

Item No	Application No. and Parish	13 week date	Proposal, Location and Applicant
(1)	11/00742/FULEXT Holybrook	19 July 2011	Demolition of the existing buildings. Construction of 39 dwellings (6 no 1 bedroom apartments, 6 no 2 bed apartments, 2 no 2 bed FOGS (Flat over garage), 3 no 2 bed houses, 10 no 3 bed houses and 12 no 4 bed houses) with associated car parking, garaging and gardens, and the reconfiguration of the car parking for the Kennet Valley Free Church. Underwood Shopping Centre, Underwood Road, Calcot, Reading, RG30 3LZ Bellway Homes Limited

Recommendation Summary:

DELEGATE to the Head of Planning and Countryside to GRANT PLANNING PERMISSION subject to conditions and the completion of both a Section 106 Legal Agreement and a Section 278 Legal Agreement within 3 months.

IF the Section 106 Legal Agreement and/or Section 278 Legal Agreement are not completed within 3 months from the date of the resolution, to **DELEGATE to the Head of Planning & Countryside to REFUSE PLANNING PERMISSION.**

Ward Member(s):

Councillor B Bedwell
Councillor P Argyle
Councillor M Gopal

Reason for Committee determination:

Level of public interest

Committee Site Visit:

24 August 2011

Contact Officer Details

Name: Bob Dray
Job Title: Senior Planning Officer
Tel No: (01635) 519111
Email: BDray@westberks.gov.uk

1. PLANNING HISTORY

1.1 There have been numerous applications on this site since records began but many are not considered relevant for the purposes of this redevelopment scheme. Therefore only the original permission and the most recent relevant applications are listed below.

100284 Erection of a retail supermarket 6 no shop units and public house. Approved 22 July 1974.

01/01474/FUL Redevelopment of Underwood Shopping Centre with a new supermarket, shops, health centre, flats and houses. Withdrawn 3 January 2002.

02/00008/FUL Redevelopment of the Underwood Centre with a new supermarket for Budgens, shops, health centre, flats and houses. Refused 26 May 2004.

06/00009/FULMAJ Demolition of existing two storey building and felling of 10 no. existing trees. Erection of a 3-4 storey mixed-use development with new car parking facilities and public open space. The New development comprises of 78 residential units 2no A1 Retail Units, doctor's surgery, car parking, cycle spaces and bin store. Withdrawn before validation 5 March 2007.

07/00619/FULEXT Demolition of the existing 2 storey retail block and two storey public house. Also the felling of two trees. The erection of a 3 and 4 storey mixed use development with new parking provision and amenity space. The new development will comprise 65 residential units (4 x 3 bed duplexes, 6 x 3 bed flats, 10 x 2 bed duplexes, 19 x 2 bed flats, 26 x 1 bed flats), 1 x A1 retail unit 119 sqm and 1 x D1 doctor's surgery 300 sqm. Also 82 parking spaces and 65 cycle spaces and bin stores. Approved 16 October 2008.

10/01735/FULEXT Demolition of the existing buildings forming the Underwood Road Shopping Centre (including the former public house, supermarket and doctors surgery) and the construction of 74 no. residential dwellings in the form of 1 and 2 bedroom apartments, a retail unit and doctors surgery and the reconfiguration of the car parking for the Kennet Valley Free Church. Refused 21 December 2010.

11/00838/DEMO Demolition of the existing buildings. Withdrawn 8 June 2011.

NB: This was a demolition notification under Schedule 2, Part 31 of the Town and Country (General Permitted Development) Order 1995.

11/01108/DEMO Demolition of retail block. Prior approval not required 12 July 2011.

NB: This was a demolition notification under Schedule 2, Part 31 of the Town and Country (General Permitted Development) Order 1995.

2. PUBLICITY OF THE APPLICATION

2.1 Original publicity

2.1.1 In accordance with the provision of The Town and Country Planning (Development Management Procedure) (England) Order 2010, the application has been the subject of the following publicity:

- Four site notices were displayed around the application site on 4 May 2011. The expiry date for comments was 25 May 2011.
- Neighbour notification letters were sent to 873 addresses within the surrounding area. The expiry date for comments was 18 May 2011.
- The application was publicised in the Reading Chronicle on 5 May 2011 (under both development affecting a public right of way and as a major development). The expiry date for comments was 19 May 2011.

2.2 Additional information and amended plans publicity

2.2.1 During the application, additional information was received to aid in the assessment of the proposal, and minor amendments were made to the internal layout of the site and the elevations of the block of flats. Re-consultation was carried out with consultees as appropriate, and the following additional publicity was also undertaken:

- Notification letters were sent on 26 July 2011 to Holybrook Parish Council, the 873 addresses originally notified, and any additional contributors from the initial publication of the application. Given the minor nature of the changes, these letters were sent 'for information only'.

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Statutory and non-statutory consultations

Holybrook Parish Council: Holybrook Parish Council agrees in principle to the design and plan submitted and generally welcomes this application to redevelop and regenerate this run-down and derelict area.

However, there is a clear message from the residents who rely on the existing shop and Post Office as well as the wider community that to have no shop and Post Office facility at all is not acceptable.

There remain some concerns regarding traffic congestion in and out of Fords Farm at peak times and displacement parking onto side streets particularly by visitors to the new development and/or visitors to the school/church and community centre.

Our recommendation is for the application to be accepted with the provision that both Bellway Homes Ltd and West Berkshire Council (continue to) work with and support Holybrook Parish Council and its community representatives in its endeavour to provide a small retail facility within the locale and provide initiatives to alleviate parking and traffic related issues.

**Reading
Borough
Council:**

30 June 2011

The planning application was considered by Reading's Planning Applications Committee (PAC) at its meeting on 22nd June 2011. The Council's decision on this application was as follows:

That West Berkshire Council be informed that Reading Borough Council **does not object** to this application but provides the following comments:

1. There is significant movement of children across authority borders in this area at both primary and secondary level, and the Council seeks assurance that in the event of this development going ahead the two education departments jointly consider the provision required for the additional children expected and allocate any resultant S106 contributions for the development with this in mind; and
2. The use of double-yellow lines along Underwood Road adjacent to the application site should be considered.

5 August 2011

No comment

Highways:

1. This application follows from planning application 10/01735/FULEXT. Unlike the previous planning application, this planning application is not accompanied with a Transport Statement or Assessment, as the number of houses is now less than 50, which is the threshold recommended by the Department of Transport in Guidance on Transport Assessment. I have however used the TA submitted with the previous planning application to assist in assessing this planning application.

Site layout

2. Holymead from Carters Rise is currently unadopted. It will need to be adopted along with the new access road into the site.
3. The proposed footpath from Underwood Road between plots 9 and 10 should be widened to 2.5 metres to enable use as a cycle way.
4. Dropped kerbs and tactile paving should be provided across Underwood Road in line with the footpath
5. The access road fronting plots 23 to 39 should be 4.8 metres wide and include a footway of at least 2.0 metres wide on one side of the road, as part of the access road is already shown with a footway. The footway would need to connect onto Footpath Number 2 Holybrook.

6. The access road alongside plots 3 to 9 can be a shared surface, meaning that the footway alongside plot 3 is deleted. A shared surface road should also be surfaced in a different material to the access road to show that it is shared. I also consider that the turning area should be reduced, or even deleted, as the area currently shown is likely to be used to park cars that will obstruct pedestrians and cyclists. The turning area could be incorporated into the parking court.
7. A small section of footway adjacent the four parking spaces should be provided where the shared surface road would join the access road to enable pedestrians to rest while waiting to cross the access road. Dropped kerbs and tactile paving would be required over the access road at this point.
8. Tracking plots of 9.8 metre long refuse vehicles should be submitted to show that refuse vehicles can turn within the site near plots 3 and 24.
9. Margins are required on both sides of adoptable roads to enable clearance for any structure and for the proviso of services.
10. Will the parking court areas be secure and provided with gates?
11. I would recommend that the footway be continued across the bellmouth to the Community Centre to link onto the existing footway. The access into the Community Centre should be provided as a dropped kerb access.

Parking

12. With the previous planning application, a level of one car parking space per one and two bedroom flat was approved. All the 74 residential units were one or two bedroom units, and therefore one car parking space each was considered acceptable. However since the previous planning application, PPG 13 has been updated by the Department of Communities and Local Government. Paragraph 54 now states "it should not be assumed that where a proposal accords with the relevant local parking standard it is automatically acceptable in terms of achieving the objectives of this guidance. Applicants for development with significant transport implications should show (where appropriate in the Transport Assessment) the measures they are taking to minimise the need for parking" I do not consider that this has been undertaken for the following reasons:
 - a. The provision of garages that as noted within Manual for Streets on page 109 are used for car parking by less than half of residents, therefore parking occurs on street. Either the

garages are deleted or not counted as parking spaces.

b. I still consider that an average of two car parking spaces be provided for the three bedroom houses, but consider that an average of 2.5 spaces should be provided for the four bedroom units and 1.5 spaces for the two bedroom units.

c. Visitor parking should be considered

d. The car parking allocated in close proximity and in view of the dwellings served, otherwise car parking will take place on street fronting the particular dwelling

13. The designers are encouraged to adhere to the Councils Cycling Advice and Standards for New Development Guidance Note June 2008. For the dwellings, access to gardens is provided which is acceptable; however further details are required for cycle parking for the flats with the cycle store being located near the entrance to the flats.

Refuse storage and collection

14. According to Waste Services, it is likely that the dwellings fronting Underwood Road will be served from Underwood Road. The dwellings near the access roads into the site will be collected from there. To serve plots 3 to 9, a refuse vehicle may reverse towards plots 3 to 9, but according to Manual for Streets page 76, the vehicle should not reverse any further than 12 metres, therefore a refuse collection point should be provided within 25 metres of the vehicle and 30 metres of plots 3 to 9.

15. For the flats, a refuse store is required large enough for two 1100 litre bulk bins with a height of 1,370 mm, a length of 1,260 mm and a width of 985 mm for residual waste along with seven 240 litre wheeled bin with a height of 1,100 mm, a length of 750 mm and a width of 600 mm for recyclables.

16. Where will bins be located for the Flats Over Ground?

Traffic generation

17. Within the Transport Assessment (TA) submitted with the previous planning application, the traffic generation for the different uses within the site was calculated, however as some of the residential units are generally larger, for the residential units, I have increased the trip rate from an average of circa 0.4 vehicle movements per residential unit to 0.55 during the AM peak with a similar increase from 0.33 to 0.48 during the PM peak to provide the following projected traffic flows for the existing and proposed uses of the site:

	Existing / permitted			Proposed		
	Area (sqm) / dwellings	Traffic flows		Area (sqm) /dwellings	Traffic flows	
		Arrive	Depart		Arrive	Depart
Retail	222	6	6			
GP Surgery	120	7	4			
Residential				39	8	13
		13	10		8	13

AM peak projected daily traffic flows for existing and proposed uses

	Existing / permitted			Proposed		
	Area (sqm) / dwellings	Traffic flows		Area (sqm) /dwellings	Traffic flows	
		Arrive	Depart		Arrive	Depart
Retail	222	7	7			
GP Surgery	120	10	12			
Residential				39	11	8
		17	19		11	8

PM peak projected daily traffic flows for existing and proposed uses

18. It is therefore likely that traffic flows will be reduced by the proposal from the existing uses of the site.

Encouraging sustainable travel

19. The promotion of alternatives to car travel would accord with the principles of sustainable development. In line with government policy, the Council seeks to reduce reliance on the private car and to encourage the use of alternative forms of transport. A proportionate contribution or highway works would enable the use of sustainable travel modes and offset harm from travel demands in accordance with SPG4/04, Local Plan Policy OVS.3 and PPG 13. However as traffic levels will be reduced, any financial contribution will be minimal and I would recommend be restricted to very local highway works to improve travel by pedestrians, cyclists and public transport as follows:

- a. Dropped kerbs with tactile paving at pedestrian crossings points at the following locations, together costing approximately £4,000:
 - Across Holymead at the junction with Carters Rise
 - Across Carters Rise south of the church within the pinch point

- Across Carters Rise adjacent 28 Evergreen Drive
 - Across Carters Rise north of the junction with Holymead
 - Across Underwood Road in line with proposed pedestrian route through the site (mentioned earlier)
 - Across Underwood Road in line with Footpath Number 2 Holybrook
- b. Amendments to the traffic calming pinch point islands along Carters Rise between Evergreen Drive and Carston Grove to provide access through the islands for cyclists at an estimated cost of £1,000
- c. The provision of higher kerbing at the bus stop adjacent to Carston Grove, and the two bus stops along Underwood Road south of the site at an estimated cost of £ 7,500.

Additional comments received on 25 July 2011

The layout of the site is generally considered acceptable by the Highway Officer subject to further amendments and detail as follows

- Provision of contrasting carriageway surfacing for a shared surface road where pedestrians will be expected to walk within the carriageway
- Further details on refuse and cycle storage

These items and any other minor amendments are such that further work can be undertaken through the use of conditions.

It is considered essential that the roads and footpaths through the site are provided to enable adoption as public highway to enable the pedestrian thoroughfare and to enable access by refuse vehicles. It is understood that the roads and footpaths will be offered for adoption.

During the AM 08.00 to 09.00 travel peak it is projected that the site currently generates 23 vehicle movements with 13 arriving and 10 departing. The proposed uses are projected to generate 21 vehicle movements with 8 arriving and 13 departing

During the PM 17.00 to 18.00 travel peak it is projected that the site currently generates 36 vehicle movements with 17 arriving and 19 departing. The proposed uses are projected to generate 19 vehicle movements with 11 arriving and 8 departing.

Overall, it can be expected that there will a reduction in traffic levels to and from the site. On this basis, a Section 106 contribution is not sought, however works to improve pedestrian routes with dropped kerbs and tactile paving at crossing points and improvement to bus stops are sought by the Highway Officer to encourage these modes of travel

Members will recall that there was considerable concern with the

previous proposal with regards to car parking levels. The Highway Officer has conveyed this concern to the applicants who have increased car parking provision to as much as possible within the confines of the proposed layout.

The total car parking provision for the scheme amounts to 63 spaces, allocated as follows:

- one parking space for each of the flats and two bedroom houses (1 x 17 = 17 spaces plus 1 space)
- two spaces for the three and four bedroom houses (2 x 22 = 44 spaces)
- one visitor space

Overall the proposed parking provision at the development amount to 1.59 spaces per unit, which is higher than the consented scheme which provide parking at a ratio of 1.26 spaces per unit, however there are a higher number of larger residential units within this proposal than previous.

Further concerns are that some of the proposed dwellings are four bedroom units that may require more than two car parking spaces and some of the proposed dwellings have been provided with garages. According to the government publication Manual for Streets from surveys undertaken only up to 45% of householders actually use their garages to park vehicles. The applicants have sought to overcome this issue by providing larger 3 x 6 metres garages that may be more likely to be used to park vehicles.

Since the previous planning application was considered, the government has updated Planning Policy Guidance Note 13, however the guidance can be contradictory. Paragraph 54 states that “it should not be assumed that where a proposal accords with the relevant local parking standard it is automatically acceptable in terms of achieving the objectives of this guidance. Applicants for development with significant transport implications should show (where appropriate in the Transport Assessment) the measures they are taking to minimise the need for parking”

Meanwhile in paragraph 50 states that “in developing and implementing policies on parking, local authorities should:

1. ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices
2. not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls”

The Highway Officer is not convinced that this site is an exceptional

circumstance, and it must be noted that the site has good frequent public transport links to locations such Reading town centre. Therefore even though there are some concerns, on balance the Highway Officer recommends approval.

Should members refuse, may I ask for the following reasons for refusal

The layout does not comply with the Local Planning Authority's standards in respect of motor vehicle parking and this could result in on street parking movements in the vicinity, adversely affecting road safety and the flow of traffic, contrary to Policy OVS 2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies.

Standard lack of S106 /S 278 mitigation

Trees:

The application has been support by a tree report from Ian Keen with a tree protection plan, (7417/02 Rev A), it has also been support by a landscaping scheme from ACD (BELL 17684 11 Sheets 1&2).

The proposed new layout for the site has changed from previous application, with 3 story blocks being changes to houses, the 5 London plane trees located in the centre of the site are still identified for retention and with the changes to the parking areas and the location of the buildings creates a much better relationship with the trees, and as pollarded London planes can be manage as identified in the report, by being re-pollarded to cover the changes at the site.

This will ensure their long term relationship with the incoming occupiers is a good one. the changes in levels around theses trees has to be considered and a detailed Arb method statement would have to be provided to support works within the root protections areas, and the changes of levels, with tree protection being erected prior to demolition, to prevent damage to the trees, with the tree protection being in accordance with BS5837:2005 figure 2, not chestnut pale fencing.

The 2 mature London plan trees to the south of the site, have been removed from the plan, this is to make the site more workable in terms of spaces for housing, both these trees are covered by a tree preservation order, which was placed on the trees in agreement with the local ward member, to ensure the mature trees are retained as part of the redevelopment, and I would like to see them retained as part of the redevelopment of the site.

If the new scheme is viewed as more suitable for the area and has support from the planning department and more importantly the ward members and the wider public, then the removal of the trees, might be acceptable, to ensure the area is redeveloped but the loss of the trees would have to be mitigated by substantial landscaping & tree planting at the site,

The landscaping plans provided has identified additional tree planting with 31 new trees to be planted around the site, along with shrub beds and hedging the plans are supported by a landscape specification document and management plan, which all appears to be suitable for the site.

Overall the application is generally acceptable, the majority of the important trees at the site are to be retained the loss of the 2 London planes to the south of the site is understandable, additional information will be required to cover issues over tree protection service and Arb supervision of the site, but all of this information can be covered by the conditions for the site.

Planning Policy: The site lies within the settlement boundary in a sustainable location with an extant permission for 65 residential units plus retail unit and surgery. The principles in favour of development on this site are therefore established. The site is largely vacant with only 1 retail unit in use.

The most significant changes from the extant permission are to the number of residential units proposed and the loss of the retail unit and surgery.

Residential

The proposed density of 53 units per hectare is high for a suburban area but represents an efficient use of previously developed land in a sustainable location with good access to public transport facilities.

The previous application was for development of apartments on the site. It is considered that the current proposal better contributes to an appropriate mix of dwelling types and sizes to meet housing needs of different sectors of the community.

Affordable housing should be provided in accordance with Policy HSG.9 which seeks the provision of a range of types and tenure of affordable housing on sites of 15 or more dwellings or 0.5 hectare or more. Provision of at least 30% affordable housing is the starting point for consideration.

Retail

The Underwood Road site has been a local shopping centre and, though the number of retail outlets has declined, there is concern at the proposed loss of retail uses to serve the local community. Planning policy encourages the support of local shops and services.

Policy EC4 of PPS4 states, in EC4.1, that local planning authorities should proactively plan to promote competitive town centre environments and provide consumer choice by a number of means including:

c. supporting shops, services and other important small scale

economic uses (including post offices, petrol stations, village halls and public houses) in local centres and villages.

Policy SHOP.5 of the WBDLP states that “The Council will encourage proposals for the provision and retention of local shops within both new and existing residential areas and in village settlements...”

The emerging Core Strategy Policy CS12: Town Centres states that the vitality and viability of the District’s town, district and local centres will be protected and enhanced. The existing network of town, district, local and village centres will form the focal point for uses, services and facilities serving the surrounding population. Although the Core Strategy does not define the local centres in Policy CS12, the Underwood Road Shopping Centre is specifically referred to in Area Delivery Plan Policy 4 for the Eastern Area of the District, which states that the site will be redeveloped for residential, retail and doctor’s surgery.

The loss of retail uses is therefore a matter of concern: It is not in accord with current planning policies at both the national and local level and there appears to be little justification in the applicant’s statements for the lack of re-provision of the retail use.

Archaeology:

I have reviewed the application using the approach set down in PPS 5 and have checked the proposed development against the information we currently hold regarding the heritage assets in this area. This evidence suggests that there will be no major impact on any features of archaeological significance.

I do not, therefore, believe that any archaeological assessment or programme of investigation and recording will be necessary in relation to the current proposal.

Ecology:

I would request a condition regarding the incorporation of bat & swift nest boxes into the design.

Prior to the commencement of works on site, construction details including the location of 5 bat tubes and a group of 5 swift nest boxes will be submitted to the local planning authority for approval. Such approved boxes to be maintained thereafter. Reason: To accord with PPS 9.

Details of the requirements for these boxes can be found at the London's Swifts web site - <http://www.londons-swifts.org.uk/>

My suggestions to Bellway for the location of these boxes are:-

- Group of 5 Swift boxes - Under the eaves of south elevation of the block of flats.
- Bat tubes in the apex of the gable ends of:-
 - Plot 3 South Elevation
 - Plot 9 South Elevation

- Plot 10 North Elevation
- Plot 16 South Elevation
- Plot 23 SW Elevation

Rights of Way: The developer has been advised to make an application for the partial extinguishment of the width of the footpath (Theale Footpath 2), since the legal extent of the footpath is wider than the currently used route. Please can the developer confirm that this issue is in hand.

The proposed scheme (compared to previously proposed schemes) is a very much improved one which addresses and resolves most of my earlier concerns. I am now pleased to see the footpath integrated into the development as a whole.

Please could you clarify the surface material to be used for the footpath as I have been unable to find details. As previously discussed, this should not be the originally proposed paving which is not considered to be appropriate. I would also wish to see the future maintenance of the surface of the footpath secured in a section 106 agreement between the developer and the Council.

The plans still show bollards at the two points where there is pedestrian access to/from the development onto the footpath. I have concerns that unauthorised motorbike use may take place from the development onto the footpath and the developer should make the design adaptable so that alternative structures e.g. disabled access kissing gates can be added at a future date if this becomes a problem.

An observation from my various inspections of the footpath and the site is that all types of people seem to use the footpath to access the existing newsagent as part of a local walk/stroll. I am disappointed to note that a retail unit is not proposed within the scheme. I believe that the nearest other retail outlet is Lidl on the A4 but I think this will be too far for many e.g. the elderly or infirm, parents with pushchairs/children to travel to, and this will have the effect of reduce the community feel and will encourage more car journeys which is regrettable.

Since the developer is to have costs associated with resolving the legal footpath issue outlined in 1. above, I will not be requesting additional developer contributions, providing the s106 agreement referred to in 3. above is entered into.

Transport Policy:

Cycle Parking

It is good to see that cycle parking is to be provided for all dwellings. The houses all have a rear garden shed and some also have a garage which could be used to store a bike. All houses either have rear access to the garden or access through the garage into the garden.

The location of the cycle store for the flats is not appropriate. It should be located near to the main entrance of the flats to encourage

residents to consider using their bike rather than the car. Ideally the cycle storage would be incorporated directly into the main building. There should be one space per 1 bed flat and 2 spaces per 2 bed flat (giving a total of 18 spaces – or 9 Sheffield stands as each stand has 2 spaces).

The footpath link out on to Underwood road should be wide enough to be a shared use foot / cycle path to enable pedestrians and cyclists to leave the site in this direction.

As the church is having the car park reorganised, this should be taken as an opportunity to provide cycle storage, if it is not already provided. Sheffield Stands should be used and the stands should be covered. The idea location would be near to the main entrance to the church.

Full details of the cycle parking for the flats should be submitted showing that Sheffield stands will be used and outlining how the store will be kept secure, and what (if any) management there will be of the communal cycle storage.

Car Parking

There is discrepancy in the documents submitted as part of the planning application as to the distribution of car parking spaces/garages. This needs to be clarified by submitting a parking layout plan. My concern with the use of garages as designated parking spaces is that garages are often not used for this purpose. This could lead to congestion on the roads within and surrounding the development which would not be appropriate and could have a negative impact on road safety within the development.

Public Protection:

Identified Environmental Health issues relevant to Planning:

- Construction/demolition noise
- Dust
- Contaminated land
- Noise from Holybrook Community Centre

The above site is surrounded by noise sensitive receptors; Kennet Valley primary school lies immediately to the south, residential housing to the east and west and The Holybrook Community Centre lies to the north with further residential estates beyond. Noise from the planned development will need to be controlled to prevent a disturbance occurring to the local community. It is advised that an hours of work restriction is applied in order to prevent contractors undertaking noisy activities early in the morning/late into the evening. It is expected for the applicant to apply for consent under section 61 of the Control of Pollution Act whereby maximum noise levels and methods for minimising noise and vibration during the demolition/construction phase can be agreed with the LPA prior to the commencement of the redevelopment.

A development of this size also warrants the need for a construction

management plan. To protect the amenities of the surrounding residents during the redevelopment, further details are required relating to phases of construction, lorry routing, piling, earth moving machinery etc along with measures to mitigate the impact of construction operations on the surrounding area.

Given the close proximity of numerous sensitive receptors, dust from the planned works will also need to be kept to a minimum to avoid a disturbance occurring. A condition requesting further information on dust mitigation is recommended.

The Senior Scientific Officer has reviewed the Structa site investigation report (ref: 2000-R001, date: March 2010) and made the following comments:

- Investigation looks fine with good coverage of boreholes. Offsite to the east there is an unknown filled pit identified from the desk study. This has not been investigated properly with regard to gas issues. The fact that houses have been built on it doesn't make this source low risk. CL regs only came in early 2000 and these houses are much older. I refer the applicant back to Ciria 665 re: number and frequency of gas monitoring requirements.
- Excess levels of contaminants were found in the northern part of the site, believed to be from poor quality tarmac. To remove the risk caused by this, it is suggested to implement a cover layer of 'clean growing media to the gardens and landscaped areas' in the northern part of the site. The depth of which specified in the report is acceptable. Part 2 and 3 of the condition relate to remediation and the need for a verification report to be submitted to the LPA demonstrating the effectiveness of the remediation carried out.

In light of these comments it is advised to attach the full contaminated land condition onto any planning permission granted.

As mentioned above, the Holybrook Community Centre lies immediately to the north of the proposed redevelopment site. The Centre, also known as The Kennet Valley Club, is an entertainment venue open everyday day of the week late into the evening. It is also promotes itself as a venue for private parties and wedding receptions etc. Concern is raised over possible noise nuisance occurring to the future residents of the proposed houses/flats from activities at the club. In order to protect the amenities of the future residents from externally generated noise, it is recommended that the relevant noise condition is attached onto any planning permission granted.

Environmental Health has considered this application and would recommend that ... conditions are imposed should permission be granted.

**Thames Valley
Police:**

The current scheme works much better from the designing out crime point of view than the previous scheme, although if I can make the

below comments, which I'm sure can be easily addressed:

1. Rear garden boundaries on north side of site facing the rising ground: These boundaries should be high enough to give privacy for residents from the higher ground at the side.
2. Rear Parking Courtyards: I could see no indication on the plan for electrically operated gates for these areas. Such gates should be provided to not only protect exposed rear garden boundaries, but also vehicles parked in these areas being broken into. On page 11 of the Design and Access Statement (DAS) under Community Safety it says these rear parking areas will not be open to casual public access, but gives no further detail.
3. Lighting:
 - a. Looking at the lighting plan 2000-500 Rev. B, I could see no street lighting for the footpath on the southern boundary of the development. I assume this footpath will be lit for community safety?
 - b. There is a single bollard light shown in the rear parking court behind plot 22, next to the rear boundary fence of that plot. Is this meant to be another lamp column and is a drawing mistake? If the bollard light is intended, it will create low level illumination and not provide any light to aid natural surveillance over this parking area. Also the bollard light could be used as an informal climbing point for offenders to gain access to the rear garden of plot 22, which is from where most domestic burglaries occur.
 - c. Lighting for the communal parking court areas should be of a Landlord's meter, rather than individual dwellings.
4. Block of flats plots 28-29:
 - a. Communal Garden: I presume the rear communal garden will have a suitable treatment to make it secure for the flats residents?
 - b. Access to Communal garden: Other than through the bin store and cycle store, there is no communal entrance exit from the block to the rear communal garden. Also by having the access through the bin and cycle store, this will weaken the security for the cycle store and will make the access low quality. Can this element be looked at again please?
 - c. Cycle Store: This access is behind the bin store where there is the likelihood that there will be broken glass / rubbish on the ground, which will put off residents actually using the cycle store. Can the cycle store be made separate so as to encourage its use?
 - d. Communal Access doors: There should be visual access control, to the communal access doors and nuisance button fitted to the entry phone in each flat. Also

because of the location these should be to BS Pas 24. (This is entry level security and is the Secured by Design standard). Communal door entry systems prevent casual intrusion by offenders into the block, where they can break into unoccupied flats during the day without being seen and act as a line of defence against bogus callers.

- e. Postal access: Because the Post Office have amended the hours to which they require access to deliver mail (7am to 2pm winter and summer), and due to the location, a Tradesman's Button would not be acceptable. Postal delivery needs to be planned for: Secured by Design gives various options (see New Homes design guide at www.securedbydesign.com) , also the local post office will accept having an access fob to allow them entry to deliver the mail.

- 5. Gable end windows: I note plot 10 has a gable end window that will help provide natural surveillance over the central east / west walkway. Can the design for plots 3 and 9 be looked at, to see if a gable end window could also be provided to give further natural surveillance over the walk route?

- 6. FOG (Flat over Garage): There are two FOG's shown over open car ports. Because these are shown as garages without doors, vehicles parked in here will be hidden away and will get broken into, which will cause users to abandon the car ports and block the roadway by parking in front of the residences. These car ports should be garages. Otherwise if the car ports were accessed from the secure rear parking court behind them via electrically operated gates, this would mitigate my comment.

I hope the above comments are of use to you in your deliberations to determine the application and will help the development achieve the aims of PPS.1 paragraphs 27 (iii) and 36; & PPS.3 paragraph 13.

Environment Agency: This application is deemed to have a low environmental risk. Unfortunately, due to workload prioritisation we are unable to make an individual response to these applications at this time.

Access Panel:

- 1. Designated allocated disabled parking is required.
- 2. What is the height restriction of the FOG?
- 3. Level access to garden areas
- 4. Ground floor flats could be designed as easily adapted for disabled people.

Ramblers Association: No response

West Berkshire Spokes: No response

3.2 Developer contribution requests

Housing: Planning Policy Statement 3 enables local authorities to seek affordable housing on suitable sites as a material planning consideration. The Council's policy for affordable housing provision is set out in HSG.9 of the West Berkshire Local Plan 1991-2006. It enables the authority to seek affordable housing either on site or as a financial contribution in lieu of on-site provision on sites of 15 units or more or 0.5 hectares or more.

The Council has also adopted Supplementary Planning Guidance (SPG) 'Delivering Investment from Sustainable Development' (SPG 04/4), which sets out the Council's approach to securing affordable housing contributions. It states that affordable housing should be provided on site unless there are exceptional circumstances, or where alternatives, such as replacement provision on a separate site would better meet the Council's strategic objectives.

I am very disappointed to note that the applicant is only proposing nine units of affordable housing on site. Based upon the policy requirements outlined above I would expect to see 30% or 12 units made available for affordable housing. The SPG states that 70% of the units should be for social rent and 30% for intermediate housing such as shared ownership. My understanding is that the applicant expects to provide shared ownership accommodation only. Any diversion from this policy should be backed up by a full open book viability assessment which clearly indicates why the full policy position cannot be sustained on this site.

I understand that the applicant wishes to use their own affordable housing arm, Bellway Housing Trust, to deliver and manage the units on site. Our preference is for one of our registered providers to manage the units as they have a proven track record of managing affordable housing in the District. Details of preferred partners can be provided upon request. To agree to an alternative provider, we would need assurance that the following conditions will be met in addition to the policy conditions outlined above:

1. Expectation is that affordable units are to be delivered grant free. Please refer to Appendix 2 of Topic Paper 1 available on the West Berkshire website which gives the methodology for delivering the units
2. The Local Authority should be given full nomination rights to the affordable properties which will be allocated via our choice based lettings scheme. We would wish to discuss a local lettings plan for the site in conjunction with the Trust.

3. Full details of housing management procedures, rents, unsold equity on any shared ownership products and service charges will need to be provided to ensure affordability and a high standard of management.
4. All affordable housing units should be developed to Lifetime Home standards and conform to the latest Design and Quality Standards published by the Homes & Communities Agency and Code for Sustainable Homes level 3. The Council also encourages developers to consider sustainable features and methods of construction to reduce energy consumption and conserve resources. The Council expects all affordable housing to be developed to a minimum level of three stars under the Code for Sustainable Homes or subsequent guidance.

Further clarification of our requirements for affordable housing on planning gain sites is available in Topic Paper 1.

Highways:

20. The promotion of alternatives to car travel would accord with the principles of sustainable development. In line with government policy, the Council seeks to reduce reliance on the private car and to encourage the use of alternative forms of transport. A proportionate contribution or highway works would enable the use of sustainable travel modes and offset harm from travel demands in accordance with SPG4/04, Local Plan Policy OVS.3 and PPG 13. However as traffic levels will be reduced, any financial contribution will be minimal and I would recommend be restricted to very local highway works to improve travel by pedestrians, cyclists and public transport as follows:
 - d. Dropped kerbs with tactile paving at pedestrian crossings points at the following locations, together costing approximately £4,000:
 - Across Holymead at the junction with Carters Rise
 - Across Carters Rise south of the church within the pinch point
 - Across Carters Rise adjacent 28 Evergreen Drive
 - Across Carters Rise north of the junction with Holymead
 - Across Underwood Road in line with proposed pedestrian route through the site (mentioned earlier)
 - Across Underwood Road in line with Footpath Number 2 Holybrook
 - e. Amendments to the traffic calming pinch point islands along Carters Rise between Evergreen Drive and Carston Grove to provide access through the islands for cyclists at an estimated cost of £1,000

Education: £214,450.12 to meet the impact of the development on the catchment schools.

Regarding the above application, we would be seeking a developers contribution (Section 106 agreement) to the level as detailed in the attached Development Impact Calculator.

These figures are based on the current child yield, DfES Cost Multiplier, Regional Allowance and the number of dwellings (qty 6 x 1F, 8 x 2F, 3 x 2H, 10 x 3H, 12 x 4H). Any or all of these could change resulting in a change to the contribution figure.

Please note that there are insufficient places in the Primary and Secondary catchment schools; the contribution amount is based on the Primary, Secondary, SEN and project design & development elements.

Any changes to this figure or queries relating to our request should be discussed with us prior to a final decision being made. The impact of the development on the local schools has been carefully considered and the contribution has been requested to ensure that this impact can be met.

Countryside: £62,355 for improvements to existing public open space provision in the parish of Holybrook.

Libraries: £9,436 towards provision of stock items and all other service improvements for use in all West Berkshire libraries.

Primary Care Trust: £6,377 to assist the local GP practices with the increase in patient population.

Adult Social Care: £24,780 to meet the impact of the development on Adult Social Care provision.

Royal Berkshire Fire and Rescue: This Authority can confirm that there is a possible requirement for hydrant provision on this site, however until we are provided with a more detailed water mains layout plan we are unable to comment further.

Access requirements for Fire Fighting are to meet the functional requirements the Building Regulations 1991 and the relevant provisions of the Berkshire Act. It should be noted that any gates required for emergency access should provide a minimum 3.1m clear opening.

The layout plans provided have not been reviewed for fire safety provisions. This is the responsibility of your Buildings Regulations Department or Approved Inspector, in consultation with this Authority as part of a Building Regulations submission.

Additional comments received on 27 July 2011 (following

receipt of Thames Water assets information)

Since my response to you we have decided to convert a Water Co. Washout (WO) to a Fire Hydrant (F/H) which I am fairly happy will cover the site with the future builds. There is another W/O that should there be an issue we can also convert so I am very hopeful the site will be well covered and we will not be requiring any F/H's with this development.

3.3 Representations

A total of 56 representations were received from interested parties in response to the original publicity of the application. Of these, one is wholly in support, 39 have objected, and 17 have made comments on the proposal. Following the notification of the additional information and minor amendments, an additional 4 representations have been received objecting to the proposal. The following is a summary of the material comments which have been received:

Positive

- Significant improvement on the previous application
- General design and scale of development is acceptable
- Omission of retail development is welcome; fear that if included would have quickly declined

Negative

Submission

- Unclear plans
- Inaccurate statements
- Insufficient information to assess
- Lack of consultation with local community

Uses

- There has already been a significant loss of services and amenities from the site
- No doctor's surgery proposed
- No post office proposed
- No retail unit proposed
- Impact of loss of services on local community, particularly older or less mobile residents
- Loss of retail unit would mean significantly longer journeys, possibly by car, to The Horncastle or Tesco Express
- Loss of post office would mean significantly longer journeys, possibly by car, to Coronation Square in Calcot
- Increased population from development could make doctor's surgery viable
- The affordable housing provision is confined to the block of flats, rather than spread throughout the development
- Loss of facilities would result in an unsustainable form of development

Amount and design

- Too large for area
- Too many houses
- Too high density; higher than surrounding area
- 3 storey and 2 ½ storey buildings are too large
- Height of buildings
- If tall buildings are allowed, it will set a precedent for other such buildings in the area
- Flats over garages out of keeping with rest of development
- Site should not be considered 'in isolation', but in the context of its surroundings
- Materials should be brick and tile
- New buildings should include surveillance of the southern footpath
- A mixed use development would be consistent with planning policy
- Tree constraints of site
- Loss of trees and inadequate replacement
- Concern public footpath would be closed
- Insufficient open/grassy areas

Amenity

- Development would overlook playground and school

Construction

- No schedule of demolition/phased building works with anticipated during of works
- Noise and disturbance during construction work
- Site security during demolition/build

Infrastructure

- Additional pressure on local schools
- Additional pressure on local church
- Additional pressure on bus services
- Proposal should include community benefits, including improved bus facilities

Highways

- Residents more likely to drive to shops for convenience goods
- Fords Farm in only accessible by vehicles from one point on the A4, which is already inadequate, and the traffic pressure at peak times would be exacerbated
- Unrealistic to assume only 1 vehicle per unit
- Prejudicial to highway safety
- Increase traffic problems
- Increased traffic in Calcot Place Drive
- Additional on-street parking
- No guest parking
- Unclear whether 'drive through' is possible
- Insufficient parking for community centre, church and school
- Parking should not be permitted on Underwood Road

4. RELEVANT PLANNING POLICY AND GUIDANCE

National Planning Policy and Guidance

- Planning Policy Statement 1: Delivering Sustainable Development (PPS1)
- Planning Policy Statement 1 Supplement: Planning and Climate Change (PPS1A)
- Planning Policy Statement 3: Housing (PPS3)
- Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)
- Planning Policy Statement 5: Planning for the Historic Environment (PPS5)
- Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)
- Planning Policy Guidance Note 13: Transport (PPG13)
- Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (PPG17)
- Planning Policy Statement 23: Planning and Pollution Control (PPS23)
- Planning Policy Guidance Note 24: Planning and Noise (PPG24)
- Planning Policy Statement 25: Development and Flood Risk (PPS25)

The South East Plan – Regional Spatial Strategy for the South East 2009

- SP3: Urban Focus and Urban Renaissance
- CC1: Sustainable Development
- CC2: Climate Change
- CC4: Sustainable Design and Construction
- CC6: Sustainable Communities and Character of the Environment
- CC7: Infrastructure and Implementation
- H3: Affordable Housing
- H5: Housing Design and Density
- T1: Manage and Invest (Transport)
- T4: Parking
- NRM10: Noise
- BE1: Management for an Urban Renaissance
- BE2: Suburban Intensification
- BE3: Suburban Renewal
- BE6: Management of the Historic Environment
- S2: Promoting Sustainable Health Services
- S3: Education and Skills
- S6: Community Infrastructure

West Berkshire District Local Plan 1991-2006 Saved Policies 2007

- OVS.1: The Overall Strategy
- OVS.2: Core Policy
- OVS.3: Planning and Community Benefits
- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- OVS.10: Energy Efficiency
- OVS.11: Planning to Reduce the Opportunity for Crime
- ENV.31: The Protection and Enhancement of Important Open Space Areas within Defined Settlements
- HSG.1: The Identification of Settlements for Planning Purposes
- HSG.9: Affordable Housing for Local Needs
- SHOP.5: The Encouragement of Local and Village Shops

- TRANS.1: Meeting the Transport Needs of New Development
- RL.1: Public Open Space Provision in Residential Development Schemes
- RL.2: Provision of Public Open Space (methods)
- RL.3: The Selection of Public Open Space and Recreation Sites

West Berkshire Submission Core Strategy Incorporating Changes (October 2010)

- CS12: Town Centres
- Area Delivery Plan Policy 4: Eastern Area

Supplementary Planning Guidance/Documents and other material considerations

- SPG 4/02: House Extensions (July 2004)
- SPG 4/04: Delivering Investment from Sustainable Development (September 2004)
- Quality Design West Berkshire Supplementary Planning Document (SPDQD)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Part 3 Residential Character Framework
 - Part 4 Sustainable Design Techniques
 - Part 5 External Lighting
- DETR/CABE: By Design (Urban design in the planning system: towards better practice)
- DCLG/DfT: Manual for Streets
- Safer Places: The Planning System and Crime Prevention (2004)

5. DESCRIPTION OF DEVELOPMENT

5.1 Application site

5.1.1 This is a full planning application for the redevelopment of Underwood Road Shopping Centre. The application site is located within the defined settlement boundary of Calcot, and within the Fords Farm Estate. The site is located between Carters Rise to the west and Underwood Road to the east. To the north of the site is an area of open space, which is designated within the Local Plan and contains a children's playground. The southern boundary of the site is marked by a public footpath, beyond which is Kennet Valley Primary School. To the west of the site is the Kennet Valley Free Church, and to the north-west corner of the site is the Holybrook Community Centre.

5.1.2 The site currently contains 6 no. retail units, one of which is currently occupied at the time of writing. The northern extent of the site comprises hardstanding and is used as a car park, which is accessible from both Underwood Road and Carters Rise. The former supermarket and public house have now been demolished to slab level, and the latter remains enclosed by security hoardings.

5.2 Proposed development

5.2.1 The proposed redevelopment comprises the demolition of the existing buildings and the construction of 39 dwellings with associated car parking, garaging and gardens. It is also proposed to reconfigure the car park of Kennet Valley Free Church to facilitate the development. The proposed mix of dwellings is:

- 6 no. 1-bedroom apartments

- 6 no. 2-bedroom apartments
- 2 no. 2-bedroom flats over garages (FOGS)
- 3 no. 2-bedroom houses
- 10 no. 3-bedroom houses
- 12 no. 4-bedroom houses

5.2.2 This application follows the refusal of planning permission for the redevelopment of the site with 74 no. residential units, a retail unit and a doctor's surgery within three mixed use blocks. This application was refused following a resolution of the Eastern Area Planning Committee for 11 reasons. The reasons for refusal can be briefly summarised as follows:

1. Excessive density and overdevelopment
2. Out of character by virtue of the proposed height, scale, bulk, design, appearance and materials
3. Poor integration of the existing footpath to the south of the site
4. Insufficient consideration of pedestrian movement through the site and connections with the surrounding area
5. Poorly defined public and private space
6. Insufficient private amenity space for future residents
7. Failure to adequately address concerns relating to crime and disorder
8. Insufficient provision for bin stores
9. Failure to make provision for affordable housing
10. Failure to mitigate the impact on local infrastructure, services and amenities (lack of developer contributions)
11. Inaccurate plans

5.2.3 The current application proposes a relatively low-rise development compared to previous applications. It comprises mostly two storey dwellinghouses, with a number of 2 ½ storey dwellings and a 3 storey block of flats. Vehicular access is proposed from Carters Rise only, and the internal roads are intended to be shared surfaces. Formal pedestrian access is possible from the existing public footpath to the south, and from Underwood Road via a new proposed footpath link at the northern end of the site.

5.3 Demolition notification

5.3.1 During the period that this application has been pending consideration, the applicants have also submitted a demolition notification under Part 31 of the Town and Country (General Permitted Development) Order 1995 (GPDO). The demolition of the existing retail buildings is permitted development, but the prior notification process exists for the Council to maintain control over the method of demolition and the subsequent restoration of the site. It should be noted that the Local Planning Authority had no control over the principle of demolition as this is established by the GPDO.

5.3.2 In consultation with highways and environmental health officers, it was deemed that sufficient information was submitted during the notification process. Consequently, notice was given that further prior notification of the details was not required. The applicant is at liberty to exercise these permitted development rights, in accordance with the details submitted during the notification process.

6. APPRAISAL

6.0.1 The main issues raised by this proposal are:

- The principle of the development
- Extant planning permission
- Loss of facilities
- Design quality and the impact on character and appearance of the area
- Safety and crime prevention
- Affordable housing provision and developer contributions
- Amenity
- Highway matters
- Trees
- Public footpath
- Ecological matters
- Heritage matters
- Contaminated land
- Other matters raised

6.0.2 **UPDATE:** *This application was originally scheduled to be considered by the Eastern Area Planning Committee on 3 August 2011, but was postponed owing to the ongoing negotiations between the Council and the applicants regarding affordable housing provision and developer contributions. For ease of reference, the original committee report has been reproduced with updates as appropriate. New information is clearly labelled as such.*

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.1.2 The Development Plan for West Berkshire comprises the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP), and the South East Plan Regional Strategy for the South East of England 2009 (RSS). Following the judgement on CALA Homes v SoS [2010] EWHC 2866, the RSS still forms part of the Development Plan. Regards has been had to the RSS in this recommendation. However, in this instance the recommendation does not rely upon the RSS. The relevant policies of the RSS are considered to complement those of the WBDLP.

6.1.3 The proposed redevelopment of this site has a long gestation period, including a number of planning applications over the course of approximately ten years. At present the site benefits from planning permission for its redevelopment with 65 residential units, a retail unit, and a doctor's surgery. This permission is still extant and expires on 16 October 2011. The relevance of the extant permission is discussed in Section 6.2.

6.1.4 The principle of redeveloping this site predominantly for housing is long established. Notwithstanding the historical planning permissions, Policy HSG.1 of the Local Plan

permits new housing development within identified settlement boundaries, and such a proposal would make a contribution towards the authority's 5 year housing supply.

- 6.5.5 Although national housing density targets have been withdrawn, PPS3 still promotes the efficient and effective use of land in seeking sustainable communities. There is also a presumption in favour of redeveloping previously developed 'brownfield' land, which is reiterated in Policy OVS.1 of the Local Plan.
- 6.1.6 The site is mentioned in Area Delivery Plan Policy 4 of the emerging Core Strategy, wherein it states that "the former Underwood Road shopping area will be redeveloped with residential units, a shop and a doctors' surgery as set out in the planning consent [i.e. 07/00619/FULEXT]." This policy envisions a mixed-use development, consistent with previously planning permissions. The current proposal is solely residential, and the loss of the other facilities is discussed in Section 6.3.
- 6.1.7 In May 2001, the Council's Planning & Transport Strategy Service produced an in-house planning brief for the redevelopment of Underwood Shopping Centre and surrounding area. It provides a description of the site, a SWOT (strengths, weaknesses, opportunities and threats) analysis of the area, short term measures, and potential redevelopment opportunities. Given that this document does not appear to have any formal status, and because of significant change in planning policy since its conception, it is considered that relatively little weight should be attached.
- 6.1.8 ***UPDATE:*** *On 25 July 2011 the Government published a consultation draft for the National Planning Policy Framework (NPPF). It is intended that this document will eventually replace other national planning policy and circulars. At present the draft NPPF is only a consultation document, and may yet be subject to change. It is therefore considered that very limited weight should be attached to this document.*
- 6.1.9 ***UPDATE cont'd...*** *The draft NPPF includes a 'presumption in favour of sustainable development'. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. This application has already been assessed in terms of seeking sustainable development in accordance with PPS1.*
- 6.1.10 ***UPDATE cont'd...*** *The draft NPPF also intends to remove the brownfield target for housing development, moving away from a prescriptive designation of land towards a concept of "developable" land where local areas decide the most suitable locations for housing growth based on their local circumstances. Given that the principle of housing development on the site is established, again this is considered to make little difference to the merits of the application.*
- 6.1.11 ***UPDATE cont'd...*** *Overall, the publication of the draft NPPF is considered to have a very limited effect on the determination of this application.*

6.2 Extant planning permission

- 6.2.1 Application 07/00619/FULEXT granted full planning permission for the demolition of the existing retail block and public house, and the felling of two trees, followed by the erection of 3 and 4 storey mixed use development with new parking provision and amenity space. The development comprised 65 residential units arranged in three blocks.
- 6.2.2 The amount of weight attributed to this material consideration should be dependant on the likelihood that the permission will be implemented.
- 6.2.3 Planning permission was granted subject to a number of conditions. The permission expires on 16th October 2011, and the developers have until this time to implement the permission. **UPDATE:** *The applicants have submitted details to discharge the pre-conditions of this permission (references 11/01538/COND1 and 11/01583/COND2). The permission cannot be lawfully implemented before this has been achieved.*
- 6.2.4 If the extant planning permission is implemented, a total of £177,626 of developer contributions will become due to the Council in accordance with the Section 106 Legal Agreement associated with the application.
- 6.3.5 It is understood that a number of private rights exist on the public footpath, which may affect the development of the site. However, it is considered that such matters are similar to covenants in nature, and should not be taken into account in the determination of this application.
- 6.2.6 The extant permission should be taken into account as a material consideration in the determination of this application. This permission underpins the principle of development, as well as provides a fallback position in terms of density and form for the redevelopment of the site.

6.3 Loss of facilities

- 6.3.1 Presently, the site contains 6 retail units, one of which is in use at the time of writing. Previously the site also contained a public house and supermarket, both of which have been demolished, and a doctor's surgery which ceased practice in February 2011. The application does not propose to replace any of these facilities.
- 6.3.2 The public house and supermarket have been demolished. It is therefore considered that relatively little weight can therefore be attached to their omission from the proposed development. The Primary Care Trust has confirmed that they do not wish to retain the doctor's surgery. On this basis, an objection to the loss of the surgery cannot be justified.
- 6.3.3 With the loss of the on-site surgery, the closest surgery is now located at Circuit Lane in Southcote. The Number 26 Reading Bus Route runs between the application site and this surgery.

- 6.3.4 The remaining retail unit is currently being used as a newsagent. It is clear from the representations of local residents and the Parish Council that the loss of this facility is the primary source of objection against the proposals from the community.
- 6.3.5 PPS4 adopts a positive and constructive approach towards planning applications for economic development. Policy EC13 of PPS4 advises local authorities on the determination of planning application affecting shops and services in local centres. It states that local planning authorities should:
- a. take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use
 - b. refuse planning application which fail to protect existing facilities which provide for people's day-to-day needs
- 6.3.6 Support for the retention of existing facilities is also found in local policies. Policy SHOP.5 of the Local Plan states that "The Council will encourage proposals for the provision and retention of local shops within both new and existing residential areas"
- 6.3.7 Policy CS12 of the emerging Core Strategy states that "The vitality and viability of the District's town, district and local centres will be protected and enhanced. The existing network of town, district, local and village centres will form the focal point for uses, services and facilities serving the surrounding population. Although the Core Strategy does not define the local centres in Policy CS12, the Underwood Road Shopping Centre is specifically referred to in Area Delivery Plan Policy 4 for the Eastern Area of the district, which states that the site will be redeveloped for residential, retail and doctor's surgery.
- 6.3.8 In accordance with Policy EC13, it is considered that the representations demonstrate that the shop is of significant importance to the local community, particularly for more elderly residents for whom the shop provides an important service. On this basis, the advice of this policy would be to refuse planning permission because the proposal fails to protect this facility. The loss of the shop is also clearly contrary to Policy SHOP.5 of the Local Plan, and Policy CS12 of the emerging Core Strategy.
- 6.3.9 The following comments were made in a letter dated 25th May 2011 from Barton Willmore LLP (agents for the applicant) to justify the loss of the shop and post-office:

"In respect of the shop and post office, we have noted the comments submitted by local residents and we appreciate the concerns being raised. Initially our scheme had been designed to provide a new retail unit within the ground floor of the flat block. However, it became increasingly apparent as our negotiations evolved, that the occupiers of the retail unit had unrealistic desires for the scheme to be designed around their operational requirements. While we have tried to accommodate McColls we feel that the scheme should be designed to address sensitivities relating to the surrounding buildings and to ensure the creation of an attractive, safe and inclusive residential led development rather than to ensure that the retail unit is able to maximise it's turnover through designing the residential scheme around it.

Ultimately the operators of the retail unit stated that it would be their intention to close the Newsagents rather than to take a new lease on the new unit (which was broadly in the same position as the retail unit on the approved extant planning permission). On the back of this decision, Bellway took the view that it would be better to redesign the retail unit to provide additional residential accommodation in the form of extra homes which both enables an increased provision of affordable housing and higher financial contributions to Local services.

We have explained the position in detail to the Parish Council and the solution tabled at the Parish Council meetings was to look at providing a small community shop adjacent to the local community centre. We believe this process is underway and would expect the Parish Council to be addressing this as part of their regular meetings. To this end we understand that an alternative solution is being formulated to deal with the issues associated with the loss of the shop.”

- 6.3.10 Doubt about the reasons for the operators of the retail units taking on a new lease has been raised by local residents. However, it is difficult to attribute significant weight to these comments as they have not been verified.
- 6.3.11 It is also considered that limited weight should be attributed to the intention of the Parish Council to provide a small community shop. This is because, at this stage, this process is in its infancy, and there is no guarantee that the project will deliver.
- 6.3.12 The alternative shops in the vicinity include Aldi, Horncastle Mini Market and Tesco Express on the A4. There are also a number of facilities at Coronation Square in Southcote, which is accessible by bus from the application site via the Number 26 Reading Bus Route. However, these facilities are considered to be a significant distance away, particularly for less mobile residents. This distance increases the likelihood that more residents will chose to travel by private motor vehicle, rather than walk, to purchase convenience goods.
- 6.3.13 The loss of this local facility is considered to be a significant negative aspect of the proposal, as planning policy and local opinion is clearly in support of the retention of at least some retail on the site. Moreover, the loss of the shop would be contrary to the aspiration in national planning policy of sustainable mixed communities. This is an issue that must be balanced against the beneficial aspects of the proposed redevelopment.
- 6.3.14 **UPDATE:** *The proposed policy of the draft NPPF strengthens current policy by asking local councils to consider the availability and viability of community facilities as part of the plan making process and to develop policies to safeguard against their unnecessary loss. However, given that very limited weight should be attributed to the draft NPPF (as detailed in Paragraph 6.1.8), this policy makes very little difference over and above what has already been concluded in this section.*

6.4 Design quality and the impact on character and appearance of the area

- 6.4.1 PPS1 advises that good design is indivisible from good planning, and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Policy OVS.2 of the Local Plan requires development proposals to show a high standard of design which respects the character and appearance of the surrounding area. Policy HSG.1 of the Local Plan also requires new housing development to have regard to the existing residential nature of the area surrounding the site.
- 6.4.2 The Council's adopted Supplementary Planning Document "Quality Design" is a design series which supports the policies of the Local Plan. It is a material consideration in determining planning applications and if not followed may lead to the refusal of planning permission. Part 1 of the SPD provides key urban design principles. The following appraisal is structured around these principles.

Character

- 6.4.3 New development should begin with an understanding of the area's existing character and context. Development should seek to complement and enhance existing areas, using architectural distinctiveness and high quality urban design, to reinforce local identity and to create a sense of place.
- 6.4.4 The surrounding area is predominantly residential, comprising a mixture of semi-detached and small rows of terraced dwellings, of two-storey scale, forming a low-rise residential estate. These dwellings are constructed of brick, render and tile with pitched roofs. Many of the dwellings feature boarding or hanging tiles on their principle elevation.
- 6.4.5 Although PPS3 no longer sets national housing density targets, efficient use of land is still promoted and SPD Quality Design encourages housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net). The previous scheme (10/01735/FULEXT) was refused in part due to the density of development (101 dph) and the resultant size, scale and massing of the three flatted buildings. By contrast, this scheme is of significantly lower density (53 dph) than that previously proposed, and is predominantly of a scale which is more consistent with the surrounding area. It has previously been established that the existing residential area surrounding the site comprises a density within the region of 30-40 dph. The extant permission includes a housing density of 90 dph.
- 6.4.6 Despite being a lower density than previous iterations, the proposal comprises a higher residential density than the surrounding area. Furthermore, although it is predominantly two-storey in scale, it does incorporate some taller 2 ½ storey buildings and a 3 storey block of flats. However, it is considered that this proposal strikes an acceptable balance between the efficient use of land and the density and scale of the surrounding area.
- 6.4.7 The application has been accompanied by a number of street scene drawings which illustrate the overall scale of development. The predominant two storey scale of the development is in keeping with the surrounding area, and the larger 2 ½ and 3 storey buildings represent a gradual increase in scale. It is considered that the larger scale buildings are well sited within the application site, and therefore prevent any harmful conflict with surrounding development. It is considered that the size of

the 3 storey block of flats is proportionate to the size of the church, particularly given their separation distance.

- 6.4.8 The higher density of development necessitates a much tighter layout between buildings, but it is not considered to result in a cramped form of development, nor the overdevelopment of the site.
- 6.4.9 The forms of the proposed buildings are considered to be in keeping with that of the surrounding development, in that they are broadly in scale with surrounding properties, and feature dual-pitched roofs.
- 6.4.10 It is proposed to construct the buildings using predominantly facing brickwork and tiles. This is consistent with the materials of the surrounding area; however the indicative use of yellow brick for some buildings is not considered appropriate, having regard to the surrounding area. The use of render on the block of flats and some buildings is considered an appropriate way to articulate the elevations, and prevent a bland unattractive appearance. The appropriate selection of materials can be ensured by way of a condition.

Continuity and enclosure

- 6.4.11 It is a key urban design principle that new developments should ensure that public and private spaces are clearly distinguished.
- 6.4.12 Successful public spaces (e.g. streets and public open spaces) are usually well defined by buildings, structures and hard or soft landscaping. Public spaces which are edged by active frontages (e.g. those containing numerous front doors and large windows) benefit from natural surveillance, enabling people to keep an eye on the public realm, and therefore make it feel safer and free from crime and vandalism.
- 6.4.13 It is considered that the public spaces of the proposed development are well defined by the layout of the buildings. For the most part, the front elevations of the proposed dwellings front directly onto the street, and therefore provide a good number of doors and windows overlooking public areas. Although the site is constrained in terms of its size, it is clear that attempts have been made to form perimeter blocks (blocks with outward facing buildings) with the buildings, therefore creating the optimum continuity of public space.
- 6.4.14 Successful private spaces (e.g. gardens and parking courtyards) tend to be enclosed by buildings and only overlooked by the user's home or property. As above, the site is constrained by its size, but it is considered that the design maximises the enclosure of private spaces by buildings.
- 6.4.15 For the most part, the private gardens within the development are well enclosed by their respective buildings. The numbers of vulnerable private gardens which back directly onto public space have been minimised. The few examples where this has not been achieved are to the rear of Units 1 and 2, to the rear of Units 6 to 9, and along the northern boundary of the central parking courtyard. As above, the site is constrained by its size, and therefore complete enclosure of the gardens and parking courtyards has not been achieved. However, it is considered that the design maximises the enclosure of private spaces within the layout.

Quality of the public realm and legibility

- 6.4.16 To ensure good design, all public spaces should have an identified use and take full advantage of outward facing buildings, active edges and perimeter blocks. New development also needs to be designed so that users can understand and identify key routes, access points, differences between public and private realm, and feel safe and secure at all times; as an urban design principle, this is called 'legibility'.
- 6.4.17 The previous application (10/01735/FULEXT) was refused in part because the definition between public and private space was poorly defined; i.e. it was not clear whether the land surrounding the flats was public space or under private ownership. In this respect, a development which achieves a good distinction between public and private space will normally result in a high quality public realm.
- 6.4.18 By virtue of its well designed layout, it is considered that the public realm of the development proposal is generally of a high quality. Because of the well defined street edges, the street hierarchy is clearly legible, and the extent of public space is unambiguous. Overall, the layout of hard and soft landscaping, parking areas, footpaths, bin stores and other street furniture is considered to be of a high standard.

Ease of movement

- 6.4.19 New development should be well connected with its surroundings and permeable (i.e. provide options for movement within itself). The movements of pedestrians and cyclists should be prioritised.
- 6.4.20 The proposed development is considered to be well connected to its surroundings. Pedestrian access into and out of the site is possible from points along all boundaries – from Carters Rise, Underwood Road via the new footpath link, the open space to the north, and the public footpath to the south. The proposed new footpath link from Underwood Road has been widened to a sufficient width to allow cyclists and pedestrians to pass safely.
- 6.4.21 The proposed development is also considered to provide a permeable layout, which enables pedestrians and cyclists to move easily through the site (rather than having to go around the development). This has been achieved by the provision of the new footpath link from Underwood Road, which connects to the shared surface street, and by the mews which integrates the existing footpath to the south with the development as a whole. The use of shared surfaces prioritises pedestrian movements over vehicles, and therefore results in a more people-friendly and safer public space. Higher footfall through a development normally results in a safer environment.
- 6.4.22 There is often a tension between the desire to create a layout which enables people to move easily through a site, and to create a layout which restricts the number of escape routes by which criminals can escape. Given the positive review from the Crime Prevention Design Advisor at Thames Valley Police (discussed under Section 6.5), it is considered that the right balance has been struck in this instance.

Adaptability and diversity

- 6.4.23 New development needs to be flexible enough to respond to future changes in use, lifestyle and demography. Similarly, new development should normally incorporate principles of mixed used development to ensure a mixed, sustainable community.
- 6.4.24 In this instance, the proposed development is solely residential, and no suggestion has been made that the units will be designed in a way which is easily adaptable to future changes of use.
- 6.4.25 However, a scheme which is solely residential is considered appropriate at this scale (notwithstanding the issue raised by the loss of facilities which is discussed in Section 6.3). Furthermore, the proposal has not been designed in a way which is considered to preclude a change of use of one or more of the units to a use which would be appropriate and welcome in a residential area (e.g. a shop).
- 6.4.26 Given that this residential development is located within a predominantly residential development, there is not considered to be any evidence to indicate the long-term residential use of the buildings would not be viable.

Conclusion

- 6.4.27 Having regard to the key urban design principles set out in Part 1 of the SPD, as well as the general design advice contained within PPS1, it is considered that the proposed development shows a high standard of design which respects the character and appearance of the surrounding area.

6.5 Safety and crime prevention

- 6.5.1 Under Section 17 of the Crime & Disorder Act 1998, local authorities have a duty to do all that they reasonably can to prevent crime and disorder.
- 6.5.2 Safety and crime prevention are established as fundamental issues in the redevelopment of this site. During application 10/01753/FULEXT, the Crime Prevention Design Adviser at Thames Valley Police advised that, *“Although the crime figures for the wider area of Fords Farm are average, the risk of criminal damage, anti-social behaviour across the spectrum from low level noise and incivility to drug use, assault and intimidation, with resulting fear of crime in the immediate Underwood locality is high.”*
- 6.5.3 PPS1 (at paragraph 34) states that good design should contribute positively to making places better for people. Indeed it states a key objective for policy making is to create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion (paragraph 36). It also advises that planning authorities should have regard to the good practice set out in *Safer Places – the Planning System and Crime Prevention*. Part 1 of the Quality Design SPD also reiterates these requirements.
- 6.5.4 Accordingly, Policy OVS.11 of the Local Plan seeks development which reduces the opportunity for crime. It states that all development schemes within West Berkshire should be designed so as to reduce the potential for criminal activity and anti-social behaviour. In this regard, all new development should:

- (a) ensure that development is to a high standard of design, thus reconciling the visual quality of development with the need for crime prevention; and
- (b) be designed to maximise natural surveillance of public spaces from buildings, pedestrians and motorists; and
- (c) be designed to include a limited number of access points, provide secure boundaries around private and public spaces, and provide adequate lighting at meeting places and pedestrian walkways; and
- (d) be designed to encourage social contact and to support the principles of neighbourhood watch.

6.5.5 The previous application was subsequently refused in part for its failure to fully engage with and implement the seven attributes of Safer Places. Given the existing and historical status of the site in safety and crime prevention terms, it is considered that the opportunity to improve the site in this respect should be given great weight in determining this application.

Garden boundaries of on northern side of the site

6.5.6 The gardens of Units 1, 2, 5 and 6 are considered to be the most vulnerable within the site because they are exposed to the public open space. This problematic relationship is exacerbated due to the rising ground levels along this boundary. The Crime Prevention Design Advisor has advised that these boundaries should be high enough to give privacy for residents from the higher ground at the side.

6.5.7 Accordingly, a section drawing has been submitted which shows the relationship in terms of levels. This issue is discussed from paragraph 6.7.13 in terms of the amenity of future occupiers.

Rear parking courtyards

6.5.8 Courtyard parking to the rear of dwellings is normally the least desirable means of providing parking within a development. Preference is normally given to alternative forms such as on-street and on-curtilage parking. However, with increased density such alternatives become less viable options. Given the density of the proposed development, it is considered that rear parking courts are justified, but it is important to ensure all available measures are put in place to reduce the opportunities for crime.

6.5.9 Rear parking courtyards tend to be relatively poorly overlooked by surrounding buildings. Together with poor lighting, and uncontrolled accessibility, these areas can provide places for people to hide, and are more likely to result in criminal activity.

6.5.10 The plans do not include electrically operated gates for the parking courtyards. However, the applicants have indicated that these can be provided, and it is considered that this could be secured by a condition. Secure gates are considered essential to make the proposed parking courtyards acceptable.

6.5.11 The northern boundary of the central parking courtyard is also considered vulnerable because it backs onto the public street. This increases the likelihood that the secure private area could be breached by a criminal. It is therefore

essential that the treatment of this boundary is robust, and defensive landscaping would also help mitigate the risk. It is accepted that the gate in this boundary is necessary to provide access to the bin stores; however appropriate measures should be taken to ensure this access is secure. It is considered that such measures could be achieved by a condition.

Lighting

6.5.12 The Crime Prevention Design Advisor seeks the provision of street lighting for the public footpath running along the southern boundary of the application site. A single bollard light was also identified in the rear parking court behind Unit 22; the applicants have advised that this light has been erroneously placed. It has also been suggested that the lighting for the communal parking court areas should be of a Landlord's meter, rather than individual dwellings. These matters can be secured or overcome by the imposition of a condition requiring the prior approval of all external lighting.

Block of flats

6.5.13 The boundary treatment for garden of the block of flats can be controlled by a condition. The Crime Prevention Design Advisor raised concerns regarding the access to the garden area through the refuse and cycle stores. The applicant has subsequently advised that it is the intention to restrict access to the garden to the ground floor flats only. The principle of this is discussed in Section 7, but this is considered to overcome the issue in this respect.

6.5.14 Concern was also raised regarding the position of the cycle store, and its access through the refuse store. This matter has been the subject of discussions with the applicant, and it has been concluded that the layout does not permit a suitable amendment to address this concern (particularly due to the high space requirements for bin storage). However, this matter is not considered to be a significant concern, and this layout is considered to be an acceptable compromise.

6.5.15 The Crime Prevention Design Advisor also advises on the security of the communal access doors, and provision for postal access. It is considered that this is a management issue, which is outside the scope of the planning permission. However, an informative can be attached to the decision notice accordingly.

Gable end windows

6.5.16 The Crime Prevention Design Advisor enquired as to whether the design for Units 3 and 9 could be looked at to see if gable end windows could be provided to provide further natural surveillance over the proposed footpath link. This matter has been explored with the applicant, and it has been agreed that such windows would be of little benefit. Unit 3 is located further to the west, and the internal layout of this dwelling does not enable an effective window in this gable. Unit 9 is set back from the footpath behind a parking space, whereby the intervening parked car would limit the effect of the window on the surveillance of the footpath.

Flats over garages (FOG)

6.5.17 The Crime Prevention Design Advisor has raised concern regarding the inclusion of open carports under the FOG units, owing to the potential for criminal damage and the subsequent desire to park elsewhere. It is considered that secure doors (thus forming garages) could overcome this concern, and could be secured by a condition.

Safer Places

6.5.18 Having regard to Safer Places, it is considered that the proposed development is designed in a way which sufficiently increases safety and enhances crime prevention for the following reasons:

1. The proposed development provides well defined routes that are considered to provide for convenient movement without compromising security.
2. The proposal does not contain any problem uses (e.g. takeaways) which could increase the likelihood of anti-social behaviour and disturbance within a residential area.
3. All of the publicly accessible spaces are well overlooked by surrounding buildings, providing an inherently safer and more appealing environment.
4. It is considered that the well defined public and private space is likely to promote a sense of ownership, respect, territorial responsibility and community feeling between future residents. This should reduce the likelihood of anti-social behaviour taking hold
5. Where there are identified vulnerable areas (e.g. exposed back gardens and parking courtyard boundaries), there is the opportunity to secure appropriate mitigation by way of security features. This includes security gates to parking areas, robust fencing and enclosures to exposed private areas, and defensive landscaping.

6.6 Affordable housing provision and developer contributions

6.6.1 ODPM Circular 05/05 provides guidance to local authorities on the use of planning obligations under Section 106 of the Town and Country Planning Act. Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms. This includes providing a means to mitigate a development's impacts.

6.6.2 Policy OVS.3 of the Local Plan requires that the infrastructure, services and amenities made necessary by development are provided or will be provided at the appropriate time to ensure the proper planning of the area. Accordingly, the Council's adopted Supplementary Planning Guidance "Delivering Investment from Sustainable Development" (SPG) sets out the Council's approach to securing developer contributions to mitigate the impact of development, as well as providing appropriate levels of affordable housing.

6.6.3 The SPG comprises a number of topic papers which provide a formulaic approach to guide the level of developer contributions in prescribed areas. The policy contained within the SPG is well established and forms the baseline for negotiations under Section 106.

6.6.4 In addition to the Council's adopted SPG, it is also necessary to have regard to The Community Infrastructure Levy [CIL] Regulations 2010 which give the tests of

Circular 05/05 a statutory basis. Section 122 of the Regulations provides that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

6.6.5 The applicant has asserted that the current application for 39 residential units is not viable with a policy compliant provision of affordable housing and developer contribution. Consequently, the applicant is seeking a relaxation of the normal SPG requirements, and has suggested that this is justified in exceptional circumstances due to the loss of their grant for affordable housing (since application 10/01735/FULEXT), and given the local momentum to secure the redevelopment of this site.

6.6.6 The viability of the redevelopment is considered in this Section below, but a summary of the policy compliant contribution requests, compared to the original offer by the applicants, is given in the following table.

Obligation	Policy compliant amount sought by services (£)	Original offer by applicants (£)	Difference (£)
Affordable housing	30% (12 units) @ 70% social rent, 30% intermediate	20% (8 units) @ 100% intermediate	Less 10% (4 units), less 70% social rent
Transport	0	53,000	+53,000
Education	214,450.12	106,720	-107,730.12
Open Space	62,355	31,962	-30,393
Libraries	9,436	4,718	-4,718
Healthcare	6,377	3,189	-3,188
Adult Social Care	24,780	12,390	-12,390
Fire Hydrants	0	10,976	+10,976
Total	317,398.12	222,955	-94,443

6.6.7 The applicant has submitted viability information to justify this assertion. This includes three development appraisals: one for the refused 74 unit scheme, one for the current proposal which complies with the policy requirements, and one for the current proposal at a reduced level of contribution. Further information was submitted on request, including detailed breakdowns of build costs, proof of land purchase, and evidence to support the assumptions made within the various appraisals.

6.6.8 Given the financial sensitivity of the information, it has been submitted on a confidential basis, and has not been placed on the public file. However, the information has been reviewed by an independent consultant on behalf of the Council to provide an independent assessment of the information. The findings of this assessment are reported without specific detail to ensure the confidential nature of this information is not compromised.

6.6.9 The development appraisals submitted by the applicant were carried out using the Homes and Communities' Agency Economic Appraisal Toolkit (HCA EAT).

Although recently superseded by the HCA's newer 'DAT' ('Development Appraisal Toolkit'), the independent consultants advise that this is a well recognised and widely used tool for this purpose, and in their view it still provides a suitable basis for a review of this type.

6.6.10 In summary, the HCA EAT uses the following key indicators to establish whether a proposal is viable:

- Gross development value (GDV): the completed value of the development.
- Residual land value (RLV): the remaining sum available for land purchase after the various costs of development and required profits have been deducted from the completed value.
- Existing use value (EUV):

6.6.11 If the RLV provided by the proposal exceeds the EUV (and sometimes by a margin to reflect an "overbid" or level of incentive for the owner to sell for the residential redevelopment) then this is usually considered a positive viability scenario.

6.6.12 The site has already been purchased by the applicants; therefore the EUV is in effect fixed. In this instance, it is noteworthy that the value the land was purchased for significantly exceeds the current EUV of the uses on the site. As such, notwithstanding the reduction in residential density, the current market conditions have already had a significant effect on reducing the viability of the proposal.

6.6.13 Based on the information originally submitted, the independent consultants indicated that a policy compliant and viable scheme was "very unlikely", but at the same time identified a number of points which required additional information and further clarification.

6.6.14 Following the receipt of this information, and a further review by the independent consultant, this view is confirmed and the advice given by the consultant is that the submitted viability assessment was reasonable. However, the findings indicate that there is an opportunity for an improved outcome in terms of affordable housing provision and developer contributions than that currently on offer.

6.6.15 Owing to the exceptional circumstances of this site, it is considered that a reduced contribution can be considered to enable the redevelopment of the site to proceed in a matter which is consistent with the clear aspirations of the local community. It is therefore recommended that the principle of reduced contributions is accepted.

THE REMAINING PARAGRAPHS IN THIS SECTION HAVE BEEN UPDATED

Developer contributions

6.6.16 In the circumstances it is considered that it would be most appropriate to accept proportionally reduced contribution amounts, rather than seek to prioritise certain elements of infrastructure at the expense of others. As discussed in the following paragraphs, all of the contribution requests are considered to meet the statutory tests set out in the CIL Regulations, comply with the guidance in Circular 05/05, and conform to the framework set out in Policy OVS3 and SPG 04/4.

- 6.6.17 Because traffic levels would likely be reduced, no developer contribution is sought, but a number of local highway works to improve travel by pedestrians, cyclists and public transport are sought. These works should be secured through a Legal Agreement under Section 278 of the Highways Act 1980, which provides a mechanism the local authority to carryout works at the cost of the applicant. These works are estimated to cost approximately £53,000, which should be deducted from the total available amount available for developer contributions.
- 6.6.18 The Education Contribution has been calculated in accordance with the SPG Topic Paper 3. Both the catchment schools are currently full, and the primary school is immediately adjacent to the application site. It is therefore considered very unlikely that the primary pupils would seek to go elsewhere. The Council's household survey data indicates that there are increasing numbers of children living in flats and smaller dwellings. In this case it is therefore likely that the number of children assumed in the calculations would be resident, if not more. It is considered that this contribution request therefore meets the statutory tests of the CIL Regulations 2010.
- 6.6.19 The Open Space Contribution has been calculated in accordance with the SPG Topic Paper 7. It is intended to use the contribution towards improvements to Linear Park, which is within the Parish and in close proximity to the application site. Given its proximity, it is likely that the development would place increased pressure on this resource. The failure of the scheme to comply with policy guidance on private gardens further emphasises the potential impact. Linear Park is the subject of a Management Plan, which outlines specific works. It is considered that this contribution request therefore meets the statutory tests of the CIL Regulations 2010.
- 6.6.20 The Libraries Contribution has been calculated in accordance with the SPG Topic Paper 4. The Underwood Road area is currently provided with a service from the mobile library which visits Kennet Valley School, but is there to serve all residents of the area and not just the school population. Furthermore, the future residents could, like all others, visit any library in West Berkshire and utilise these facilities. The development would therefore increase the pressure on this service. The contribution would be used to fund new stock both for the mobile libraries and the local library in Theale. It is considered that this contribution request therefore meets the statutory tests of the CIL Regulations 2010.
- 6.6.21 The Health Care Contribution has been calculated in accordance with the SPG Topic Paper 6. The Primary Care Trust advises that the closest surgery to the application site (following the closure of the surgery on-site) is at Circuit Lane in Southcote. Presently, this facility has only 44% of the recommended floor area for their current patient population. Any increase in population would put these premises under increased pressure. The practice is currently considering options to extend their surgery premises to ensure that they have the adequate floor area for current and future patient populations. The contribution requested would not, on its own, be sufficient to fund a significant part of the extension, but it would be used to make a contribution. It is considered that this contribution request therefore meets the statutory tests of the CIL Regulations 2010.
- 6.6.22 The Adult Social Care Contribution has been calculated in accordance with the SPG Topic Paper 13. This service is provided centrally within the District, but the

erection of new dwellings would place an increased burden on this service as a result of the increased adult population. The formulaic approach set out in the topic paper is based on the likely demographic of the development in light of the proposed tenure. It is considered that this contribution request therefore meets the statutory tests of the CIL Regulations 2010.

- 6.6.23 The Royal Berkshire Fire and Rescue Service has confirmed that there is no longer a requirement for additional fire hydrant provision on the application site. Consequently, this releases an anticipated £10,976 from the applicant's original offer. This amount, together with the leftover Highways contribution, releases a total of £51,476. This sum has been redirected in the viability assessment towards the provision of gates to the parking courts and towards works for bringing the internal roads to adoptable standard.
- 6.6.24 It is considered that all contribution requests received are necessary, reasonable and justified, and meet the statutory tests of the CIL Regulations 2010. As such, it is considered that the most appropriate approach to distributing the reduced contribution amount is to do so proportionately across the requests, reducing each amount by the same percentage. This approach avoids prejudicing any particular service, which could accrue if certain services were prioritised.
- 6.6.25 Accordingly, it is recommended that the breakdown of developer contributions proposed by the applicant is accepted.

Affordable housing

- 6.6.26 Ensuring that there is an adequate supply of affordable housing is one of the Council's corporate priorities. Policy HSG.9 of the Local Plan provides that the Council will seek the provision of a range of type and tenure of affordable housing. This applies to housing developments of 15 or more dwellings. An assessment of the proportion of dwellings to be made available for affordable housing will be based upon:
- a) The level of local need;
 - b) The suitability of the site to accommodate affordable housing; and
 - c) The level of other infrastructure requirements to be funded by the development.
- 6.6.27 Topic Paper 1 of the SPG relates to affordable housing. Paragraph 2.1 of the topic paper states that "The Council is seeking to address a range of affordable housing needs with the most vulnerable being its priority". Further at paragraph 3.5, "The Council will not accept forms of affordable housing provision which will solely meet the needs of one particular group to the exclusion of others. Such provision will not be considered to prove affordable housing in terms of local plan policies and proposals for such forms of provision will not be permitted unless there are sound reasons."
- 6.6.28 It is considered that these statements provide a clear policy direction in terms of the importance of providing a mixture of affordable housing types, with priority to social rent (being the most vulnerable). The Council's SPG is explicit that affordable housing provision which excludes the needs of any particular group will not be accepted.

6.6.29 The Council's housing officer has also advised that there is very high demand for social rent housing in Calcot, and due to the small size of the majority of developments coming forward in the Eastern Urban Area (below the affordable housing threshold), delivery of affordable housing is not as advanced in this part of the District as elsewhere.

6.6.30 Therefore, whilst an overall reduction of developer contribution has been accepted in principle, the retention of social rent provision is considered essential. It is considered that the need to protect the principle of mixed affordable housing tenure, as well as ensuring delivery of on-site social rented accommodation, which is the tenure of greatest housing need, justifies lower overall numbers.

6.6.31 Accordingly, the applicant has provided the Council with three proposals for affordable housing. Following discussion with the Council's highway officer the following breakdown is deemed acceptable. It maximises the amount of affordable housing units on the site as well as the provision of social rented accommodation. A layout plan showing the distribution of these units is appended to this report.

Unit Type	Tenure	Number
1 Bed 2P Flat	Shared Ownership	2
2 Bed 3P Flat	Shared Ownership	2
2 Bed 3P FOG	Social Rent	1
4 Bed 7P House	Social Rent	1
Total on-site provision		6

6.6.32 Having regard to the viability constraints and affordable housing priorities outlined in this section, it is recommended that this affordable housing scenario be accepted.

6.7 Amenity

6.7.1 Policy OVS2 requires development proposals to safeguard the amenities of adjoining land uses and occupiers. The application site is located within a predominantly residential area whereby it is necessary to ensure that the proposal does not harm the living conditions of surrounding residents in terms of any significant overlooking, overshadowing or overbearing impact.

6.7.2 It is also necessary to consider the impact on the amenity of non-residential uses surrounding the application site, the living conditions of future residents of the development, and the provision of private outdoor amenity space.

6.7.3 The Council's adopted Supplementary Planning Guidance on House Extensions (SPG 04/2) provides guidance with respect to the effect of development on neighbouring properties, including in terms of daylight, sunlight and overshadowing, and privacy and overlooking. Part 2 ("Residential Development") of the Council's adopted Supplementary Planning Document "Quality Design" also provides guidance in terms of privacy, daylight and outlook.

Living conditions of surrounding properties

- 6.7.4 The eastern side of Underwood Road comprises a line of houses facing the application site. The SPD advises 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 but can be as close as 9 metres. However, where the distance between frontages is less than 21 metres, the design of the buildings will need to be carefully considered in terms of window design, location and internal arrangements to minimise overlooking and create privacy.
- 6.7.5 The closest relationship is from the front gable of Unit 12, at which point the building frontage is 19 metres away from the eastern side of the Underwood Road carriageway. As such, there are no directly opposing frontages with a separation distance of less than 21 metres. Having regard to existing street widths within the vicinity, this separation distance is considered acceptable. Furthermore, incidences of overlooking and the perception of any overlooking between the development and the properties on Underwood Road is reduced by the intervening vegetation which is established along the eastern boundary of the application site.
- 6.7.6 These separation distances are also considered sufficient to prevent any significant loss of sunlight or daylight to surrounding properties. Given the separation distance and the similar scale of opposing development on the eastern edge of the application site, the proposed development is not considered to have an overbearing effect on the occupiers of the surrounding residential properties.

Amenity of non-residential uses

- 6.7.7 In addition to residential development, a community centre, church, school and an area of open space also adjoin the application site. The proposed layout and scale of the development is not considered to significantly affect the amenity of these adjoining land uses in terms of privacy, light or of an overbearing effect. These facilities are already located within a predominantly residential area. Any noise and disturbance created by the development would be domestic in nature, and is therefore not considered to be materially harmful to these uses.
- 6.7.8 During both the previous and current applications, concern has been raised by local residents regarding the overlooking of the playground to the north of the application site. In this proposal the eastern-most dwellings on the northern boundary of the site have been orientated so that they are side-on to the open space. The two dwellings to the west (Units 1 and 2) face south, and therefore the rear windows of the dwellings face towards the open space but they are located further west towards the edge of the community centre.
- 6.7.9 It is considered that this layout provides some natural surveillance of the open space, which is beneficial in terms of safety and crime prevention, but is well designed to avoid any direct overlooking which was raised as a concern by local residents during the last application.

Living conditions of future occupiers

- 6.7.10 PPS1 makes it clear that good design should contribute positively to making places better for people. This includes ensuring good living conditions for future occupiers.

- 6.7.11 Overall, it is considered that the proposed layout is sufficiently well spaced to ensure a good level of light provision and solar radiation to all properties. Although it will be a dense development, it is considered that no particular building would be harmfully overbearing on any future occupier. Furthermore, the positioning of windows within the buildings have not raised any significant concerns regarding overlooking of neighbouring properties, and any subsequent impact on privacy.
- 6.7.12 The only notably tight relationship within the proposed development is that between the 3 storey block of flats and the surrounding houses; in particular Unit 1, which is located 9 metres opposite. However, given its orientation, this house does not directly face the block of flats, and therefore this relationship is not considered to amount to a harmfully overbearing effect on the future occupier.
- 6.7.13 The land immediately to the north of the application site, at the edge of the adjacent open space, incorporates a significant increase in ground levels, due to banking on the boundary. This has raised some concerns regarding the relationship between the properties on the northern edge of the site and the adjacent open space, particularly in terms of the privacy of the future occupiers. This is an issue which has also been identified by Thames Valley Police's Crime Prevention Design Advisor.
- 6.7.14 Consequently, a section drawing has been submitted to show this relationship. This drawing indicates that a 1.8 metre close-boarded fence would provide sufficient privacy to a resident sat within the gardens of these properties, but not for a person standing up, who would be visible from the raised ground to the north. This is considered to be unacceptable, but it would be possible to overcome this problem by the provision of higher boundary fencing (e.g. close-boarded fencing with trellis above). This boundary treatment could be secured by a condition.
- 6.7.15 It is considered that there is a potential noise impact on the future occupiers of the development, in particular Units 1 and 2, caused by the evening activities of the community centre to the north-west of the application site. The centre is regularly open into the evenings and customers frequently congregate within the car park.
- 6.7.16 Environmental Health has considered this issue and raises no objections, but recommends the imposition of a condition requiring the prior approval of measures by condition to reduce the impact of external noise on future occupiers.

Outdoor amenity space

- 6.7.17 PPS3 (at paragraph 17) states that, particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well-designed, safe, secure and stimulating areas with safe pedestrian access.
- 6.7.18 Part 2 ("Residential Development") of the Council's adopted Supplementary Planning Document "Quality Design" seeks the provision of suitable outdoor amenity space for new residential developments. The SPD states that it is the quality of outdoor space that matters most, but it also provides minimum size guidelines for new development. These are as follows:
- 1 and 2 bedroom houses, from 70sqm

- 3 or more bedroom houses, from 100sqm
- 1 and 2 bedroom flats, from 25sqm communal open space per unit
- 3 or more bedroom flats, from 40sqm communal open space per unit

6.7.19 In terms of quality, depending on the size of the dwelling, a garden should be large enough to accommodate such features as garden shed, washing lines and other domestic features and should allow for opportunities for sitting outside in comfort and reasonable privacy and, in family dwellings, for children's play.

6.7.20 Overall, the proposed gardens are approximately half the size of the suggested minimum sizes. This significant shortfall in the level of provision is clearly a negative aspect of the proposal.

6.7.21 However, it is considered that the small size of the proposed gardens is partially mitigated by the presence of a significant area of open space immediately to the north of the development. This area provides additional recreation opportunities for residents and their children.

6.7.22 In addition to the adjacent public open space, Prospect Park and Linear Park are situated within the wider area and provide further recreational facilities for residents.

6.7.23 Despite their small size, most of the gardens have a regular shape which suggests that they will provide opportunities for normal garden features (e.g. sheds, washing lines).

6.7.24 Although the proposed development does not provide private gardens which achieve the quality expected by the SPD, it is considered that, overall, adequate opportunities for recreation exist. This is due mostly to the proximity of the existing open space to the north. Therefore, whilst the provision of such spaces does not comply with policy, the harm is not sufficient to warrant the refusal of planning permission on this basis.

6.8 Highway matters

6.8.1 Policy OVS.2 of the Local Plan requires development proposals to comply with highway standards in respect of access, parking, and pedestrian movement, including, where appropriate, links to adjoining land.

6.8.2 This application is accompanied by the Transport Assessment which was submitted with application 10/01735/FULEXT, this is supplemented by a further transport statement which summarises the transport issues arising from the current proposal. A further statement has been submitted by the applicants regarding parking provision, and makes comments in light of the revised PPG13.

Site layout

6.8.3 According to the highways officer, the layout of the site is generally considered acceptable. Some minor further amendments are required (in terms of shared surfacing, and cycle and refuse storage details), but these can be dealt with by a condition.

6.8.4 The highways officer considers it essential that the roads and footpaths are provided to enable adoption as public highways. This is to enable the pedestrian thoroughfare, and to enable access by refuse vehicles. It is understood that the roads and footpaths will be offered for adoption.

Traffic generation

6.8.5 Overall, the transport statement concludes that the vehicle trip generation of the proposed scheme will be significantly lower than that of the former uses of the application site, and that of the already consented scheme for the site.

6.8.6 During the morning 8:00 to 9:00 travel peak it is projected that the site currently generates 23 vehicle movements, with 13 arriving and 10 departing. The proposed uses are projected to generate 12 vehicle movements with 8 arriving and 13 departing.

6.8.7 During the afternoon 5:00 to 6:00 travel peak it is projected that the site currently generates 36 vehicle movements, with 17 arriving and 19 departing. The proposed uses are projected to generate 19 vehicle movements with 11 arriving and 8 departing.

6.8.8 Overall, it can be expected that there will be a reduction in traffic levels to and from the site. On this basis a Section 106 contribution is not sought; however works to improve pedestrian routes with dropped kerbs and tactile paving at crossing points, and improvements to bus stops are sought by the highways officer to encourage these modes of travel. These matters can be secured by a Section 278 Agreement.

Car parking

6.8.9 During the previous application (10/01735/FULEXT), members raised considerable concern with regards to car parking levels. This concern has been conveyed to the applicants who have increased car parking provision as much as possible within the confines of the proposed layout.

6.8.10 The total car parking provision for the scheme amounts to 63 spaces, allocated as follows:

- One parking space for each of the flats and two bedroom houses (1 x 17 = 17 spaces, plus 1 space)
- Two parking spaces for the three and four bedroom houses (2 x 22 = 44 spaces)
- One visitor space

6.8.11 Overall, the proposed parking provision at the development amounts to 1.59 spaces per unit, which is higher than the permitted scheme, which provided parking at a ratio of 1.26 spaces per unit. However, there are a higher number of larger residential units within this proposal than previously.

6.8.12 Further concerns have been raised by the highways officer that some of the proposed dwellings are four bedroom units, and that they may consequently require more than two car parking spaces. Furthermore, a number of the proposed dwellings have been provided with garages. According to the government publication Manual for Streets, from surveys undertaken, only up to 45% of

householders actually use their garages to park vehicles. The applicants have sought to overcome this issue by providing larger 3 x 6 metres garages that may be more likely to be used to park vehicles.

6.8.13 Since the previous planning application (10/01735/FULEXT) was considered, the government has updated PPG13.

6.8.14 The highways officer advises that the guidance contained within the revised version can be contradictory. Paragraph 54 states that ***“it should not be assumed that where a proposal accords with the relevant local parking standard it is automatically acceptable in terms of achieving the objectives of this guidance. Applicants for development with significant transport implications should show (where appropriate in the Transport Assessment) the measures they are taking to minimise the need for parking”***.

6.8.15 Meanwhile, in paragraph 50, the revised PPG13 states that *“in developing and implementing policies on parking, local authorities should:*

- 1. ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices*
- 2. not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls”*

6.8.16 The highways officer is not convinced that this site is an exceptional circumstance in this respect, and it must be noted that the site has good frequent public transport links to locations such Reading town centre. Therefore, even though there are some concerns, on balance the highway officer recommends the application be approved subject to conditions.

6.9 Trees

6.9.1 The application site contains a number of mature trees. Policy OVS.2 of the Local Plan requires development proposals to retain and protect important landscape and nature conservation features, and to provide for further landscape treatment to safeguard local amenity. The application is accompanied by an arboricultural method statement, a landscape specification, and a landscape management and maintenance plan.

6.9.2 The five London plane trees located in the centre of the site are identified for retention, and the proposed layout has clearly been designed to ensure a good relationship and to safeguard their root protection areas. The tree officer is satisfied that their long term management could be secured.

6.9.3 To facilitate this redevelopment, it is proposed to remove two mature London plane trees to the south of the site, both of which are covered by a TPO. The TPO was placed on the trees in agreement with the local ward member to ensure their protection during the redevelopment of the site. The tree officer has advised that their retention is desirable.

- 6.9.4 However, the tree officer concedes that if the proposal is viewed as more suitable for the area in other respects, then the removal of the trees might be acceptable on the condition that the loss of the trees is mitigated by substantial landscaping and tree planting at the site.
- 6.9.5 The submitted landscaping plans show the planting of 31 new trees across the site, together with shrub beds and hedging. The plans are supported by a landscape specification document and management plan, all of which the tree officer considers suitable for the site.
- 6.9.6 Overall, the relationship between the layout of the site and the retained trees is welcome. The loss of two TPO trees is considered to be contrary to Policy OVS.2 of the Local Plan. However, there is an opportunity to secure additional planting to mitigate this harm. Additional planting could be secured by a condition.
- 6.9.7 With respect to construction works, additional information is required to ensure an appropriate level of protection and supervision during works. Such details can be secured by condition.

6.10 Public footpath

- 6.10.1 A public footpath (THEALE 2) runs along the southern boundary of the application site, and connects Underwood Road to Carters Rise. Policy OVS.2 of the Local Plan requires development proposals to safeguard the amenities of public rights of way.
- 6.10.2 The Council's rights of way officer has reviewed the application and comments that the proposed scheme (compared to previously proposed schemes) is very much improved. It is considered that the proposed design fully incorporates the footpath into the rest of the development, and consequently improves its amenity. The orientation of houses facing the footpath will enhance the natural surveillance over this popular route.
- 6.10.3 It is considered that a layout which extinguishes the existing public footpath and relocates it through the centre of the site would be a more appropriate design. This is because it would enclose the exposed back of the school with private gardens. However, it is acknowledged that the various private rights which affect this land make such a layout unviable.
- 6.10.4 The Council's rights of way officer has also requested the developer enter into a S106 legal agreement to secure the future maintenance of the footpath. It is likely that future occupiers will make use of the public footpath; however it is also clear that the footpath presently experiences significant footfall. Having regard to the CIL Regulations 2010, it is considered that an obligation to maintain the footpath would not meet the statutory tests set out therein.
- 6.11.5 ***UPDATE:*** *The applicant has made an application to the Secretary of State under Section 247 of the Town and Country Planning Act 1990 to extinguish the footpath in connection with the extant planning permission. This is not considered to have any significant impact on the determination of this application.*

6.11 Ecological matters

- 6.11.1 PPS9 advises that the aim of planning decisions should be to prevent harm to biodiversity interests. The application is accompanied by a bat survey. It reports that the external tree and building assessments did not establish any signs of current use by bats, although a small number of suitable roosting locations and access points were present on both of the buildings and a single mature tree.
- 6.11.2 Commuting activity from two bat species was observed during the emergence surveys – common pipistelle and *Myotis spp.* No bats were recorded emerging from any of the buildings or trees on site.
- 6.11.3 The Council's ecologist has reviewed the application and has requested the imposition of a condition requiring the incorporation of bat and swift nest boxes within the development.
- 6.11.4 Having due regard to the EC Habitats Directive 1992 and the Conservation (Natural Habitats &c) Regulations 1994 (as amended), it is considered that this application passes the tests set out therein. In this instance, it is considered that this application is for an imperative reason of overriding public interest of a social reason. This is because the proposed redevelopment of this site would help regenerate the area, which has become derelict and is of a low amenity value.
- 6.11.5 It is also considered that there are no satisfactory or viable alternatives to a redevelopment which does not involve development of a similar type to the development proposal.
- 6.11.6 The Council's ecologist is satisfied that, subject to conditions, the actions authorised will not be detrimental to the maintenance of the species concerned at a Favourable Conservation Status in their natural range.
- 6.11.7 If bats or evidence of bats are found during demolition, works should cease immediately and the advice of Natural England should be sought.

6.12 Heritage matters

- 6.12.1 PPS5 gives a presumption in favour of conserving heritage assets. The proposal does not affect any designated heritage assets (e.g. listed buildings, scheduled monuments, conservation areas), and it is considered that there are no features of the application site or immediate surroundings which constitute non-designated heritage assets, as defined by PPS5.
- 6.12.2 The Council's archaeologist has reviewed the application using the approach set down in PPS5, and has checked the proposed development against the information the Council currently holds regarding the heritage assets of the area. The evidence suggests that there will be no major impact on any features of archaeological significance. Consequently, any archaeological assessment or programme of investigation and recording is not considered necessary.

6.13 Contaminated land

6.13.1 In accordance with PPS23, contaminated land is a material planning consideration insofar as it arises or may arise from, or may affect, any land use. With regard to land affected by contamination, paragraph 23 advises that local planning authorities should satisfy themselves that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks.

6.13.2 The application is accompanied by a site investigation report. The Senior Scientific Officer in Environmental Health has reviewed this document and has commented as follows:

- *“Investigation looks fine with good coverage of boreholes. Offsite to the east there is an unknown filled pit identified from the desk study. This has not been investigated properly with regard to gas issues. The fact that houses have been built on it doesn't make this source low risk. CL Regs only came in early 2000 and these houses are much older. I refer the applicant back to Ciria 665 re: number and frequency of gas monitoring requirements.*
- *Excess levels of contaminants were found in the northern part of the site, believed to be from poor quality tarmac. To remove the risk caused by this, it is suggested to implement a cover layer of 'clean growing media to the gardens and landscaped areas' in the northern part of the site. The depth of which specified in the report is acceptable. Part 2 and 3 of the condition relate to remediation and the need for a verification report to be submitted to the LPA demonstrating the effectiveness of the remediation carried out.”*

6.13.3 In light of these comments, Environmental Health has recommended the imposition of full contaminated land conditions onto any planning permission granted. Such conditions are considered necessary to ensure that the risk is minimised, particularly because the development proposal is a sensitive use which is likely to be used by families with children. On conclusion of the development, the site must not be capable of being designated as 'contaminated land under part IIA of the Environmental Protection Act 1990.

6.14 Other matters

6.14.1 Representations have been made regarding development phasing, site security, and potential noise and disturbance during construction works.

Timescale and phasing

6.14.2 It is considered that the scale of the development does not raise any significant phasing issues. Notwithstanding, approval of any such details are entailed within the Construction Management Plan which it is recommended is secured by a condition. In accordance with Section 91 of the Town and Country Planning Act 1990, a condition should be applied to ensure development starts within 3 years

from the date of the decision notice. There are not considered to be any demonstrable reasons why a different timescale should be applied.

Health and safety, and site security

6.14.3 Construction security and health and safety is controlled by other legislation, including the Health and Safety at Work etc. Act 1974 and the Construction (Design and Management) Regulations 2007. It is not the purpose of the planning system to duplicate such controls.

Disturbance during construction work

6.14.4 A level of noise and disturbance is to be expected with all construction work; however it is normally temporary in nature. To lessen the impact on surrounding properties, Environmental Health has recommended that conditions be applied to any planning permission, including restrictions on the hours of demolition, construction and deliveries. Given the scale of development, it is also recommended that a condition is imposed requiring the approval and implementation of a construction management plan. This plan will cover issues such as the phasing of construction, construction vehicle access arrangement (including potential number of vehicle movements), temporary lighting, types of piling rig and earth moving machinery, and proposed measures to mitigate the impact of construction site noise.

6.14.5 If construction work results in a statutory nuisance (e.g. in respect of noise, dust or light), the Local Authority must exercise its powers under Section 80 of the Environmental Protection Act 1990; however the 'best practical means' defence will apply. Furthermore, construction site noise can be controlled by the Control of Pollution Act 1974. Environmental Health has requested that an informative be attached to any planning permission to recommend that the applicant makes an application under Section 61 of the Act to obtain 'prior consent' for the proposed noise mitigation and control measures.

7. CONCLUSION

7.1 This report has identified a number of material planning considerations which give conflicting indications as to whether planning permission should be granted or refused. It is therefore necessary to reach a balanced conclusion. It must be determined whether the benefits of redeveloping the site as proposed are sufficient to outweigh the identified negative aspects, or whether any of the negative aspects of the proposal are sufficiently harmful to warrant refusal of planning permission in their own right.

7.2 The material considerations which support the grant of planning permission are as follows:

- The long gestation period and identified need for the redevelopment of the application site.
- The density of the proposed residential development which respects that of the surrounding area, and is consistent with the views of those local residents who have made representations on the current and previous applications, the views of Holybrook Parish Council.

- The proposed development is considered to sufficiently address the concerns with safety and crime prevention which currently exist on the application site.
- The proposed development fully integrates the existing public footpath into the site, enhancing its amenity.
- The redevelopment of the site presents an opportunity to remediate identified contaminated land within the site.
- The proposal raises no significant issues in terms of ecological and heritage matters.

7.3 The material considerations which indicate that planning permission should be refused are as follows:

- Unlike earlier proposals, the proposed development is solely residential and does not provide any community facilities such as a shop, post office or doctor's surgery. It therefore does not achieve the aspirations of PPS1, which seeks mixed communities and uses. The lack of any community facilities, and in particular a shop, has been the most prolific local objection. Furthermore, the loss of these facilities is contrary to government the advice contained within PPS4, and Policy SHOP.5 of the Local Plan.
- The applicants are proposing a level of affordable housing provision and developer contribution which is significantly below the requirements of the relevant planning policy.
- The proposed parking provision is not as high as would be desired given the proposed tenure, and having regard to the revised PPG13.
- The provision of private outdoor amenity space does not comply with the requirements of the Council's adopted SPD. The average size of gardens is roughly half the minimum guidance size given by the SPD.

7.4 It is considered that great weight should be attributed to the need for the redevelopment of the site and the scale of the proposed development, which is consistent with the views of those local residents who have made representations during the and current and previous applications, as well as Holybrook Parish Council. Significant weight should also be attributed to the extent to which the site has been designed to design out crime, and to incorporate the existing public footpath within the development.

7.5 The loss of facilities, and in particular the shop, should be given significant weight, due to the inconsistencies with planning policy, and the clear desire of the local community to retain the site as a local service centre.

7.6 It should be noted that, although the proposed parking provision is less than would be desired, it is not considered that a reason for refusal could be sustained on this basis.

7.7 It is considered that relatively less weight should be attributed to the level of private outdoor amenity space, given the alternative opportunities for recreation in the area.

7.8 The Council's independent consultant has confirmed that a policy compliance and viable scheme is "very unlikely" in terms of affordable housing and developer contributions. Given the positive attributes of this proposal, it is considered that a relaxation is justified in this instance. However, it must be stressed that the

relaxation of affordable housing provision and developer contributions from the policy compliant stance is recommended on a wholly exceptional basis.

- 7.9 Given the above weighting of the material considerations, and having regard to the relevant development plan policies as detailed in this report, it is considered on balance that planning permission is justified for the proposed development.
- 7.10 Consequently, it is recommended that this application is approved as set out in the full recommendation (Section 8).

8. FULL RECOMMENDATION

DELEGATE to the Head of Planning and Countryside to GRANT PLANNING PERMISSION subject to the schedule of condition (Section 8.1) and the completion of both a Section 106 Legal Agreement and a Section 278 Legal Agreement within 3 months from the date of the resolution of the Eastern Area Planning Committee to grant planning permission.

IF the Section 106 Legal Agreement and/or Section 278 Legal Agreement are not completed within 3 months from the date of the resolution of the Eastern Area Planning Committee to grant planning permission, or within an extended period agreed by the Head of Planning and Countryside, the Chairman of the Eastern Area Planning Committee, and the Local Ward Members, to **DELEGATE to the Head of Planning & Countryside to REFUSE PLANNING PERMISSION** for the reasons set out in Section 8.2.

8.1 Schedule of conditions

1. Time limit

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

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

2. Plans list

The development hereby permitted shall be carried out in accordance with the drawings, unless otherwise agreed in writing by the Local Planning Authority.

- 10-1941-001 received on 19 April 2011
- 10-1941-002C received on 29 June 2011
- 10-1941-003 received on 25 June 2011
- 10-1941-005B received on 25 May 2011
- 10-1941-005.1C received on 9 June 2011
- 10-1941-007 received on 29 June 2011
- 10-1941-010 received on 19 April 2011
- 10-1941-011 received on 19 April 2011
- 10-1941-012 received on 19 April 2011
- 10-1941-013 received on 19 April 2011
- 10-1941-014 received on 19 April 2011
- 10-1941-015 received on 19 April 2011
- 10-1941-016 received on 19 April 2011
- 10-1941-017 received on 19 April 2011
- 10-1941-018 received on 19 April 2011
- 10-1941-019 received on 19 April 2011
- 10-1941-020 received on 19 April 2011
- 10-1941-021 received on 19 April 2011
- 10-1941-022A received on 29 June 2011
- 10-1941-023A received on 29 June 2011

- 10-1941-024B received on 29 June 2011
- 10-1941-025B received on 29 June 2011
- 10-1941-026A received on 29 June 2011
- 10-1941-027A received on 29 June 2011
- 10-1941-028A received on 29 June 2011
- 10-1941-029A received on 29 June 2011
- 10-1941-030 received on 25 May 2011
- 10-1941-031 received on 25 May 2011
- 2000-500B received on 19 April 2011

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

3. **Samples of materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Samples of the materials shall be made available for inspection upon request. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials are of a quality appropriate to the nature of the development, the site and its surroundings. This condition is imposed to comply with Policies CC6 and BE1 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), and Policies OVS2 and HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. **Hard surfaces**

No development shall take place until details of the external hard surfaced areas of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a schedule of materials, means of treatment, and drawings demonstrating the layout of the hard surfaced areas. No dwelling hereby permitted shall be occupied until the hard surfaced areas have been constructed in accordance with the approved details.

Reason: In the interests of visual amenity and surface water drainage, in accordance with Policies CC6 and BE1 of the South East Plan (Regional Spatial Strategy for the South East of England 2009); and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. **Fencing and enclosures**

No development shall take place until details of all fencing and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a schedule of materials and drawings demonstrating the layout and appearance of the fencing and other means of enclosure. No dwelling hereby permitted shall be occupied until the fencing and other means of enclosure have been erected in accordance with the approved details.

Reason: The fencing and other means of enclosure are essential elements 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 in accordance with Policies CC6 and BE1 of the South East Plan (Regional Spatial Strategy for South East of England 2009); and

Policy OVS2 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. **Levels**

No development shall take place until details of the finished ground levels of the site, and the finished floor levels of the dwellings, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the development and the surrounding land. This condition is imposed to comply with Policies CC6 and BE1 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), and Policies OVS2 and HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

7. **Refuse storage**

No development shall take place until details for the provision of refuse storage have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the refuse storage has been provided in accordance with the approved details.

Reason: To ensure that the dwellings are provided with adequate refuse storage. This condition is imposed to comply with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. **Cycle storage**

No development shall take place until details of the cycle parking and storage spaces have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the cycle parking and storage spaces have been provided in accordance with the approved details. The cycle parking and storage spaces shall thereafter be 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 to comply with Policy T4 of the South East Plan (Regional Spatial Strategy for the South East of England 2009); and Policies OVS2, OVS3 and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. **Lighting**

No development shall take place until details of all external lighting within the application site have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the external lighting has been provided in accordance with the approved details.

Reason: To prevent light nuisance to existing residents, and residents of the proposed development, as well as to ensure an adequate level of lighting to enhance security and reduce crime. This condition is imposed in accordance with Part 5 of Supplementary Planning Document Quality Design (2006).

10. **Implementation of landscaping**

All landscape works shall be completed in accordance with the submitted plans,

schedule of planting and retention, programme of works and other supporting information approved by the Local Planning Authority on plans BELL 17684 11 (Sheets 1 & 2), supported by the Landscape Management Plan (BELL 17684man.Doc April 2011), and the Landscape Specification (BELL 17684spec.Doc April 2011).

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CC6 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), and Policies OVS2 (a & b) and OVS3 (b) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. **Security features**

No development shall take place until details of security measures to be implemented within the development have been submitted to and approved in writing by the Local Planning Authority. Such security measures shall include the provision of electrically operated gates for the rear parking courtyards, the provision of electrically operated gates for the carports within the flats-over-garage (FOG) units, and the provision to secure the pedestrian access to the parking court to the rear of Units 10 and 22.

Reason: These areas have been identified as vulnerable points within the development in terms of safety and crime prevention. This condition is imposed in accordance with PPS1, Policy OVS11 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Part 1 (Achieving Design Quality) of Supplementary Planning Document Quality Design (2006), and ODPM Safer Places (2004).

12. **Details of parking spaces**

No development shall take place until details of the parking spaces have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling hereby permitted shall be occupied until the parking spaces have been provided in accordance with the approved details. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To regularise the use of the available parking spaces, and to reduce the likelihood of roadside parking which would be a danger to road users. This condition is imposed to comply with Policies OVS2 and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

13. **Construction environmental management plan**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

1. Phasing of construction
2. Lorry routing and potential numbers
3. The parking of vehicles of site operatives and visitors
4. Loading and unloading of plant and materials
5. Storage of plant and materials used in constructing the development
6. The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate
7. Types of piling rig and earth moving machinery to be implemented, and measure proposed to mitigate the impact on construction operations
8. Temporary lighting to be used during the demolition and construction phases
9. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To minimise the potential impact on the environment, and to minimise the potential disturbance to neighbouring properties, during the construction period. This condition is imposed to comply with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. **Garages**

The garages hereby permitted shall be kept available for parking (of private motor cars and/or light goods vehicles) at all times. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garages.

Reason: To ensure that the garages are kept available for vehicle parking, in the interest of road safety. This condition is imposed to comply with Policies OVS2 and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. **Protection from external noise**

No development shall take place until details of a scheme of works for protecting the occupiers of the development from externally generated noise have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until all works forming part of the scheme have been completed.

Reason: The community centre to the north-west of the application site has been identified as a significant source of noise, which has the potential to cause unacceptable disturbance to residents if not properly mitigated. This condition is imposed in accordance with Policy NRM10 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), and Policies OVS2 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informative: The applicant is advised to refer to Planning Policy Guidance PPG 24, Planning and Noise (HMSO ISBN 0-11-752924-9). For further advice contact the Head of environmental health.

16. **Hours of work (PINS modified)**

Demolition or construction works shall not take place outside the following hours:
 7:30am to 6:30pm Mondays to Fridays;
 8:30am to 1:00pm Saturdays;
 nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers, in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. **Hours of deliveries (construction)**

During the demolition and construction works, no deliveries shall be taken at the site outside the following hours:

7:30am to 6:30pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding residents, in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. **Scheme to minimise dust**

No development shall take place until a scheme of works to minimise the effects of dust from the development has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be implemented in full.

Reason: To minimise the effects of dust during the redevelopment of the site. This condition is imposed in the interests of neighbouring amenity, and in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

19. **Full contaminated land**

Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until Parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has commenced, development works shall cease on that part of the site affected (as specified by the Local Planning Authority in writing) until Part 4 of this condition has been complied with in relation to that contamination.

Part 1 (Site Characterisation)

A scheme to assess the nature and extent of any contamination on the site (whether or not it originates on the site) shall be submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment, in addition to the assessment provided with the planning application, shall be completed in accordance with this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of their findings shall be produced, submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing and proposed) including buildings, pets, and service lines and pipes,
 - c. adjoining land,
 - d. groundwater and surface water,
 - e. ecological systems,
 - f. archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This report shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2 (Submission of Remediation Scheme)

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to, and approved in writing by, the Local Planning Authority. This scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, and site management procedures. The scheme shall 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.

Part 3 (Implementation of Approved Remediation Scheme)

No development shall take place (other than that required to carry out the remediation) until the approved remediation scheme has been carried out in accordance with its approved terms. The remediation scheme shall not be started until the expiry of two weeks from the date of written notification to the Local Planning Authority of the commencement of that remediation scheme. Following the completion of the measures identified in the approved remediation scheme, a verification report, which demonstrates the effectiveness of the remediation carried out, shall be submitted to and approved in writing by the Local Planning Authority.

Part 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time during the carrying out of the development hereby permitted that was not previously identified, 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 Part 1 of this Condition, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Part 2 of this Condition and submitted to, and approved in writing by, the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report shall be prepared and submitted to, and approved in writing by, the Local Planning Authority, in accordance with Part 3 of this Condition.

Part 5 (Long Term Monitoring and Maintenance)

A monitoring and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the monitoring of the long-term effectiveness of the proposed remediation over a period to be agreed in writing by the Local Planning Authority. The provision of reports on the same shall be prepared and submitted to, and approved in writing by, the Local Planning Authority.

Following completion of the measures identified in the monitoring and maintenance scheme, and after the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be prepared and submitted to, and approved in writing by, the Local Planning Authority. These reports shall be conducted in accordance with DEFRA and the

Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from contaminated land to future users of the land, users of neighbouring land, controlled waters, property and ecological systems are minimised. This condition is imposed in accordance with PPS23.

20. **Tree protection**

No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include protective fencing, all in accordance with BS5837:2005. No development works shall take place until the approved fencing has been erected and at least 2 working days notice has been given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or such a time as agreed in writing by the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protection areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified in Chapter 9 and detailed in Figure 2 of BS5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CC6 of the South East Plan (Regional Spatial Strategy for the South East of England 2009) and Policy OVS2(b) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

21. **Arboricultural method statement**

No development shall take place (including site clearance and any other preparatory works) until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CC6 of the South East Plan (Regional Spatial Strategy for the South East of England 2009) and Policy OVS2(b) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

22. **Tree protection – construction precautions**

No development shall take place (including site clearance and any other preparatory works) until details of the proposed foundations providing for the protection of the root zones of trees to be retained have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CC6 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), and Policy OVS2(b) of the

West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

23. **Arb supervision condition**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CC6 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), and Policy OVS2(b) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

24. **Removal of permitted development rights**

Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions or additions to the dwellings hereby permitted shall be constructed, or ancillary buildings or structures erected within the curtilages, unless planning permission has been granted in writing by the Local Planning Authority on an application made for that purpose.

Reason: The density of residential development on the application site is high. This condition is imposed to prevent the overdevelopment of the site, in the interests of respecting the character and appearance of the surrounding area, and to safeguard the amenities of the future residents. This condition is imposed in accordance with Policies CC6 and BE1 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), and Policies OVS2 and HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

25. **Bat tubs and swift nest boxes**

No development shall take place until details of the location of 5 bat tubes and a group of 5 swift nest boxes have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until all of the bat tubes and swift nest boxes have been provided in accordance with the approved details.

Reason: To prevent harm to bat and swift species. This condition is imposed in accordance with PPS9.

NB: The following locations are recommended:

- *Group of 5 Swift boxes - Under the eaves of south elevation of the block of flats.*
- *Bat tubes in the apex of the gable ends of:-*
 - *Plot 3 South Elevation*
 - *Plot 9 South Elevation*
 - *Plot 10 North Elevation*
 - *Plot 16 South Elevation*
 - *Plot 23 South-west Elevation*

Informatives

1. **Construction noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

2. **Bats**

All bats are protected by the Wildlife and Countryside Act 1981 (WCA) and the Conservation (Natural Habitat, &c.) Regulations 1994. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0118 9581222.

3. **Legal agreements**

This Decision Notice must be read in conjunction with the terms of [particulars of the Legal Agreements]. You are advised to ensure that you have all the necessary documents before development starts on site.

8.2 Reasons for refusal

1. **Lack of S106 (developer contributions)**

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within Circular 05/05, Policy CC7 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), Policy OVS3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and West Berkshire District Council's adopted SPG 4/04 (Delivering Investment from Sustainable Development).

2. **Lack of affordable housing provision**

The proposal fails to make provision for affordable housing. The application is therefore contrary to Circular 05/05, Policy H3 of the South East Plan (Regional Spatial Strategy for the South East of England 2009), Policies OVS3, HSG9 and HSG11 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), , and West Berkshire District Council's adopted SPG 4/04 (Delivering Investment from Sustainable Development).

3. **Lack of S278 (failure to link proposed footpath to Underwood Road)**

No mechanism has been provided, such as a Section 278 Legal Agreement, to connect the proposed new footpath to the public footway of Underwood Road. Consequently, insufficient consideration has been given to pedestrian routes through the site. The application is therefore contrary to Policy OVS2 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007), and to the guidance contained within Part 1 (Achieving Design Quality) of Supplementary Planning Document Quality Design (2006).

