

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	19/02879/FULD Theale	16 th January 2020 ¹	Demolition of former commercial unit and erection of a retail unit, 7 dwellings including parking, bins and landscaping. Theale Motor Ltd, Church Street, Theale, RG7 5BU. Red Line Land Theale Ltd.

¹ Extension of time agreed with applicant until 5th June 2020.

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02879/FULD>

Recommendation Summary: The Head of Development and Planning be authorised to grant planning permission subject to the completion of a Section 106 Legal Agreement (otherwise refuse planning permission).

Ward Member(s): Councillor Alan Macro

Reason for Committee Determination: Called in by Councillor Macro because of potential effects on nearby listed buildings, conservation area, and the amenity of neighbouring residents.

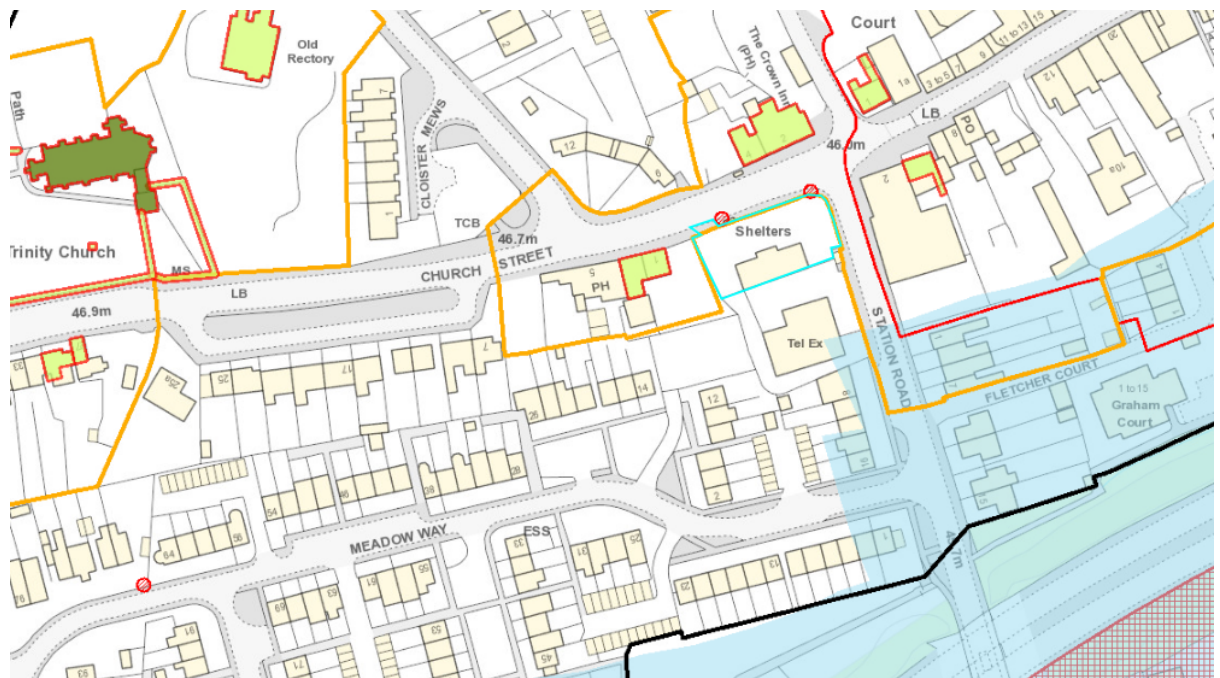
Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

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1. Introduction

- 1.1 This application seeks full planning permission for demolition of the commercial unit on site and erection of a retail unit, 7 dwellings including parking, bin storage and landscaping. The site has been in use for car sales with a single storey building set to the rear of the site of 7.1m in height and the rest of the site open with a tarmac surface for the display of vehicles for sale.
- 1.2 Key constraints and designations are illustrated in the image below. The site is within the settlement boundary of Theale (black line), bounded on 3 sides by the conservation area (yellow line). There are 2 tree protection orders on the Church Street boundary (red circles), and several listed buildings (shaded green) including directly opposite and neighbouring to the west. The surrounding area is generally of archaeological interest, with numerous records in the Historic Environment Record centred around the former A4 Bath Road (a probably medieval road). The town centre commercial areas is to the east of the site (red line). The application site is within Flood Zone 1, but land to the south is within Flood Zone 2 (light blue). To the south, beyond the railway is a protected employment area.



- 1.3 The retail floor space would be 182m². The remainder of the ground area would have 14 parking spaces, cycle storage, bin stores, an amenity area of approximately 65m² with some landscaping to the front of the building. Some of the parking would be undercroft parking. The vehicular access would be via the existing dropped kerb off Church Street to the west of the site.
- 1.4 Of the 7 flats, 2 would be on the first floor, and 5 would be duplex apartments across the first and second floors. The flats would vary in size from 39.9m² to 85m². As well as the amenity area to the rear of the site at ground level all but one of the flats would have small balcony terraces to the rear of the building at first floor level totalling approximately 78m².
- 1.5 The proposed building would be tiered in height, rising from west to east; from 6.4m, to 7.1m, to 8.3, to 8.5m. It would also increase in overall depth from 10.3m to the west to 15.6m to the east. The materials are stated on the plans as being a combination of red brick, grey brick, clay tile hanging, natural slate roof tiles, red clay roof tiles, stone/render

window surrounds, aluminium frame dormer cheeks & fascias, and aluminium framed windows for the retail unit.

2. Planning History

2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
19/00504/FUL	Demolition of former commercial unit and erection of a retail unit, 9 dwellings including parking, bins and landscaping.	Refusal 2019
14/01322/OUTMAJ	Outline application for the erection of 10 no. 1 bedroom apartments with associated amenity space and car parking. All matters reserved.	Withdrawn 2014
13/02958/ADV	Advertisement consent for fascia sign, two free standing welcome signs and wall sign.	Approval 2014
140820	Advertisement consent for pole sign, 2 canopy edge gulf logos and a poster sign.	Approval 1992
101580	Provision of car showroom.	Approval 1974
101732	5,000 gallon single compartment underground petrol tank in existing petrol filling station forecourt.	Approval 1974

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed on 28 November 2019 on a lamp post; the deadline for representations expired on 19 December 2019. A public notice was displayed in the Reading Chronicle on 28 November 2019.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floor space (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil
- 3.4 The original submission was for 9 dwellings. The latest amendments have reduced this to 7 dwellings and the amended plans consulted on with all stakeholders.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Theale Parish Council:	Objection which was maintained with amended plans. Matters raised: loss of light to neighbouring properties; inadequate parking provision; lack of clarity re bin storage/collection; not in keeping with street scene; inadequate amenity for residents; overlooking gardens on Station Road; and inappropriate development in proximity to a conservation area and listed buildings.
Environment Agency:	Initially no comments to make. Subsequently no objection subject to conditions.
Thames Water:	No comments received.
Highways Authority:	Initial comments requested amendments to the access, parking layout and cycle storage layout. Amended plans resulted in no objection subject to conditions.
Conservation:	Initial objection. Last set of amended plans resulted in no objection.
Archaeology:	No objection.
Waste Management:	No comments received.
Local Lead Flood Authority:	No comments received initially. Subsequently no objection subject to condition.
Environmental Health:	No objection subject to condition.
Housing Development Officer:	Initial objection that affordable housing required as part of the scheme. Object to the small size of the proposed affordable unit.
Tree Officer:	Objection which was maintained with amended plans.

Public representations

- 4.2 Representations have been received from 3 contributors, none of which support, and 3 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Theale needs more industry, not dwellings – conversions into flats locally haven't sold;
- Impaired view of Theale Holy Trinity Church from Station Road;
- Proposal not in keeping with surrounding building or character of High Street;
- Residential development beyond capacity of local services;
- Lack of information on parking for the retail unit and who the retail unit would serve;
- Allowance on site to be made for off-road loading;
- Submitted Environmental Investigation appears to fall short of statutory guidance where the forecourt for the previous petrol filling station on site was and no review of planning history of the site; the intrusive survey isn't fully informed or testing robust, including groundwater quality, to adequately characterise the contamination on site and any associated mitigation; mitigation recommended is vague.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP4, CS1, CS4, CS6, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies ECON.5, TRANS.1, OVS.5, OVS.6, OVS.7, OVS.8 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage (2017)
- Manual for Streets

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Housing Mix and affordable housing
- Design, character and appearance including heritage
- Impact on quality of life
- Highways
- Flooding and drainage
- Biodiversity
- Green infrastructure

Principle of development

- 6.2 Policy ADPP1 directs development into settlements, Theale being identified as a rural service centre. Policy ADPP4 outlines that Theale and other settlements in the eastern area will accommodate new homes over the plan period. Policy CS1 states that new homes will be primarily developed on suitable previously developed land in settlement boundaries. Policy C1 of the Housing Site Allocations DPD states that there is a presumption in favour of development and redevelopment within a number of settlements, including Theale. Therefore the principle of new housing in this location is acceptable in principle under the policies of the local development plan.
- 6.3 With regard to the proposed retail element at ground floor level the site is located outside both the primary shopping frontage and town centre commercial area of Theale which terminate the other side of Station Road. As such policies ECON.5 and SHOP.1 do not directly apply in terms of seeking to maintain these areas for retail and commercial development. Policy CS11 identifies Theale as a district centre with regard to being a focal point for uses, services and facilities for the surrounding population and seeks to protect their vitality and viability. Being in close proximity to the town centre the proposed retail use is acceptable in principle under CS11 and provides units which could contribute to the viability and vitality of the town centre.
- 6.4 The proposal would result in the loss of an existing employment operation of the car salesroom. Whilst the loss weighs against the proposal there is no specific policy in this location to require its retention. Moreover, this is to be balanced against the proposed retail unit, which would provide a similar level of employment, in addition to the provision of housing. In this respect, the proposal is considered to be supported by policies within the development plan and NPPF that seek to make efficient use of land.

Housing mix and affordable housing

- 6.5 Policy CS6 requires 20% affordable housing for residential development of between 5 and 9 dwellings. For this development that equates to 1 unit. Under the National Planning Policy Framework paragraph 63 states that affordable housing should not be sought for non-major development unless it is in a designated rural area. Where vacant buildings are to be redeveloped affordable housing contribution should be reduced by a proportionate amount. In this instance the site is not in a designated rural area and it is not vacant.
- 6.6 The development plan is the starting point for determining planning applications. Policy CS6 is consistent with the National Planning Policy Framework paragraphs 60 and 61 in that it identifies the local need for housing, including tenure mix and affordable housing. There is a high need for affordable housing in the district, which is being addressed by this policy, and local affordability ratios are higher than the national average. As such local circumstances justify the seeking of affordable housing on non-major residential development, and the affordable housing requirement is set lower than for major development.
- 6.7 The original proposal did not include any affordable housing, but the amended plans include an affordable housing unit. The Council's Housing Service object to the size of the proposed unit as its floor space is 6.1 m² smaller than the Nationally Described Space Standard of 50 m² for a flat of this size. However, the Planning Practice Guidance stipulates that this standard may only be applied by reference to a policy in the adopted Local Plan. The standard is not referred to in any local development plan policy, and therefore an objection cannot be sustained on this basis. Whilst an objection cannot be made, the small size of the unit does temper the weight that can be applied to the benefit of the affordable unit in the planning balance.

- 6.8 Subject to negotiations on the detailed planning obligation, the proposed affordable housing offer accords with Policy CS6.
- 6.9 Policy CS4 on housing mix and density states that higher densities above 50 dwellings per hectare (dph) may be achievable in town centres, along main transport routes and close to transport nodes. Theale is close to main transport routes of the M4 and A4 and transport nodes with a train station and regular buses. As the scheme is for flats the dwellings per hectare is above 50 at 83.5 dph. Part of the housing mix consideration is the character of the surrounding area which is discussed in the next section.

Design, character and appearance and heritage conservation

- 6.10 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.
- 6.11 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 6.12 Policy CS 19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The policy also requires the conservation of heritage assets and their settings.
- 6.13 The application site is located in a prominent location adjoining the conservation area on three sides and in close proximity to a number of listed buildings. As such the Council's Conservation Officer was consulted. They note that the site is a prominent corner site that sits at the intersection of Church Street and Station Road. Therefore they advise that it is vital that the scale, height, form and design of any new buildings on this site are sympathetic to the character of the area, and successfully address both roads.
- 6.14 The application follows the recent refusal for redevelopment of this site (19/00504/FULD). The scheme was refused for a number of reasons, including its impact on the character and appearance of the conservation area. The current scheme has attempted to address this impact by replacing the previous mansard roof with a traditional pitched roof, and amending how the built form turns the corner. The height of the eaves has been reduced by just over 1m (when compared to the top of the previous parapet), and the overall height has been reduced by 0.4m on the previously refused scheme.
- 6.15 The shopfront is now more traditional, to identify this part of the building as having a different function, and add interest to the elevation. The balconies on the north facing gable have been removed where they were not a traditional feature of the conservation area, and where this part of the building faces directly into the historic thoroughfare that runs through the conservation area, so would impact on its character and appearance. The scale, and proportions of the 2 gables on the south elevation were considered out of keeping with the traditional narrow gables that characterise the area and have now been reduced to better reflect the scale and proportions of the surrounding buildings.
- 6.16 Where the site is in an area of potential archaeological interest the Council's Archaeological Officer has been consulted. They raise no objection. Under the previous application they advised that with the 2014 application they had advised an

archaeological investigation may have been required. They note a heritage impact assessment has been submitted although it does not cover archaeology. The submitted environmental assessment and borehole investigation indicate that there is likely to be little archaeological potential.

- 6.17 Overall the proposal is considered to respond to the setting of the conservation area in terms of the overall design, scale and height of the proposed building, in accordance with ADPP1, CS19 and CS14 subject to a condition on external materials.

Impact on quality of life

- 6.18 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design discusses light and private garden space.
- 6.19 Internally the layout provides windows for habitable rooms, with the exception of the kitchen area for unit 1 on the first floor. The internal areas of the units are roughly within the environs of the nationally described space standards for the 5x 2 bedroom units. Units 1, 2 are 10m² below the standards if occupied by 2 people, but would comply if occupied by 1 person. The Council has not adopted the standards as part of its development plan, which is a necessary precursor to apply the standard as a matter of policy, so this assessment is put forward solely as an indication or benchmark as to whether the quality of the design in terms of layout and amenity is acceptable.
- 6.20 The Quality Design SPD expects a minimum provision of 25m² external private amenity space for each 1 and 2 bedroom flat. For this development the total private amenity space required is at least 175m². The combined external amenity areas of the communal area at ground floor and the 6 balcony terraces at first floor level is 143m². There is therefore a shortage of 32m² for the whole development, or approximately 18%.
- 6.21 The communal amenity area appears to be accessible from the car parking area. So any occupant would need to exit the building at the front and walk through the car park to behind the retail unit. The area is between the proposed building and the boundary fence to the south east of the site. Overall it is unlikely to be of high quality amenity value, but as it would be an additional area to all but 1 flat without a balcony terrace it is considered, on balance, acceptable. Access to the communal amenity space is also shown from the retail unit and appears to be open to the car park, so would not be particularly private. However these access matters could be addressed by condition.
- 6.22 It is understood that the buildings immediately adjacent to the site are not in residential use. There is a flat above the retail unit the other side of Station Road, dwellings across Church Street and dwellings further south and west. The separation distance between buildings across the roads on the boundary of the site are less than 21 metres. As such there would be some overlooking from the proposed development. Overlooking across public roads and is not an uncommon arrangement, and the Quality Design SPD states that the perception of privacy at the front of a dwelling varies depending on location; therefore distances between building frontages will vary and in selected locations can be as close as 9 metres.
- 6.23 To the south of the site there are dwellings approximately 30 metres away. This is greater than the 21 metre separation distance for windows, and the first floor balconies would not be greater in height than the telecom exchange building immediately to the south, although 2 of the balconies would not be obscured by that building. The balconies would be screened, full details of which, including noise reduction screening, can be secured by condition. Whilst the proposed building would change the outlook from the

dwellings to the south the separation distance is such that it would be not be considered materially harmful under planning policy, or result in a harmful sense of enclosure to existing occupants. On balance the impact of the proposal on the amenity of occupants of adjacent buildings is considered to comply with development plan policies.

- 6.24 Environmental Health have been consulted on the application. They note the submitted site investigation clearly identifies the site is contaminated from a previous use as a petrol station. They advised that consultation is required with the Environment Agency and have recommended a full contaminated land condition of further site characterisation surveys, remediation scheme and implementation scheme, as well as reporting of any unexpected contamination and if necessary long term monitoring and maintenance. The Environment Agency has confirmed they should be consulted and have also advised land contamination conditions.
- 6.25 Due to the town centre location of the site and the proposed ground floor retail use a noise impact assessment is required to ensure measures can be included for the amenity of future occupants of the flats, and a condition on hours of work during demolition and construction.
- 6.26 The hours of the proposed retail unit have not been provided. A condition limiting these to minimise noise disturbance to residents above the retail units particularly at night and at weekends when residents are more likely to be at home is also considered necessary.
- 6.27 Overall the impact on amenity of the proposed development is considered on balance to provide an adequate level of amenity for its occupants and not to have a materially harmful impact on nearby residents such that the proposal accords with CS14 and the SPD on Quality Design.

Highways

- 6.28 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Policy P1 outlines the parking requirements for new residential development. Highways were consulted on the application. In their response they requested amended plans to demonstrate visibility splays of 2.4 by 43 metres could be achieved, and a width of 4.5 metres at the access to enable two vehicles to pass. It was also requested for the footway at the eastern corner of the site adjacent to the roundabout to be widened to 2m.
- 6.29 With regard to deliveries Highways note there are double yellow lines where delivery vehicles would stop on Station Road, but for the purposes of loading/unloaded this was accepted by them. They also accept the number of vehicle movements the development would generate. The number of car parking spaces proposed is in accordance with policy P1 but the size of the spaces was requested to be amended to allow for manoeuvring around pillars and by walls. The number of cycle stand were accepted, but amendments requested to ensure they are all accessible.
- 6.30 Amended plans were submitted and Highways confirmed they were acceptable subject to conditions on: details of footway construction for the footway; construction method statement; access closure; visibility splays; parking in accordance with plans; access construction; electric vehicle charge points; and cycle parking.
- 6.31 Waste Management was also consulted on the proposal. They did not respond but in their comments on the previous application they noted a bin store provided on the plans, but were of the opinion that was likely to be too small for the 1100 litre bulk refuse bins and 7 240 litre wheeled bins for recycling. Where the number of units has been reduced a larger bin store could now be accommodated and the number of bins required would be less. Therefore the required bin storage area can be secured by condition.

Flooding and drainage

- 6.32 Policy CS16 relates to flooding. The Council's land drainage officer has been consulted as well at Thames Water. Thames Water did not provide any comments but previously they did not raise any objections to the similar previous scheme. The Lead Local Flood Authority has recommended a condition for details of sustainable drainage measures in accordance with the supplementary planning document be applied.

Biodiversity

- 6.33 Policy CS17 of the Core Strategy requires biodiversity to be protected by development. A phase 1 ecological survey was submitted with the application which concluded that there were no protected species on site and that no specific mitigation measures for further surveys were therefore required. Additional planting as part of the scheme could provide biodiversity net gain benefits. Details of such planting can be secured by condition.

Green Infrastructure

- 6.34 Policy CS18 of the Core Strategy requires green infrastructure such as tree protection orders and public rights of way to be conserved by development. In their consultation response the Tree Officer noted that the site bounds a conservation area and TPO 52 had protected two horse chestnut trees and a replacement plane tree, all of which have since been removed and not replaced.
- 6.35 The Tree Officer had no additional comments to make on the proposal beyond their comments to the previous application. These were that the proposal is urban looking with only a token attempt at planting in what is an attractive small town centre. The proposed small trees shown on the plans to the rear of the site are considered by the Tree Officer to be all but invisible from public views of the site. Furthermore, being close to the parking area and neighbouring land, they will likely be subject to severe pruning over time. The proposal is therefore considered by them to lack landscaping and green space.
- 6.36 Policy CS18 states that development resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. In this instance the protected trees on site have already been lost and whilst there is some landscaping on site, it is quite limited. The proposed planting to the front isn't extensive, and that to the back is likely to be compromised by the proximity to the building proposed and the car parking spaces. However, overall the development proposed within this application is not considered contrary to policy CS18.

7. Planning Balance and Conclusion

- 7.1 The National Planning Policy Framework is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions and should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. Conditions have been identified as outlined in the preceding sections.
- 7.2 The proposed retail unit and 7 dwellings, one of which would be affordable, would provide housing on a brownfield site, in a sustainable location within a rural service

centre. The development would make efficient use of land in a sustainable location whilst respecting the character and appearance of the area and conserving the setting of the surrounding heritage assets. This attracts significant weight. Some weight is given to the economic benefits during construction, and the employment within the proposed retail unit. Neutral weight is given to the impact on the conservation area, amenity space, landscaping, biodiversity and on-site parking of the proposal which are policy compliant. Moderate negative weight is given to the adverse impact of delivery vehicles parking on the highway for the retail unit. There would also be an adverse impact on the outlook of the nearby dwellings, but due to the separation distance being greater than that required by policy it is not considered materially harmful, and is therefore given limited weight.

- 7.3 The local development plan is considered up to date and as such the tilted balance of paragraph 11 of the National Planning Policy Framework is not considered to be engaged. Having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application complies with the development plan and that the benefits of the development outweigh the negative impacts. As such the recommendation is for conditional approval subject to the completion of a planning obligation to secure the affordable housing unit.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 7th August 2020 (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed within the prescribed timescale, to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1. **Commencement of development**

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. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Drawings: 382-02-00; 382-02-10 Rev P8; 382-02-11 Rev P8; 382-03-01 Rev P8; 382-03-02 Rev P8; 382-03-03 Rev P8; 382-05-01 Rev P8; 382-05-02 Rev P8;

Documents: Odyssey Transport Statement and Highways Technical Note reference 18251; Phase 1 Environmental Investigation reference 3814/16; Design and Access Statement.

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

3. **Construction method statement**

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

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) Details of the hours during demolition and construction when deliveries or vehicles taking materials will enter or leave the site
- (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (f) Wheel washing facilities
- (g) Measures to control of surface water run-off
- (h) Measures to control of rats and other vermin
- (i) Measures to control dust and dirt, smell and other effluvia during construction
- (j) The proposed method of piling for foundations (if any)
- (k) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (l) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007. A pre-condition is necessary because insufficient detailed information accompanies the application and the construction management scheme will be implemented at the start of the development.

4. **Contaminated land (investigation and remediation)**

No development* shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. The above scheme shall:

- (a) Include a supplementary site investigation scheme (based on the Terramech site investigation that accompanied the application). A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).
- (b) Include a remediation scheme which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- (c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, including any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action; and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.
- (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

Thereafter, any approved remediation scheme, monitoring and maintenance measures shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.

If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

The development shall not be occupied* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

(* Unless otherwise agreed in writing by the LPA)

Reason: The site is a former petrol filling station with known hydrocarbon contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policies OVS.5, OVS.7 and OVS.8 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase.

5. **Surface water drainage**

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, particularly the WBC SuDS Supplementary Planning Document December 2018;
- (b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- (c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- (d) 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;
- (e) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- (f) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises.

The above sustainable drainage measures shall be implemented in full in accordance with the approved details and timetable. The sustainable drainage measures shall be maintained in the approved condition 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 in accordance with

the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy 2006-2026, and Part 4 of Supplementary Planning Document Quality Design June 2006. A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

6. Infiltration drainage systems

No drainage systems for the infiltration of surface water to the ground shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any proposals for such systems shall be accompanied by an assessment of the risks to controlled waters.

Thereafter, any such drainage systems not be installed except in strict accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants where infiltration through areas of former contamination could mobilise pollutants into the groundwater, in line with paragraph 170 of the National Planning Policy Framework and policies OVS.7 and OVS.8 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

7. Visibility splays before development

No other development, except demolition, shall take place until visibility splays of 2.4 metres by 33 metres have been provided at the access in accordance with Odyssey drawing number 18251-008 Rev A dated Feb 2020. 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 in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

8. Electric vehicle charging points

No development above ground level shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy P1 of the Housing Site Allocation DPD.

9. Materials

No development above ground level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building 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 and conservation area in accordance with the National Planning Policy Framework, Policies ADDP, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

10. **Hours of work**

No demolition or construction works shall take place outside the following hours unless otherwise agreed in writing by the Local Planning Authority:

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 in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

11. **Access closure**

The existing vehicular access to the east of the site shall be stopped up and abandoned immediately after the works to provide the retained access 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 in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

12. **Footway provision**

No dwelling shall be occupied until the 2 metre wide footway to be construction on the eastern corner of the site has been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority and in accordance with any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

13. **Refuse storage**

No above ground development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. No dwelling or retail unit 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 in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

14. **Noise**

No dwelling shall be occupied until noise mitigation has been fully implemented in accordance with the details of a scheme for protecting the proposed dwellings, gardens and external amenity areas of the approved development from traffic and retail noise which has first been submitted and approved in writing by the Local Planning Authority. Thereafter the noise mitigation measures shall be retained and maintained.

Reason: To protect future residents from noise disturbance in accordance with the National Planning Policy Framework and policies CS14 of the West Berkshire Core Strategy 2006-2026 and policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

15. **Balcony screening**

No dwelling shall be occupied until balcony screens have been fully installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority of their materials including noise insulating properties.

Reason: To ensure privacy, in accordance with the National Planning Policy Framework, policy CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, and Supplementary Planning Document Quality Design 2006.

16. **Boundary treatments**

No dwelling shall be occupied until the boundary treatments have been provided in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan, indicating the positions, design, materials and type of boundary treatment to be erected, including to the amenity area for future occupiers and showing no access from the retail unit. 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, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, and Supplementary Planning Document Quality Design 2006.

17. **Access construction**

No dwelling shall be occupied until the works to the retained access have been constructed in accordance with the approved drawings.

Reason: In the interest of road safety in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

18. **Cycle parking**

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings unless otherwise agreed with the Local Planning Authority and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy P1 of the Housing Site Allocations DPD.

19. **Parking/turning**

No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans unless otherwise agreed with the Local Planning Authority. 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 in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

20. Landscaping

No dwelling shall be occupied until a detailed scheme of landscaping for the site has been 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 landscaping scheme within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.
- (b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

21. Hours of operation for retail unit

The use hereby permitted shall not be open to customers outside the following hours:

07:00-22:00 Mondays to Saturdays;
10:00-17:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Heads of Terms for Section 106 Agreement

1. Affordable housing

Unit 1 shall be provided as either social rented or shared ownership.

Refusal Reasons (if Section 106 Agreement not completed)

1. Planning obligation

The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an

affordability ratio above the national average. Compliance with Policy C6 through the provision of an affordable home is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.

Informatives (approval)

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
3. 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.
4. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. 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.
6. 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.