severe rainfall event result in damage to or loss of crops or a change to

groundwater conditions. However, this must be balanced against the likelihood of such events resulting in damage to vulnerable properties in the event that the flood alleviation scheme is not constructed. Neither the Town Council nor the National Allotments Association, who have both been consulted, have raised any objection to the scheme. Your officer therefore considers that while the scheme might entail some limited detrimental impact on the allotments, this impact would not be so harmful as to merit a reason for refusal of the proposed works.

- 6.5.3 The proposed works would result in several diversions to existing footpaths, including the cycle track and an informal pedestrian route from the residential estate across the public open space on the Siege Cross estate, and works to impose new footpaths over the bunds on both Siege Cross and Dunstan Green. It is noted that some objections refer to the fact that a footpath has not been imposed directly from a pedestrian exit from Scrivens Mead into the open space, resulting in walkers taking a less direct route across the open space, or walking over an unsurfaced part of the bund. However, the proposed route over the bund would be located half way between the northern exit from Scrivens Mead and another southern exit from Scrivens which is also available to pedestrians. This is a design matter that is not considered to be such as to result in significant detriment to access to and from the housing estate, and the design rationale of placing the pedestrian route half way between the two exits is accepted.

6.6 Impact on trees and ecology

- 6.6.1 The proposed works would result in some impacts on local trees, with a number of trees and hedges being removed as part of the scheme, on Dunstan Green and Siege Cross. However, a comprehensive scheme has been provided for landscaping and improvement of planting on the site. The tree officer has assessed the scheme and confirmed that overall he is satisfied that the proposed works will result in an improvement to the quality of landscaping on the site and an improvement to the visual contribution of the site to local amenity. Therefore the proposed works are not considered to result in a detrimental impact on trees.
- 6.6.2 The application is accompanied by a phase 1 habitat survey that sets out a number of recommendations at section 6 which makes recommendations in respect of the impact of the works, including a requirement for more surveying work to be undertaken in respect of tree foraging bats and a badger sett. Your officer recommends a condition requiring that the recommendations of section 6 of the report are implemented during the course of development of the site, in accordance with a timetable to be agreed before works commence. Subject to these recommendations being implemented the proposed works are not considered to be such as to result in a detrimental impact on ecology on or near to the site.

6.7 Assessment of sustainable development

- 6.7.1 The NPPF states that there is a presumption in favour of sustainable development. It goes on to define three roles of sustainable development: An economic, social and environmental role. The proposed works are assessed against these roles as follows:

-In terms of the economic dimension, the proposed works would provide economic benefits in terms of providing flood alleviation, which seeks to prevent detrimental

impacts of flooding on local business continuity and in terms of the cost of property damage. The proposed works are therefore considered to contribute positively to the economic role of sustainable development.

-In terms of the social dimension, the proposed works would prevent flooding of dwellings which might otherwise result in people suffering the temporary or permanent loss of their living accommodation, whilst retaining access to valuable public open spaces. Therefore the proposed works are considered to contribute positively to social sustainability.

-In terms of environmental sustainability the proposed works would result in some loss of visual amenity on Dunstan Green, and the loss of some trees and vegetation on the site. However, these would be partially mitigated by the provision of a good scheme of landscaping for the site.

In light of these considerations it is your officer's view that the strong benefits of the scheme in terms of the economic and social dimensions of sustainable development significantly outweigh the minor disbenefit in terms of the environmental dimension.

6.8 Other matters

- 6.8.1 Your officer notes that a number of letters of objection refer to duties under legislation relating to reservoirs. However, these matters fall outside of the principle planning legislation and are not the remit of planning to consider.
- 6.8.2 In respect of undertaking works to a registered village green it is understood that the applicant has contacted the Planning Inspectorate who are the responsible authority for such matters.
- 6.8.3 An objection notes an error at part 8 of the application form where it is stated that the applicant, Stuart Clark, is not an employee of the Council. Stuart Clark's position in submitting this application on behalf of the Council is Principal Engineer. While your officer notes this error, it is clear from the application form and submitted details that the application has been submitted on behalf of West Berkshire Council. Therefore this matter is not considered to be prejudicial to the consideration of this application.
- 6.8.4 Letters of objection raise concerns in respect of the level of public consultation undertaken during both design of the proposed flood alleviation scheme and in advertising this application. Your officer notes that public consultation in preparation of the scheme is a matter outside of the scope of consideration of the application. No statement of consultation has been submitted with the application and it is therefore not possible for your officer to comment on this matter. In respect of publicity of the application, letters notifying neighbours of the application and inviting their comments were sent on the 10th November 2017, and site notices were displayed in four locations alongside the application site on 8th December 2017, giving a deadline for comments of 29 December 2017. Details of the application were published in the local press on 16 November 2017, and on the Council's website. The Council has therefore exceeded its statutory duty to consult members of the public on the application.
- 6.8.5 The government pipelines agency has lodged an objection in respect of the proposed works restricting access to part of the pipeline on Dunstan Green. It is

understood that the applicant is in negotiations with the pipelines agency in respect of securing access to this part of the pipeline. This matter is controlled by other legislation administered by the pipelines agency and it will be necessary for the applicant to resolve the objection prior to commencing works. However, it is not considered to be a reason for refusal of the application.

- 6.8.6 Objections raise concerns with the potential for the bunds in Siege Cross to increase the likelihood of crime. However, it is noted that the majority of bunds in this location are less than a metre in height and as such opportunities would be limited. The proposed works are therefore not considered to be such as to significantly jeopardise community safety.
- 6.8.7 Representations on this application have raised concerns in respect of a former area of landfill. The environmental health officer has recognised the potential for elements of the site to contain contamination and has therefore recommended a condition in respect of addressing any contamination identified during development of the site.

7. CONCLUSION

- 7.1 While the proposed works would result in some detriment to visual amenity in the vicinity of Dunstan Green and residents' concerns regarding the potential for the works to result in localised flooding of the Siege Cross amenity area are noted the proposed works would offer considerable public benefits to the local community in terms of the alleviation of flood risk for a large number of dwellings and commercial properties to the south of the site. It is therefore your officer's view that these public benefits would significantly outweigh any temporary disbenefits during construction or during a severe rainfall event where public access to amenity land might be restricted or the detriment to visual amenity that would result from the erection of bunds. Consequently your officer recommends this application for conditional approval.

8. FULL RECOMMENDATION

DELEGATE to the Head of Development & Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

8.1 Schedule of conditions

1. **Full planning permission time limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. **Standard approved plans**

The development hereby permitted shall be carried out in accordance with drawing numbers [drawing numbers to be inserted by officer].

Any material change to the approved plans will require a formal planning application to vary this condition under Section 73 of the Act. Any non-material change to the approved plans will require a non-material amendment application prior to such a change being made.

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

3. Construction method statement

No development of the approved flood alleviation scheme 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 any security hoarding or public displays
- (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).

4. Archaeology

Development of the flood alleviation scheme hereby approved shall take place in accordance with the recommendations of the Written Scheme of Investigation by Cotswold Archaeology submitted by email on 20 December 2017.

Reason: To ensure that any archaeological remains that are found are adequately recorded in accordance with the requirements of the NPPF (2012) and Policy CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

5. Ecology

No works shall commence on site until a full schedule for carrying out the recommendations made at section 6 of the ecology report has been submitted and approved under a formal discharge of conditions application. Development works shall thereafter be undertaken in accordance with the approved schedule of ecological works.

Reason: To secure the protection of local ecology in the site and surrounding area in accordance with the NPPF (2012) and Policy CS17 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

6. Working hours

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 pm on Mondays to Fridays, 8.30 am to 1.00 pm 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 the NPPF (2012) Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

7. Contaminated land

Should any unforeseen contamination be encountered during the development, the developer shall inform the LPA immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development.

Reason: In order to protect the amenities of proposed occupants/users of the application site in accordance with the NPPF (2012) and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

8. Landscaping

All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing numbers KLP/276/17/01, KLP/276/17/02, KLP/276/17/03 Rev B, KLP/276/17/04 Rev B, KLP/276/17/05 Rev C, KLP/276/17/06 Rev B dated 12th December 2017. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

Informative – Tree protection

To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.

- In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
- Ensure that all mixing of materials that could be harmful to tree roots is done well

away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.

- To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
- If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non-permeable membrane to prevent lime based products / chemicals entering the soil
- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.