

| Item No | Application No. and Parish | 8/13 week date | Proposal, Location and Applicant |
|---------|----------------------------|----------------------------|---|
| (1) | 18/00833/FULD Thatcham | 11 th June 2018 | Demolish garage and erect convenience store with 4 x apartments above and erect 4 dwellings Lawrence Building, Newbury Road, Hermitage, Thatcham RG18 9TD Landmark Estates |

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/00833/FULD>

Recommendation Summary: to **DELEGATE** to the Head of Development & Planning to **APPROVE PLANNING PERMISSION** subject to conditions

Ward Members: Councillor Quentin Webb
Councillor Graham Pask

Reason for Committee Determination: Number of objections received

Committee Site Visit: 18th July 2018

| Contact Officer Details | |
|-------------------------|-----------------------------|
| Name: | Sian Cutts |
| Job Title: | Senior Planning Officer |
| Tel No: | (01635) 519111 |
| E-mail Address: | Sian.cutts@westberks.gov.uk |

1. Relevant Site History

| | | |
|---------------|--|--|
| 74/01600/ADD | Extension to existing store | Approved. 02/10/1974 |
| 76/04365/ADD | Extension of store toilets and canopy over petrol pumps | Approved 21/04/1976 |
| 80/12405/ADD | Garage extension | Approved 13/03/1980 |
| 99/55011/FUL | Erection of security fence and gates to road boundary | Approved 01/09/99 |
| 10/01634/FUL | Retrospective – change of use from the current use (car sales) to Car Sales and Van hire | Approved 20/12/2010 |
| 10/01656/FULC | Change of use from garage to B8 storage and distribution | Refused 04/11/2010 Allowed on Appeal 13/12/2010 |

2. Publicity of Application

Site Notice Expired: 4th June 2018

3. Consultations and Representations

3.1 Consultations

Hermitage

Parish Council

Object for the following reasons:

1. The building is too large and imposing on the street scene, with additional lighting during the long opening hours, in an unlit village. Too much signage
2. Delivery noise, disturbing residents, would like not see earlier closing times, such as 8 or 9pm
3. Anti-social behaviour in the large car park, especially due to low lighting. CCTV should be a requisite
4. Increase in traffic, dispute the Planning and Access statement which state minimal traffic generation, people are unlikely to walk along the busy road, an uphill return journey. The traffic island is too small. The 2 hourly bus service would not be used for a convenience store.
Parish Council would like to use an access provided to the Active Travel route provided on the HER001 site
There will be additional traffic from surrounding villages as with Tesco in Northfield road, Thatcham
Impact on the B4009 and Priors Court roundabout.
CIL funds should be used to make road safety

improvements in the village, the only suitable pedestrian crossing is by the school, three quarters of a mile away.

5. Welcome the flats, but concerned about the amenity space available and no space for ball games.
Insufficient buffer around the site and landscaping
6. A traffic management plan should be in place
7. Concerns about onward consequences, particularly for the current village store and Post Office, as well as the prescription service run by the shop, and its impact on the elderly and infirm. Potential for increasing speeds in the village if the existing shop closes, and the parking of cars there go, as they act as a traffic calming measure

**Chieveley
Parish Council**

Request an integrated traffic plan for the mini roundabout between the B4009, Station Road and Priors Court Road.

SUDs

We have reviewed the submitted Surface Water Drainage Strategy and consider the proposals for the management of surface water runoff to be acceptable in principle.

Given the risk of surface water flooding on and around the site, we request that finished floor levels for the proposed development are raised a minimum of 150mm above the surrounding ground levels. Furthermore, given the small orifices proposed within the drainage network, we request that overflows are incorporated into the controls to reduce the risk of flooding in the event of blockages, as part of the detailed design.

Recommend a condition to the permission to ensure that flood risk is appropriately managed for the lifetime of the proposed development.

Thames Water

The proposal is within 15 metres of a strategic sewer, and Thames Water request a condition with regards to a piling method statement.

There are public sewers near to the site and the risk of damage should be minimised

With regards to surface water drainage consent will be required from Thames water to discharge surface water to the public sewer, and recommend an informative to be added to a planning permission

No objection with regard to the waste water network and waste water process infrastructure.

Highways

The parking provision for the A1 and residential use complies with current parking standards.

The ARCADY study which was requested with regards to the junction of the B4009, Station Road and Priors Court Road has now been undertaken. It has been demonstrated that whilst an RFC of 0.85 is reached, it is not exceeded which suggests that this development will not cause a severe impact on the junction and surrounding highway network. We are therefore satisfied with the ARCADY assessment results.

Given this, the Highway Authority would be unable to substantiate a refusal on the grounds of traffic impact.

The highway recommendation is therefore for conditional approval with conditions in respect of restricting the hours of delivery; a construction method statement; access closure; provision of visibility splays before development; parking and turning in accordance with approved plans; access construction details and cycle storage.

Tree Officer

There are no notable trees or existing landscaping within the site which would warrant retention. Therefore the assessment is based on the potential landscaping scheme submitted ref: 2137/1B which shows positioning of new trees, shrubs, boundary treatments and British standard for works to be carried out.

The site is within the designated North Wessex Downs Area of Outstanding Natural Beauty and currently on the edge of the settlement. The scheme represents an opportunity to provide a high quality level of landscaping reflecting the character of the rural settlement.

The proposed areas of landscaping are minimal and no particular species are identified. Therefore further information would be required however, this could be secured by an appropriate condition.

No objection in principle but enhanced landscaping required for the whole site. Tree and shrub species required to be identified with suggested species sympathetic to the semi-rural character of the locality. Recommend a landscaping condition

Waste Management

Dwelling one will have a curtilage on the public highway on Newbury Street and therefore no concerns are raised. The other dwellings, numbers 2, 3 and 4 however have no curtilage on the public highway and residents must present their waste for collection. Please can a bin collection point be provided adjacent to the public highway on Newbury Street – adjacent to the bin store for the flats would be an ideal position.

The distance from the properties to the road may cause a problem for elderly or disabled residents who may struggle to place their bins on the highway for collection, this can be mitigated by ensuring there is flat level access with a path free of gravel or grass as wheeled bins are difficult to manoeuvre over these surfaces.

Commercial waste from the shop should be kept separate from household waste to avoid the risk of cross-contamination. West Berkshire Council does not collect commercial waste and will not collect household waste that has been contaminated with commercial waste.

Recommend a condition requiring a scheme for the storage of refuse and recycling to be submitted and provided in writing before the development commences, and provided before the development is occupied.

Environment Agency

The site is within groundwater Source protection Zone 3, which is a sensitive zone surrounding a drinking water borehole. We are generally satisfied with the majority of the findings and recommendations of the desk study report. Broadly, this site is moderately sensitive with regards to controlled waters. Further investigations in the form of intrusive investigations are required to further characterise any risk.

Further details are required to ensure there is no contamination, and any underground storage tanks present on site should be removed and excavations validated. No infiltration drainage system should be installed in areas of contamination.

Recommend condition with regards to land contamination, remediation and verification and a condition with regards to the piling or other foundation designs.

Environmental Health

The identified issues are noise, contamination dust and lighting.

Noise assessment (KR Associates KR06277 04/04/18 v1.1) has assessed the impact on the future residential occupiers above the proposed plant room. The report identifies that mitigation is required and is stated in Section 7.4 of that report.

The future residential occupiers in the flats as well as the houses and the existing residential occupiers immediately adjacent to the site are likely to be affected by noise from the following:

- delivery vehicles – if the vehicles arrive too early in the morning or late in the evening, their manoeuvring, doors slamming, tail lift clunking, vehicle left idling
- loading and unloading of delivery vehicles – the use of cages rattling and being slammed

- use of ATM outside of opening hours – vehicles left idling, doors slamming, radios playing, horns blowing
- the long hours of opening of the shop- the application form states 0600-2300 mon – Sunday and bank holidays.

Some of this issues have been discussed in the Delivery and Service Management Plan and how they will be managed. The timings of the deliveries is not clear as the application details vary from 0800-2200 and 0700-1900.

Neighbouring residential and commercial occupiers will be affected by noise and dust from demolition and construction activities due to their close proximity.

The phase 1 report on land contamination (Landmark Estate 16616/DS Dec 2017) identified the likely presence of a pollutant linkage and potential contaminants. Section 8 recommends that an intrusive investigation is required to quantify the risks. This is agreed.

No specific details were provided regarding external lighting. Due to the close proximity of residential receptors a lighting plan is required.

Recommend conditions with regards to plant equipment noise, timing of shop deliveries, use of the ATM, hours of work condition, dust minimisation during demolition and construction, external lighting, and potential contamination and remediation works.

3.2 Representations

Total: 12 Object: 10 Support: 2

The material planning considerations raised in the support of the application are summarised as follows:

- The site is an eyesore with overspill parking, the development will be an improvement, and there are a limited number of developers willing to take on the site
- A store of this kind is welcomed in Hermitage as it is becoming more suburban and could support this kind of enterprise
- Smaller dwellings in the flats are welcome as so many small dwellings are being turned into large ones

The supporters also raised concerns about

- Signage, delivery noise, and increased traffic,

The material planning considerations raised in objection to the application are summarised as follows:

- Impact on the existing shops, and this is an unnecessary outlet

- Noise from delivery lorries
- Lighting from the store and parking areas would affect residents, and character of the village
- Additional traffic and associated pollution in the village
- Impact on road infrastructure, and combined with the proposed residential development in the area, an impact on the mini roundabout
- Dangerous for cars to enter and exit car park & to pedestrians including school children
- Conflict of lorries and pedestrians within the site
- Out of character with the village, inappropriate development
- Noise from the business operation from 6am to 11pm , 7 days a week
- Previous planning appeals restricted operating hours to between 7am and 7pm weekdays, Saturday mornings, and not on Sundays or Bank Holidays, and vehicle movements
- A covenant from the brewery restricts alcohol sales on businesses on the land
- There is no parking proposed for staff, potential overspill to B4009
- Potential for anti-social behaviour
- Apartments on the main route through the village would be incongruous, no objection to properties of a similar type to surrounding houses
- The development conflicts with the other proposed developments

4 Planning Policy

- 4.1 The statutory development plan includes the West Berkshire Core Strategy 2006-2026 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP) and the Housing Sites Allocations DPD (2006-2026).
- 4.2 The following policies within the West Berkshire Core Strategy (2006-2026) are relevant to this application:
- ADPP1: Spatial Strategy;
 - ADPP5: North Wessex Downs Area of Outstanding Natural Beauty
 - CS1: Delivering New Homes and Retaining the Housing Stock;
 - CS4: Housing Type and Mix;
 - CS5: Infrastructure Requirements and Delivery
 - CS6: Provision of Affordable Housing
 - CS10: Rural Economy
 - CS11: Hierarchy of Centres
 - CS 13: Transport;
 - CS 14: Design Principles;
 - CS15: Sustainable Construction and Energy Efficiency
 - CS 16: Flooding;
 - CS17: Biodiversity and Geodiversity
 - CS 18: Green Infrastructure;
 - CS 19: Historic Environment and Landscape Character.
- 4.3 The following policies of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007 are relevant to this application:
- OVS5: Environmental Nuisance and Pollution Control

- TRANS1: Meeting The Transport Needs of New Development
- SHOP5: The Encouragement of Local and Village Shops

4.4 The following policies within the Housing Site Allocations Development Plan Document (DPD) are relevant to this application:

- C1: Location of New Housing in the Countryside;
- P1: Residential Parking for New Development

4.5 In addition, the following locally adopted West Berkshire Council policy documents are relevant to this application:

- Supplementary Planning Document, Quality Design (June 2006) – Part 2 Residential Development;
- Supplementary Planning Document, Quality Design (June 2006) – Part 3 Residential Character Framework;
- Supplementary Planning Document, Quality Design (June 2006) – Part 5 External Lighting
- Hermitage Village Design Statement July 2004

5. Description of Development

5.1 The application site is situated within the defined settlement boundary of Hermitage, and is within the North Wessex Downs Area of Outstanding Natural Beauty. The site is currently occupied as a car sales site, and had previously been used for sales of garden and agricultural machinery and also for warehousing. To the east of the site are the houses within Charlotte Close, to the north-east is the White Horse public house, and dwellings known as 1 & 2 Longworthy. To the south east and south-west are fields, which are also an allocated housing site (HER001).

5.2 Planning permission is sought for the demolition of the existing buildings on the site and the erection of an A1 retail unit of 325 sq. metres to the front of the site, with four two bedroom flats above with the erection of four dwellings and associated parking to serve the dwellings and the retail unit to the rear. A total of 33 parking spaces are proposed to serve the whole development, and cycle storage is proposed for the retail unit. A communal area amenity area, with child's play area is proposed to serve the flats. The flats are each two bedroom, and 2 no. 4 bedroom houses are proposed, and 2 no. 3 bedroom houses are proposed. Plot 1 will be accessed directly onto Newbury Road. Plots 2-3 are sited to the rear of the retail/apartment building and would share the same access as the shop car park, with a residential parking area underneath a car port for the flats, and separate driveways for the houses. Garages within the gardens of plots 2-3 are also proposed. A delivery bay for the shop is proposed to the side of the building, adjacent to the access to the houses to the rear. A new vehicular access to the site is proposed.

5.3 The application was submitted with a Delivery Management Plan, which was amended during the course of the application, and also the proposed opening times for the shop were amended during the course of the application. The proposed opening hours are 6am -10 pm, 7 days a week, including Bank Holidays.

6. Community Infrastructure Levy

6.1 The proposed works are liable for CIL, this is based on the GIA of the proposed retail units and the dwelling units. This is based on an initial assessment of the floor area of both parts of the application, and would be liable at a rate of £125 per square metre (indexed) for both the C3 and A1 uses, which would be £151,174.69.

7. Consideration of the proposal

7.1 The main issues raised by the proposal are:

- The principle of development
- Impact on the character and appearance of the AONB
- Impact on living conditions
- Parking provision and highway safety
- Affordable housing
- Flooding and drainage
- Contamination
- Biodiversity

7.2 The principle of development

7.2.1 The application site is situated within the village and defined settlement boundary of Hermitage which policy ADPP1 defines as a Service Village which has a limited range of services and some limited development potential. Policy ADPP5 sets out the spatial policy for the AONB, and sets out the potential for infill residential development of previously developed land, with the emphasis on meeting identified local needs, and that the conservation and enhancement of the natural beauty of the landscape will be the paramount consideration in assessing these sites. Within the service villages, such as Hermitage, policy ADPP5 says that a limited level of development will be accommodated to meet local needs, including amongst other things employment and housing. The policy also seeks to ensure that small, local businesses will be supported, encouraged and protected within the AONB providing local job opportunities and maintaining the rural economy.

7.2.2 Policy CS10 refers to supporting small and medium sized enterprises within rural areas, particularly within Rural Service Centres and Service Villages, and says that existing small and medium sized enterprises will be supported in order to provide local job opportunities and maintain the viability of smaller rural settlements. Policy SHOP5 says that the Council will encourage proposals for the provision and retention of local shops within existing residential areas and in village settlements. Policy CS11 says that the vitality and viability of local centres will be protected and enhanced and the existing network of town, district, local and village centres will form the focal point for uses, services and facilities serving the surrounding population. Any scheme will be of an appropriate scale and character to reflect and respond to the role and function of the centre, and should promote the individuality of the centre, responding to any distinct features.

7.2.3 Policy C1 says that there will be a presumption in favour of development and redevelopment within the defined settlement boundaries. The proposal is considered to be acceptable in principle, in accordance with the aforementioned policies, subject to the following considerations.

7.3 Impact on the Character and Appearance of the AONB

- 7.3.1 Policy CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It goes on to say that good design relates not only to the appearance of the development, but the way it functions, and says that consideration of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS19 seeks to ensure the diversity and local distinctiveness of the District is conserved and enhanced, and that particular regard will be given (amongst other things) to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the settlement, form, pattern and character.
- 7.3.2 The application site is situated on Newbury Road, on the B4009, which is the main road through the village of Hermitage. The site is currently occupied by a car sales business, with vehicles for sale parked throughout the site, and there are two large buildings, of utilitarian appearance, and no particular architectural merit. The site is bounded to the front by a metal railing fence. To the northeast of the site is the White Horse public house, and the surroundings are primarily residential in nature.
- 7.3.3 The retail building to the front of the site, will be occupied by a shop on the ground floor, and flats above. The building is 8.2 metres high, with hipped gables and half pitched dormer windows to serve the domestic windows. On the ground floor front elevation large curved frame windows will provide the shop frontage. Plot 1 to the north of the retail building is a four bedroom detached house with a slightly lower ridge height. Plot 1 and the houses to the rear of the site continue the themes, and a consistent approach to the materials proposed with clay effect tiles, with some variation on the pattern of the way the tiles are laid, and red brick elevations. In addition a car port is proposed over the parking spaces to serve the flats. The parking area to the rear will be overlooked by habitable rooms within the flats and the houses. A change in the materials within the access road, will indicate the private and residential nature of the site to the rear. The amenity space to meet the needs of the occupiers of the houses and the flats meets the requirements set out within the Quality Design SPD. A metal railing fence to the front of the site is proposed, and a landscaping scheme has also been proposed. The proposed buildings, particularly the retail/flats building is significantly higher than the existing buildings currently occupying the site. There have been objections raised to the appearance of the proposed development, however it is considered that the variety of materials proposed and the size and scale of the development are acceptable.
- 7.3.4 There have been objections raised to the impact of the creation of a convenience store in this location of the rural character and appearance of Hermitage. The village is defined as a service village, and policy ADPP5 states that the service villages will continue to provide a range of services to their communities, and that a limited level of development will be accommodated to meet local needs, which includes housing and employment. The proposed shop will employ 2 full time employees and 16 part time employees, and the site will continue to contribute to the local economy. The development of a shop in this location will enhance the range of facilities available within the village. The site already has a business use, and policy CS10 states that proposals to diversify the rural economy will be encouraged, particularly when located in or adjacent to Service Villages, and that

proposals seeking the loss of existing employment sites must demonstrate that the proposal does not negatively impact the local economy and the vitality and viability of the surrounding area. The proposed shop is considered to be of a size and scale which is proportionate to Hermitage as a Service Village. Whilst objections have been raised about the potential impact on the other shops within the village, the NPPF advises that it is not the duty of the planning system to prevent competition between businesses. The proposed shop and residential development, are of a design and scale which contribute towards the vitality of the local economy, and will not result in the loss of employment opportunities on the site. The scale of the development proposed is considered to be acceptable.

- 7.3.5 There were particular concerns about the degree of lighting within the site and the potential for advertisements. The site is situated within the North Wessex Downs AONB where dark skies are protected special characteristic to be conserved. The details of the lighting and a lighting strategy can be the subject of a condition, to ensure that the lighting, and positions of the lights do not impact the living conditions of the existing and future residents, as recommended by the Environmental Health Officer. The lighting strategy would also be used to ensure that the level of lighting is appropriate within the village in the AONB. Furthermore, a condition can also be added to ensure that all lighting is switched off when the shop is closed. The advertisements on the shop front would be the subject of an application for advertisement consent. However given the sensitivity of the site within the AONB, a bespoke scheme would be sought, rather than a standard corporate illuminated signage.

7.4 Impact on Living Conditions

- 7.4.1 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. Further advice on assessing the impacts of development on the living conditions of existing and future occupiers is contained within the Quality Design SPD. The shop and flats building is situated at a sufficient separation distance to ensure that the sunlight and daylight to surrounding dwellings will not be adversely impacted. The positioning of the habitable room windows in the flats and houses is such that there is sufficient distances between them to prevent unacceptable overlooking and loss of privacy. As indicated above there was a concern raised by the Parish Council about the suitability of the amenity space provided to serve the flats. A communal play area is proposed including a play area, BBQ and seating area. However the size of the area proposed, and its separation from the parking area is of a sufficient size and quality to meet the requirements of the Quality Design SPD. The private garden areas proposed to serve the four houses also meets the SPD standards
- 7.4.2 In addition the Environmental Health Officer has identified the issues of noise, lighting and dust as having potential impacts on the existing and future occupiers. Policies OVS5 and OVS6 refer to the need to protect residents from noisy development and potential pollution. Objections were also raised by nearby residents and the Parish Council to the potential for noise disturbance. The application was submitted with a Noise Assessment, which set out mitigation measures. The identified potentials sources of noise are the delivery vehicles, and their unloading, the use of the ATM outside shop hours, and the opening hours of the shop. Following the consultation process the potential opening hours have been reduced to 7 am -10 pm, seven days a week including Bank Holidays, and the

ATM machine is proposed to be brought within the shop, so it will not be available outside shop hours. The Delivery Management Plan indicated that two transit vans would arrive between 6 am- 9am, and 1-2 10.35m rigid vehicles between 8am -10 pm and 1-2 10m rigid vehicles between 8am -10 pm. Environmental Health have proposed to restrict all deliveries to between 7am and 7 pm. The existing uses on the site are also subject to conditions with regards to deliveries, with the B8 use deliveries restricted to 7 am -7pm Monday- Friday and 8am- 1pm on Saturdays and not at all on Sundays or Bank and Public Holidays. The agent has suggested that the rigid vehicles be restricted to the hours suggested by the Environmental Health Officer, but that the transit vans be allowed between 6 and 7 am to enable deliveries of newspapers and sandwiches. Given that sandwiches and newspapers are often required at the start of the day, on balance it does not seem unreasonable to allow up to 2 transit van to deliver before the shop opens. The opening hours and delivery times can be the subject of conditions, to protect the living conditions of the future and existing residents.

- 7.4.3 In addition to the potential for noise to be created by deliveries and the general shop opening hours is the potential for noise from plant and equipment. The Environmental Health Officer has requested that a condition is added requiring details with regards to the noise associated with the plant equipment and general noise from the development, such as the opening hours. This is considered to be necessary to ensure that all aspects of noise from the proposed shop are adequately mitigated against in the interests of the surrounding residents.
- 7.4.4 As discussed above there were concerns about the degree of lighting in terms of character and impact on the area. A condition can be added to ensure that a lighting strategy is submitted and approved before the development begins, to ensure that the living conditions of the future and existing residents are protected. In addition a condition requiring the lights to be switched off when the shop is closed will be added.
- 7.4.5 There is also the potential for noise disturbance and dust during the demolition and construction phases of the development. In accordance with Policies OVS5 and OVS6 conditions with regards to the hours of work for the contractors on site will be restricted to 7:30 pm Monday- Friday, 8:30 pm on Saturdays and not at all in Sundays and Bank Holidays will be added.

7.5 Parking Provision and Highway Safety

- 7.5.1 Policy CS13 refers to development which will have an impact on the Highways network, and policy TRANS1 sets out the parking standards for non-residential development, and policy P1 sets out the parking standards for residential development. There were a number of concerns raised about the impact of the proposal on the safety of the road network, with the increase in traffic which the shop and residential development would cause, and the effect of that on the existing roads, particularly the mini-roundabout junction between the B4009, Station Road and Priors Court Road, given the existing committed development and pedestrian safety in the vicinity. The number of parking spaces proposed to serve the houses, flats and shop, as well as the cycle provision, meet the standards required by the policies.

- 7.5.2 The applicant's agent submitted ARCADY information which assessed the capacity of the road junction to deal with the proposed development as well as the committed development. The Highways Officer was satisfied that the results were such that the proposed development would not cause a severe impact on the junction and surrounding network, given a RFC of 0.85 was reached, and that it would not be possible to substantiate a refusal of the application on the grounds of traffic impact.
- 7.5.3 The application proposes to alter the position of the access to the site, with the closure of the existing access point. The new access will serve the retail unit, the flats and plots 2-4. A new access onto Newbury Road will be created to serve plot 1. The Highways Officer has concluded that is considered to be acceptable, subject to conditions with regards to the implementation of the access and visibility splays, the closure of the existing access, and the provision of the parking spaces and cycle storage. In addition a Construction Method Statement is required to control the parking of contractors during demolition and construction, storage of plant and materials, hoardings, and wheel washing, removal of waste and control of dust and dirt during construction. With the imposition of these conditions the proposal is considered to be acceptable as sufficient road network capacity exists and sufficient provision of parking and access visibility can be provided. The proposed delivery movements have been assessed and the delivery vehicles can adequately access the loading bay without conflicting with the cars within the site. Therefore subject to conditions the proposal accords with policies CS13, TRANS1 and P1.

7.6 Affordable Housing

- 7.6.1 Policy CS6 requires that in development sites of 5-9 dwellings there should be a 20% provision of affordable housing, subject to the economics of provision. The applicants have submitted Housing Viability Assessment which states that it is not viable to provide any affordable housing on the site, and so no provision is being made for any. The submitted assessment is being reviewed on behalf on the Council by external consultants, and the results of that review is due before the Planning Sub Committee, and it will be confirmed within the update sheet.

7.7 Flooding and Drainage

- 7.7.1 Policy CS16 refers to the need to ensure that development will not increase flood risk, and that on all development sites surface water will be managed in a sustainable manner. Thames Water do not have objections to the proposed drainage of the site, subject to conditions to ensure that groundwater does not discharge into the sewers, and to ensure that pooling does not damage sub-surface sewerage infrastructure. The Council's Land Drainage Engineers have confirmed that a Flood Risk Assessment is not required for the proposed development. However given that there is a risk of surface water flooding on or around the site, it is requested that ground floor levels in the development are raised to 150mm above the surrounding ground floor levels. In addition a condition is required to ensure that the flood risk is managed throughout the lifetime of the development and so approval of additional sustainable drainage measures is required before development begins on site.

7.8 Contamination

7.8.1 Policies OVS5 and OVS6 refer to preventing pollution of the environment. The site is currently used for car sales, and has an existing and previous use for vehicular repairs as well as a historic used for the sale of fuel. In addition the site is within a groundwater Source Protection Zone (SPZ3). The Environment Agency is seeking conditions with regards to ensuring that the groundwater sources do not become contaminated through construction activity, and to ensure that if any contamination is encountered that there is adequate and verifiable remediation works undertaken. In addition the Environmental Health Officer also requires that a full scheme of investigation and risk assessment is submitted. Therefore condition to deal with the requirements of the Environment Agency and Environmental Health are being recommended, to ensure that all risk of contamination of the land and groundwater are assessed and fully mitigated against.

7.9 Biodiversity

7.9.1 Policy CS17 requires that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. A Phase 1 Habitat survey was submitted with the application. This indicated that there were no protected species on or within the site, and so no species would be affected by the development. It was proposed that bat bricks could be built into the south-west elevations of plots 1 and 4 as an enhancement measure, and that no security lighting would be placed above or below the bat bricks. These measure can be secured by condition.

8. Conclusion

8.1 Having regard to the relevant development plan policy considerations and the other material considerations referred to above it is considered that the proposed development is acceptable and that planning permission should be granted subject to the conditions set out below.

9. Recommendation

9.1 To **DELEGATE** to the Head of Development & Planning to **APPROVE PLANNING PERMISSION** subject to the following conditions;

1. 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).

2. The development hereby permitted shall be carried out in accordance with the approved drawing and other documents listed below;
 - (i) Drawing No 8966/400 Rev G received on 31st May 2018;
 - (ii) Drawing No 8966/401 received on 19th March 2018;
 - (ii) Drawing No 9866/402 received on 19th March 2018;
 - (iii) Drawing No 8966/403 received on 19th March 2018;
 - (iv) Drawing No 8966/404 received on 19th March 2018;
 - (v) Drawing No 8966/405 received on 19th March 2018;

- (vi) Drawing No 8966/406 received on 19th March 2018;
- (vii) Drawing No 8966/407 Rev C received on 31st May 2018;
- (viii) Drawing No 2137/1B received on 16th April 2018.
- (vix) Delivery and Servicing Management Plan Prepared by ADL Traffic & Highway Engineering Ltd Ref ADL/AJM/3737/16A dated March 2018, received on 16th April 2018;
- (x) Surface Water Drainage Strategy prepared by Pitman Associates dated March 2018 received on 16th April 2018;
- (xi) Noise Impact Assessment prepared by KR Associates (UK) Ltd dated 4th April 2018, received on 16th April 2018;
- (xii) Transport Statement Prepared by ADL Traffic & Highway Engineering Ltd Ref ADL/AM/3737/16A dated March 2018, received on 16th April 2018;
- (xiii) Phase 1 Desk Study prepared by Soils Ltd Reference 16616/DS dated December 2017, received on 16th April 2018

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

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

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

4. 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).

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

Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

6. No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. The shop unit shall not be brought into use and no dwelling shall be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the drawing no 8966/400 Rev G received on 31st May 2018. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).

8. 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, 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 buildings 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).

9. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The shop unit shall not be brought into use and no dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006

(Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).

10. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority;

- (a) written details concerning any proposed air handling plant associated with the development including;
 - (i) the proposed number and location of such plant as well as the manufacturer's information and specifications
 - (ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.
 - (iii) the intended operating times.

(b) The findings of a noise survey (undertaken in accordance with BS4142 or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed development and calculations showing the likely impact of noise from the development;

(c) a scheme of works or such other steps as may be necessary to minimise the effects of noise from the development;

(d) No development shall take place until written approval of a scheme under (c) above has been given by the Local Planning Authority. All works forming part of the scheme shall be completed before any of the dwellings is first occupied or the shop is brought into use, whichever occurs first.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. The opening hours of the A1 shop unit hereby permitted is to be restricted to the following hours:

07:00 -22:00 Sundays to Mondays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Notwithstanding the approved Delivery and Servicing Management Plan Prepared by ADL Traffic & Highway Engineering Ltd Ref ADL/AJM/3737/16A dated March 2018, received on 16th April 2018; no deliveries shall be taken at or despatched from the site outside the following hours:

07:00- 19:00 by vehicles larger than a transit van
06:00 -19:00 by vehicles smaller than a transit van.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

13. No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026)

14. No development shall take place until full details of the design and external appearance of the shop front, including the fascias, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained thereafter in accordance with the approved details.

Reason: The application does not contain sufficient details of the shop fronts to enable the Local Planning Authority to give proper consideration to those matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 'Shopfronts' and the Village Design Statement for Hermitage.

15. No development shall take place until details of the external lighting to be used in the areas around and on the A1 shop building and dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings hereby permitted are occupied. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and to protect the amenities of adjoining landusers and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality, and to ensure that bats are not deterred from using the bat roosts. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies C14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).16. No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with

the approved before the buildings hereby permitted are occupied. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Hermitage.

17. No development (except demolition and site clearance works) shall take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:
- (a) A survey of the extent, scale and nature of contamination;
 - (b) An assessment of the potential risks to:
 - i. human health,
 - ii. property (existing and proposed) including buildings, pets, and service lines and pipes,
 - iii. adjoining land,
 - iv. groundwater and surface water,
 - v. ecological systems,
 - vi. archaeological sites and ancient monuments; and
 - (c) An appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. No development (except demolition and site clearance works) shall take place until a remediation scheme for any land contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- (a) Provide for the removal of unacceptable risks to human health, buildings and other property, and the natural and historical environment;
 - (b) Ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
 - (c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and

- (d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

19. The remediation scheme for land contamination (approved pursuant to Condition 18) shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), the development shall not be first occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 18, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Condition 19. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, the development shall not be first occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

21. The remediation scheme for land contamination (approved pursuant to Condition 19) shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), the development shall not be first occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

22. In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 18, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Condition 19. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, the development shall not be first occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

23. Following completion of the measures for the monitoring and maintenance of the effectiveness of the land contamination remediation approved under clause (d) of Condition 18 (if any), a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority within two months of the completion of the measures. These reports shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy

24. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure, and to prevent flooding. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

25. 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 construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
 - c) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm + 40% for climate change;
 - d) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
 - e) 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; and
 - f) Ensure proposed finished floor levels are set a minimum of 150mm above surrounding ground levels.

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

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect

water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application and so it is necessary to approve these details before any development takes place.

26. No development shall take place until details of the provision for the storage of refuse and recycling materials for the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

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

27. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;
- a) Completion of the approved landscape scheme within the first planting season following completion of development.
 - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

And subject to the following informative notes;

1. The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.
2. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations

3. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
4. In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority
5. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.