

<b>Item No</b>	<b>Application No. and Parish</b>	<b>Proposal, Location and Applicant</b>
(1)	13/01934/FULD Tilehurst Parish Council	<p>Terrace of 3 x 3 bedroom and 1 x 2 bedroom houses, external works, car parking and access road. Replacement car parking off-site.</p> <p>Land To The Rear Of 9 - 15 High View, Calcot, Reading.</p> <p>Sovereign Housing Association LTD.</p>

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/01934/FULD>

**Recommendation Summary:**

To **DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1) and subject to the completion of a legal agreement by 5<sup>th</sup> December 2013.

OR

If the legal agreement is not completed by the 5<sup>th</sup> December 2013 to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** given the failure of the application to mitigate the impact of the development on the local Infrastructure as set out in section 8.2.

**Ward Members:**

Councillor Bedwell  
Councillor Argyle  
Councillor Gopal

**Reason for Committee Determination:**

Level of Objection (14 Letters of objection and petition with 47 signatures)

**Committee Site Visit:**

30<sup>th</sup> October 2013

**Contact Officer Details**

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## **1. Site History**

10/00124/FULD - Three 3 bedroom houses and one 2 bedroom house terraces together with external works, car parking and access road. Replacement car parking spaces off site. Refused. 17.03.2010

10/01441/FULD - Three 3 bedroom houses and one 2 bedroom house terraces together with external works, car parking and access road. Replacement car parking spaces off site. Approved. 14.10.2010

## **2. Publicity of Application**

Site Notice Expired: 17<sup>th</sup> October 2013  
Neighbour Notification Expired: 30<sup>th</sup> September 2013

## **3. Consultations and Representations**

**Parish Council:** No objections, subject S106 contributions.

**Highways:** A transport statement was submitted with the previous planning application with an updated schedule. The existing use of the site is a series of garage blocks. An exercise was undertaken during 2010 that revealed how many of the garages are in use and how many replacement car parking spaces were required. Seven car parking spaces are therefore proposed along the southern side of Highview, which is still considered acceptable. The parking area is within the red line that enables any conditions to be applied to secure their provision.

A new turning head for refuse vehicles is to be provided and will be adopted as public highway under Section 38 of the Highways Act 1980.

The footway fronting number 2 High View should link in with the new turning head with a dropped kerb if required.

The layout and car parking provision of two spaces per unit is acceptable.

**SuDS:** No objections. There is not much in the way of drainage information submitted, soakaways are mentioned in the text as a means of site drainage; the Design and Access Statement also mentions SuDS paving to the parking spaces;

Detail for the proposals (detailed plans, run-off and capacity calcs, ground investigation / permeability tests) can be conditioned if necessary.

<b>Environmental Health:</b>	No objections, the following concerns can be dealt with by conditions: <ul style="list-style-type: none"> <li>• Noise and dust from the demolition of the garages and from the construction of the new properties</li> <li>• Potential of contamination from previous use of site as garages</li> </ul>
<b>Ecology:</b>	No objections.
<b>Waste:</b>	No objection. The swept path has demonstrate that the refuse collection vehicles (the longest being 11.2 metres) can turn in the proposed area.
<b>Thames Water:</b>	No objection with regard to water infrastructure.
<b>Objection Letters:</b>	14 Letters of objection and a petition with 47 signatures <ul style="list-style-type: none"> <li>• The buildings are not in keeping with the character of the suburban area;</li> <li>• Overdevelopment of the area and loss of an open space;</li> <li>• Due to the slope of the site there are currently wide views enjoyed by residents and the public, that will be lost;</li> <li>• Impact upon neighbours amenity in terms of: <ul style="list-style-type: none"> <li>◦ Loss of privacy and overlooking;</li> <li>◦ Loss of light and overshadowing;</li> </ul> </li> <li>• There is currently no anti-social behaviour around the site, but there will be a potential for anti-social behaviour with rear access' to the new houses;</li> <li>• The current parking situation on High View and Royal Avenue is poor and there is existing high demand for garages within the area;</li> <li>• There will be an impact upon local wildlife habitats around the site;</li> <li>• There is asbestos in the garage roofs;</li> <li>• West Berkshire already has sufficient sites allocated to meet there 5 year housing land supply;</li> <li>• Previous approval (10/01441/FULD) was nullified;</li> <li>• New houses will impact upon neighbours property values;</li> </ul>

Alternative use for the site suggested: allotments or retirement bungalows.

## **4 Planning Policy**

4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026, July 2012 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF)
- By Design: urban design in the planning system: towards better practice (DETR/CABE)
- The Draft National Planning Practice Guidance (NPPG)

4.3 The policies within the West Berkshire Core Strategy (2006-2016) July 2012 attract full weight. The following policies are relevant to this application:

- Area Delivery Plan Policy 1 Spatial Strategy;
- Area Delivery Plan Policy 4 Eastern Area;
- CS 1 Delivering New homes and Retaining the Housing Stock;
- CS 4 Housing Type and Mix;
- CS 5 Infrastructure requirements;
- CS 13 Transport;
- CS 14 Design Principles;
- CS 15 Sustainable Construction and Energy Efficiency;
- CS 17 Biodiversity and Geodiversity;
- CS 19 Historic Environment and Landscape Character;

4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The following saved policies from the Local Plan are relevant to this application:

- HSG1: The Identification of Settlements for Planning Purposes;
- TRANS 1 : Meeting the Transport Needs for New Development;

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

- Supplementary Planning Document, Delivering Investment from Sustainable Development (adopted 2013)
- Supplementary Planning Document, Quality Design (June 2006)

## **5. Description of Development**

5.1 The application is for erection of a terrace consisting of three x 3 bed dwellings and one x 2 bed dwelling together with car parking and access roads. The site is currently occupied by garage blocks to the rear of 9-15 High View, Calcot.

5.2 Seven replacement car parking spaces are also proposed to replace the garages which are currently in use.

5.3 Previous application 10/01441/FULD was approved under delegated powers (15.10.10) for an identical scheme, the permission was never 'nullified' as claimed by objectors but was not implemented within the standard three year period and has now lapsed.

## **6. Consideration of the Proposal**

The main issues raised by the proposal are:

- 6.1 The principle of development;
- 6.2 The impact on the character of the area;
- 6.3 Impact on the highways and parking;
- 6.4 The impact on neighbouring amenity;
- 6.5 SuDS/ land drainage;
- 6.6 Ecology;
- 6.7 Contamination;
- 6.8 Developer contributions;
- 6.9 Other matters raised;
- 6.10 Assessment of sustainability;

### **6.1 Principle of development**

- 6.1.1 The application site is located within the settlement boundary of Calcot, in a residential area as defined in Local Plan Policy HSG1. Core Strategy Policy ADPP1 considers Calcot as an "Urban Area", where the focus of the majority of development will be. Within settlement boundaries there is a presumption in favour of development, subject to criteria set out within the relevant development plan policies.
- 6.1.2 Objectors have stated that "The housing land supply (2012) states there is already more than sufficient supply of housing land to meet the 5 year requirement" however it should be noted that, as a site with an outstanding permission in March 2011, application 10/01441/FULD would have been included in the housing land available calculation. In addition paragraph 5.7 of the Core Strategy states that windfall development will contribute towards meeting the overall housing land requirements when permitted.
- 6.1.3 The applicants commissioned a parking survey in 2010 and have supplied an updated to this. The updated survey indicates that 5 spaces will be required to replace garages which are used. Your officer understands that only those living locally were considered and garages which were rented by those not living in the local area were not considered to need alternative places for car parking. As these 5 spaces are to be replaced by 7 parking spaces on the south side of High View the principle of the loss of the garages and their replacement by four dwellings is acceptable.
- 6.1.4 The principle of development is therefore acceptable, subject to its compliance with other planning policies and material planning considerations.

## **6.2 Impact on the character of the area**

- 6.2.1 The NPPF looks for good quality development which has regard to the amenity of surrounding land users as well as Policy CS14 of the Core Strategy which seeks, amongst other things, to make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area.
- 6.2.2 The application site lies within an existing dense mid 20th Century residential estate. Development in the vicinity is a mixture of small to medium sized semi-detached housing and rows of terraced housing and bungalows. The area is well served by amenities, being within 200 metres of a local recreation ground, 500 metres of a supermarket and having several schools nearby, as well as having good access by public transport to local employment centres.
- 6.2.3 To the east of the site is a residential care home which, is at a lower level and screened from the site by substantial hedging. To the north are the dwellings in Royal Avenue and to the west other two storey dwellings in High View. To the south is a row of bungalows accessed from High View. The site is concrete and contains single story flat roofed garage blocks which are of no particular architectural merit.
- 6.2.4 The four houses are designed with half brick and half render and a slate tiled roof. The land falls away to the east so the terrace is stepped down slightly between plots 1 and 2 and between plots 3 and plot 4. There are small gables in the roof above the first floor windows, reducing the ridge and eaves height. The design and choice of materials is considered acceptable and to be in keeping with the varied style of surrounding houses, mostly built in the mid 20th century.
- 6.2.5 Although small, the size of the gardens are considered comparable to the bungalows to the south and smaller sites within the wider Calcot area. Policy CS4 notes that developments should make efficient use of land, with greater intensity of development at places with good public transport accessibility, it notes that in areas outside town centres, new residential development will predominantly consist of family sized housing which should achieve densities of between 30 and 50 dwellings per hectare. The proposal equates to 34 dwellings per hectare and is considered an appropriate density for the character of the area.

## **6.3 Impact on the highways and parking**

- 6.3.1 The existing use of the site is a garage block. During the previous application (10/01441/FULD) it was agreed that the provision of seven new parking spaces alongside High View was adequate to cater for those garages which were still in use, the updated transport statement has been assessed and is still considered to be acceptable in highways terms.
- 6.3.2 A swept path drawing for waste vehicles has been provided and the Highways and Waste Officers now consider this to be acceptable in highways terms.

## **6.4 Impact on neighbouring amenity**

- 6.4.1 The Core Principles of the NPPF state that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and Policy CS14 considers development should make a positive contribution to the

quality of life. As such amenity is an important issue to consider. The application site is bounded on a number of sides by residential dwellings and there are a number of properties that could be affected by development at this site.

6.4.2 **Sunlight & Daylight:** There is a change in levels across the site, both north to south and to a less extent east to west and the proposed dwellings will be set approximately 1.2m lower than the dwellings to the north (Royal Avenue).

6.4.3 In terms of any loss of daylight, the proposal has been assessed in accordance with "BRE Site Layout planning for daylight and sunlight: a guide to good practice". The relevant test on existing buildings (at 2.2) is that in the section drawn perpendicular to the existing window wall, the new development subtends an angle greater than 25 degrees to the horizontal measured from a point at the level of the lowest window. If this angle is less than 25 degrees for the whole of the development then it is unlikely to have a substantial effect on the diffuse daylight enjoyed by the existing building.

6.4.4 The horizontal baseline was taken at 1 metre above ground level for this assessment, from which point the angle to the proposed ridge is 10 degrees from Royal Avenue and 17 degrees from 9-15 High View. This is less than the critical 25 degrees, and therefore the development is considered acceptable in this respect.

6.4.5 In terms of any loss of sunlight, the BRE guidance (at 3.2) states that obstruction to sunlight may become an issue if (1) some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building, and (2) in the section drawn perpendicular to the existing window wall, the new development subtends an angle greater than 25 degrees to the horizontal measured from a point 2 metres above the ground (floor level). The dwellings at Royal Avenue are less than the critical 25 degrees, and therefore the development is considered acceptable in this respect

6.4.6 **Overlooking / privacy:** The issue of overlooking and loss of privacy has been considered from each of the neighbouring properties:

6.4.7 North, Royal Avenue: Due to the topography of the site the proposed dwellings are slightly lower than the dwellings in Royal Avenue, the first floor rear windows are now approximately 24 metres from the rear windows of the dwellings in Royal Avenue (plot 1) rising to 27 metres (plot 4). The Quality Design SPG (part 2) states that 21 metres is the accepted minimum window to window distance for first floor facing windows and in this suburban setting this distance is considered acceptable.

6.4.8 East and West: No windows are proposed in either of the side elevations. There are concerns regarding the overlooking of the rear of No2 High View as the proposed terrace is set much further back than the existing dwellings in High View. However, Plot 1 has been turned slightly and the closes window which could reduce the privacy of No 2 Highview is a bathroom window which can be conditioned to be obscure glazed.

6.4.9 South, 9 – 15 High View: To the south of the site is a row of bungalows which sit below the level of the proposed terrace. The bungalows are approximately 22 metres from the terrace. In front of the terrace is a proposed parking area for the four dwellings. This is to be screened by a tree and landscape barrier which will

reduce the impact and possible noise and disturbance of the parking area from the rear gardens of the bungalows.

6.4.10 **Overbearing:** The small gables in the roof above the first floor windows result in a eaves height of between 4 and 4.5 meters, when considered in relation to the distances from the boundaries it is not considered to be overbearing on the surrounding neighbours to the north and south.

6.4.11 Although the gabled end elevation of the proposed dwellings will be only 1 metre from the boundary to the west (2 High View) the new dwellings will be located approximately halfway down the garden and the relative low eaves and ridge hedge of the proposal are not considered to have a sufficiently detrimental impact upon amenity to warrant refusal of the application.

6.4.12 **Noise and disturbance:** Given its residential location, Environmental Health officers have raised concerns over potential disturbance to the surrounding neighbours during demolition and construction. However they considered conditions relating to hours of work and dust can overcome this.

6.4.13 In terms of the impact on amenity of neighbouring properties the proposed new dwellings are considered to be acceptable.

## **6.5 SuDS/Land drainage**

6.5.1 The SuDS officer has commented on the proposed plans and has requested details of the disposal of the site's surface water, this can be secured by condition.

## **6.6 Ecology,**

6.6.1 The Council's Ecologist has assessed the site in relation to the impact upon local wildlife and has raised no objections to the proposed new dwellings.

## **6.7 Contamination**

6.7.1 Environmental Health Officers has recommended a condition to ensure that risks from contamination to the future users of the land and neighbours are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and neighbours.

## **6.8 Developer contributions**

6.8.1 If this application is approved by committee the applicants have indicated they are willing to enter into a legal agreement to mitigate the impact of the development on local infrastructure and services. This is in accordance with Policy CS5 and the Council's SPD "Delivering Investment from Sustainable Development".

## **6.9 Other matters raised**

6.9.1 The applicant has confirmed the dwellings can achieve Code for Sustainable Homes Level 4. This is in accordance with Policy CS15

6.9.2 Other issues raised by objectors, such as property value and loss of views to the neighbouring dwellings are not planning considerations.

## **6.10 Presumption in favour of sustainable development**

6.10.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development being achieved with consideration being given to economic, social and environmental sustainability aspects of the proposal.

6.10.2 Providing new housing in sustainable locations has a clear social benefit which supports strong, vibrant and healthy communities. The NPPF clearly seeks to significantly boost the supply of housing and the application site is considered to be a suitable location for small scale windfall housing development. As such, it is considered that the proposal would have social benefits which weigh in favour of granting planning permission.

6.10.3 In terms of the economic role of planning, sustainable growth is supported, including the provision of infrastructure. The applicant will enter into a legal agreement with the Council to ensure the infrastructure, services and amenities made necessary by this development will be provided by way of developer contributions. It is also considered that the development would have short term economic benefits during the construction phase which weigh in favour of granting permission.

6.10.4 Contributing to protecting and enhancing our natural built environment is fundamental to fulfilling the environmental role of planning. The impact on the character and appearance of the surrounding area has been assessed and found to be acceptable and the addition of 4 dwellings in this location is not considered to have a harmful impact on its surroundings. As such, there are no environmental reasons to justify refusing planning permission.

6.10.5 For the above reasons it is considered that the proposed development is supported by the presumption in favour of sustainable development.

## **7. Conclusion**

7.1 Having taken account all of the relevant policy considerations and the other material considerations referred to above, and having regard to the reasons to support the proposal, the proposed development is recommended for approval subject to the conditions listed below and the completion of a S106 agreement.

## **8. Recommendation**

**DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1) and subject to the completion of a legal agreement by 5<sup>th</sup> December 2013.

### **8.1 Schedule of conditions**

**1. Full planning permission time limit**

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

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

**2. Standard approved plans**

The development hereby permitted shall be carried out in accordance with drawings titled 1304/1a, 1304/2f, 1304/3e, 1302/6a, 134/7d and ITB5016-GA-003B received on 6 September 2013 and 1304/4d received on 15 October 2013.

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

**3. Samples of materials**

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted 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 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 the National Planning Policy Framework (March 2012), Policy CS 14 of the West Berkshire Core Strategy 2006-2026.

**4 P.D Rights restriction**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no development which would otherwise be permitted by Schedule 2, Part 1 Classes A-E inclusive of that Order shall be carried out, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: To prevent the overdevelopment of the site and the amenity of adjoining properties, and in the interests of respecting the character and appearance of the surrounding area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

**5 Obscure glazing, No side windows**

The first floor bathroom window in plot 1 shall be fitted with obscure glass before the dwellings hereby permitted are brought into use, and the obscure glazing shall be permanently retained in position thereafter.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no windows shall be constructed at first floor level on the east and west elevations of the dwellings hereby permitted without planning permission being granted by the Local Planning

Authority in respect of an application made for that purpose.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026)

## **6 Levels**

No development shall take place until details of the floor levels and surrounding ground levels in relation to existing and proposed ground levels 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 dwelling and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy 2006-2026.

## **7 Code for Sustainable Homes**

The dwelling hereby permitted shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). The dwelling shall not be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

## **8 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. The dwelling hereby permitted shall not 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 the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy 2006-2016.

## **9 Hard Surfacing**

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. The dwelling hereby permitted shall not 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 the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

**10 Landscaping**

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following first occupation of the development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework (March 2012) and Policy CS18 of West Berkshire Core Strategy July 2012.

**11 Parking/turning in accord with plans (YHA24)**

The development shall not be brought into use until the turning areas, vehicle parking for the proposed dwellings and the seven replacement parking spaces have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

**12 Cycle parking (YHA35)**

The development shall not be brought into use until sheds for the cycle parking have been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March

2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**13 Access construction (YHA5A)**

The development shall not be brought into use until the access and turning head has been constructed in accordance with the approved drawing(s).

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

**14 Refuse facilities (YD9)**

No development shall commence until details of provision for the storage of refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter refuse shall be stored in accordance with these approved details.

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

**15 Hours of work condition**

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers, in accordance with the guidance within the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026) July 2012.

**16 Dust**

No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: To safeguard the living conditions of adjacent occupiers, in accordance with the guidance within the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026) July 2012.

**17 Contaminated Land**

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until part 1 to 4 of condition 17 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

**Part 1. Site Characterisation** - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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** - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Part 4. Reporting of Unexpected Contamination** - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local

Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **18. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years (to be agreed with the LPA), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must 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 land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **19. Suds**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with best practice and the proposed national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- g) Ensure any permeable areas are constructed on a permeable sub-base

- material such as Type 3 or reduced fines Type 1 material as appropriate;
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are occupied. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

#### Informatives:

##### **1 Approval Objections/Support Received**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

##### **2 Informative – Construction / Demolition 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.

##### **3 Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

##### **4 Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

##### **5 Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

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### **Thames Water**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**OR**

8.2 If the legal agreement is not completed by the 5<sup>th</sup> December 2013 to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reason:

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 the National Planning Policy Framework and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development.