

Item No.	Application No. and Parish	Proposal, Location and Applicant
(2)	12/02884/FULEXT Greenham	Redevelopment of existing sports facility, and erection of 40 dwellings, with associated parking, garages, access and landscaping. Greenacre Leisure Pyle Hill Newbury Berkshire RG14 7SW Bloor Homes Limited

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=12/02884/FULEXT>

Recommendation Summary: **The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the first completion of a s106 planning obligation.**

Ward Member(s): Councillors Drummond and Swift Hook.

Reason for Committee Determination: Major application and considerable public interest, plus more than 10 objections.

Committee Site Visit: 17th March 2014.

Contact Officer Details

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1. Site History

Considerable number relating to the sports centre e.g. extensions and lighting, new access road, and new tennis domes.

Most recent and relevant. 12/02939/comind. Land to the north - replacement sports facility with associated car parking. Withdrawn December 2013.

2. Publicity of Application

Press Notice Expired: 27th December 2012.

Site Notice Expired: Original - 2nd January 2013.

Amended plans: 16th May 2013.

Further amended plans on landscaping - expiry on 11th December 2013.

3. Consultations and Representations

Parish Council:	Continue to object to the application despite amended plans being received. No affordable housing being provided on site. Loss of a very valuable local sports facility.
Newbury Town Council	Concerns based upon impact on TPO trees, loss of a highly valued local sports facility, concerned about lack of affordable housing on the site, contrary to para. 74 in the NPPF of 2012.
Highways	No objections and there will be only a minor overall net gain in vehicle movements from the site. No s106 contribution sought. However amended plans sought on minor technical details.
Environment Agency	A satisfactory flood risk assessment has now been submitted. Original objection removed. Conditional permission.
Sport England	<p>Object to the application on original plans, since it will result in the loss of a much valued local sports facility, and consider that the proposed replacement facility, in terms of quantity particularly in respect of the 2 squash courts, is lacking. Does not comply with para. 74 in the NPPF.</p> <p>Amended response following update – note that a replacement facility of potentially equal value is to be provided off site so subject to an appropriate linking s106 agreement, objection removed.</p>
Ecologist	No objections.
Natural England	Do not object to the application as it will have no detrimental impact upon the adjacent SSSI.
Transport Policy Officer	No objections per se. The information provided for potential future housing occupants re. travel to and from the site other than by the private car, is satisfactory.

Planning Policy	Planning Policy - Core Strategy Policy CS1: Delivering New Homes and Retaining the Housing Stock states that new homes will be primarily developed on suitable previously developed land within settlements. The site has been identified through the SHLAA and assessed as potentially developable, with the loss of recreational facilities identified as a constraint to be addressed. The site is within the Greenham settlement boundary on previously developed land. It is not, however, currently regarded as a suitable previously developed site due to the existing use. Policies to protect community facilities mean that this site can only be considered suitable if the leisure facilities are re-provided in some manner. Elsewhere it is noted that the replacement facilities may not be adequate so this aspect of the objection is also not met.
Fire and Rescue	Possible need for further hydrants on the site.
Archaeology	No objections. Site is of no heritage significance.
Thames Water	No objections.
Housing Officer	Affordable housing. Under extant policy 30% of the dwellings [i.e. 12 units] will need to be for affordable purposes. NB - the applicants have submitted a confidential viability assessment [VA] which seeks to demonstrate that NO affordable units can be provided on site as to do otherwise would make the application scheme non viable, in the light of the provision of the new sports centre at the Rugby Club - See below.
Environmental Health	Recommends conditional planning permission.
Tree Officer	To be reported.
Newbury Society	Object on the basis of the loss of the Greenacre Leisure facilities. Also about the apparent lack of affordable housing.
MoD	No safeguarding objections.
Thames Valley Police	Some detailed comments regarding the precise layout of the housing scheme, in relation to resident safety and so forth. No objections per se.
Landscape Consultant	Recommends that the application should be rejected, on the basis that much of the valuable internal tree cover will be lost, so causing local visual impact, to the area's detriment.
S106 Contributions	PCT- £7693, Education - £157,760, Adult Social Care - £26,892, Public open space - £70,021, Libraries - £11,012, Waste - £2260.

Representations

83 letters of representation received. On original plans the Council has received 53 letters of objection. It should be stressed here that the vast majority of the objectors are not overly concerned with the introduction of new housing per se on the application site, but, rather, the ensuing loss of the valued sports centre as a consequence. These objections have been duly canvassed in the associated application for the new sports centre 12/02939/comind. However, this application has been subsequently withdrawn. Some distinct objections also correlate to the fact that no affordable housing is being provided, the increased traffic generation arising for the additional 40 dwellings which will be greater in their view than the sports centre flows, there is no need for additional housing in any event, and some detailed comments about the specific layout of the housing site which will impact upon adjoining amenity. Also loss of trees and current open space on the site which is attractive. A further 30 letters of objection received on the amended plans / information submitted, but again the same views apply as above i.e. the significant majority of the objections are based upon the loss of Greenacres as opposed to the new housing. Similar reasons as before.

4. Policy Considerations

The NPPF of 2012.

West Berkshire Core Strategy 2006 to 2026. Policies ADPP1 and 2, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS18, CS19.

West Berkshire District Local Plan 1991 to 2006 Saved Policy HSG1.

Delivering Investment from Sustainable Growth - adopted June 2013.

CIL Regulations 2010. Para 122.

5. Description of Development

- 5.1. The application site is a roughly rectangular plot of land about 1.73 ha in extent lying within the defined settlement boundary of Greenham as identified under saved policy HSG1 in the Local Plan 1991 to 2006. It comprises a partial brown field site, and partial green field site, in a highly sustainable location. It is occupied by Greenacres Leisure Centre, a privately owned business, built up initially in the 1970s, to date. There is a club house, three squash courts, tennis courts [indoor and outdoor] a 20m swimming pool, and studio, plus gym, with associated parking and amenity area. The sole vehicle access is derived off Pyle Hill to the east, whilst an open area of land lies to the north, with housing to the west and south. For clarity, the reason that the site is explained as being part green field, is due to the areas of open amenity space within the curtilage of the sports centre, which, according to a strict interpretation of the definitions of previously developed land in the NPPF, is green field. References to "brown field" in the remainder of this report is thus a generic term in the context of this definition.
- 5.2. The applicant is proposing to demolish all of the buildings on the site and erect in their place 40 dwellings - detached, semi detached and terraced units. 23 will be detached, 8 to be semi detached and the remainder [9 No.] will be terraced. Twelve of the units will be 4 bed, 23 will be three bed, and the remainder 2 bed [5 No.]. Most will be two storey but some will be 2.5 storey with rooms in the roof space. They will be of traditional design, and materials - red/orange brickwork and grey roof tiles. The houses are to be arranged around a circular spine road, with a small children's play area located to the west of the site. The access point will be in a similar location to the existing access point onto Pyle Hill. The present tree screen to the east of the site will remain in order to screen the housing from the public highway. Parking will be at the minimum of a 200% ratio i.e. no less than two spaces per dwelling, some having more. Each dwelling will have their own, individual,

garden plot, plus cycle parking - laid out as required. The houses will be of traditional design, being all 2 or 2.5 storey in height, with hipped roofs / dormers as designed. The character will be reminiscent of that in Pinchington Grange to the south - recently built out.

5.3. Town and Country Planning Environmental Impact Assessment Regulations, 2011.

The application site exceeds 0.5 ha in extent, and so accordingly, being an urban development scheme, falls to be considered under Schedule 2 Part 10[b] of the above Regulations. The Local Planning Authority is accordingly required to screen the application submitted, as to whether an Environmental Statement [ES] was needed. On the 17th December 2012, the Council determined, having regard to the advice in Schedule 3 of the Regulations, that no ES was required.

6. Consideration of the Proposal

6.1 Planning Policy.

The West Berkshire Core Strategy 2006 – 2026 is clearly the up to date document against which the application is required to be addressed, although saved policy HSG1 in the West Berkshire District Local Plan (Saved Policies 2007), is also of relevance.

6.2 In terms of the Core Strategy [CS], the following is apposite. Policy ADPP1 is the overarching spatial strategy, which seeks to direct most new development, including housing, within or adjacent existing settlement boundaries. In addition, the majority of new building will take place on previously developed land. The application site conforms to these two principal requirements/ tests.

6.3 Secondly, policy ADPP2 sets out the criteria in considering future housing within Newbury. It notes, inter alia, that some housing sites will be “windfall” sites as existing infill, identified through the SHLAA process [Strategic Housing Land Availability Assessment]. The proposal, if permitted, is categorised as a windfall site.

6.4 Thirdly, policy CS1 notes the number of new houses which the Council must/ should permit over the Plan period, being 10,500 net additional dwellings. If this application is permitted, this will add 40 units to that figure, in a highly sustainable location.

6.5 Planning policy CS5 sets out how the Council will seek to mitigate the impact of new occupants of housing have upon the District’s infrastructure and so on. It is understood that should the application be permitted, the applicant can enter into the required s106 obligation to ensure delivery of this funding. The total is just over £275,000. Policy CS6 notes that all new housing schemes on brown field sites where over 15 dwellings, must normally provide 30% affordable housing on site, i.e. 12 units. This is however subject to the appropriate viability testing as recognised in the NPPF. This issue is specifically addressed in detail below.

6.6 Policy CS13 sets out the issues which the Council needs to address in relation to highways matters. The new access onto Greenham Road is considered to be acceptable, as is the on site parking at 200% i.e. 2 parking spaces per dwelling. The internal road layout is also considered to be satisfactory. The highways officer has concluded that there will be an overall minor impact on the local highway network arising from an increased traffic generation from the site, over and above that created by the existing sports centre. The existing traffic generation is 217 two way movements over a 12 hour period, whilst that of the housing will be 225 daily over the same 12 hour period. A s106 highways contribution is accordingly not sought on this scheme as a freestanding application, but, clearly the associated traffic generation from the “partner” application for the new sports centre at the Rugby Club, also on this agenda, will need to be taken into account in terms of s 106 highways contributions.

- 6.7 Policy CS14 in the Core Strategy sets out the design principles which should be addressed, in considering planning proposals. The case officer has considered the submitted layout and house designs in some detail and has concluded that the scheme will create an attractive adjunct to the existing housing “estate” to the north, causing little, if any harm to local amenity. It will be well screened from Greenham Road to the east by existing tree buffering, and from views to the north by proposed additional screen planting on the northern boundary. Physical distinction from the Cedars to the south is considered to be adequate, whilst the overall housing density at 23 units per ha is considered to be low, and reflects the present character of the vicinity.
- 6.8 Policy CS15 corresponds to Sustainable construction. It is anticipated that should planning permission be granted, a condition will be applied ensuring code for sustainable homes level 4 will be achieved. Next, policy CS18 in the Strategy seeks to retain green infrastructure [GI] wherever possible in the District. Under the definitions, open / outdoor sports facilities are included as such infrastructure. So, in normal circumstances, the loss of such GI is not accepted, unless suitable replacement GI is provided elsewhere. In this case, via the proposed linking s 106 agreement [see below] between this application and number 13/02581/comind, officers consider the loss is acceptable. This is clearly a balancing act in the light of the loss of a valuable community sports facility, but officers consider that so long as the implementation of this application is clearly linked to the implementation of the new sports centre at the Rugby Club, such objections should pass away.
- 6.9 Finally, policy CS19 in the Plan seeks to conserve and enhance where possible existing landscape character. The presence of Greenacres on the northern sector of Greenham undoubtedly adds to the visual softening of the area, adjacent the “gap”. It is envisaged that this soft character will be inevitably diminished by the introduction of the new housing, which is substantially more built development than that as existing on site. Balanced against this visual harm [as the Council’s landscape consultant alludes to] is the fact that not only will 40 more houses be permitted in a sustainable location, but, the Council has the opportunity to seize a very modern sports centre, also to the south of Newbury. It will be reiterated below, but the Council has no planning control whatsoever over the potential future closure of Greenacres, which is a private facility. Unless of course this application is approved, and an associated s106 agreement will then ensure the retention of Greenacres for a certain period i.e. 12 months after Stax leisure purchase [part] of the Rugby Club site. This should be borne in mind, when applying the planning balance, having regard to the relevant policy tests, and any physical “harm”/ benefits arising, from the new housing.
- 6.10 The National Planning Policy Framework of 2012.

The Government published the above in March 2012. It is the strategic/ national planning policy advice, and is especially useful where local policy is out of date and/or silent. Paragraph 47 notes that Local Planning Authorities should encourage the supply of much needed housing wherever possible, and in para 48 notes that an allowance should be made for windfall sites, such as this application. Perhaps of more significance is the section on promoting healthy communities, para 69 onwards. In particular, Councils should guard against the loss of valued facilities, which includes sports centres. Furthermore, para 74 notes that sports buildings [inter alia] should not be redeveloped unless it is clearly shown that they are not required. In this District, there can be no doubt that Greenacres is a highly valued and important local and well established sports centre, which is important not only for sport but also health and social/ community cohesion reasons, as espoused in the NPPF. Accordingly, if the applicant does not put in place a mechanism by which a suitable replacement facility can be provided, the application would certainly be recommended for refusal by officers. However Members will know elsewhere on the agenda that this is what is specifically promoted at the Rugby Club.

6.11 The principal question thus remains as to whether that replacement facility, in terms of both location and quality/size, is sufficient to meet not only the advice in the NPPF, but also the objection/ advice made by Sport England, and of course the local objectors. This is examined in detail in that other report, as this application must consider simply the principle of the loss, and the housing scheme itself. Suffice it to say that officers consider the new sports centre, with the exception of the loss of one squash court, will be a significant improvement over Greenacres, which has not seen any substantial investment over the last few years. It will accordingly fully comply with the advice in the NPPF.

6.12 Housing layout.

In regard to both policies HSG1 and CS14, noted already, it is important for the Council to examine the impact, if any, the new housing will have upon not only proposed internal amenity, but also external amenity, in terms of existing surrounding housing to the west and south. The case officer has examined the layout in some detail, and is satisfied that the amended layout meets all the minimum design criteria for distances between housing, in order to respect such amenity. For example, plots 3, 5 and 9 on the south perimeter of the site have minimum separation of 21m, 28m and 23m respectively to the closest houses to the south in The Cedars, [back to back] whilst plot 7 is 15m from the closest dwelling to the south and this is a rear to flank elevation. Otherwise, the nearest dwellings are on the west boundary to Hook Close.

6.13 The closest relationship is between plot 17 [end terrace of three] with No. 7 Hook Close - flank to flank elevation. This is 6m. The roof of plot 17 also has a full hip roof to reduce any impact further. Given that the existing Greenacres building is very close up to the party boundary, so already has a dominant impact upon the existing housing, this layout is considered to be satisfactory. Other minimum distances are 15m and 20m respectively between plots 19 and 18. [rear to flank]. In regard to proposed internal amenity and layout, there is just one problem between plots 21 and 34, plus 23 and 32, within the internal loop. Their back to back distances are 20, not 21m. Amended plans have been requested to rectify this situation. Otherwise, the layout is considered to be satisfactory. The applicant has submitted street scene elevations, which depict an attractive and varied scene, which will be acceptable for the locality.

6.14 Accordingly, the application is believed to fully comply with the advice in policies HSG1 and CS14 in terms of amenity. It assists of course that the housing scheme is to the north and east of existing housing, so impact due to any loss of light will be minimised.

6.15. Visual Impact.

The applicants have submitted a comprehensive and well produced Visual Impact Analysis of the proposed site, which has been examined by the case officer. The report concludes that given the fairly well contained urban fringe nature of the local plateau landscape, and the fact that substantial buildings are already located on site [such as the tennis domes - to be demolished] - the introduction of the housing will not have a detrimental impact upon the area. This is assisted by the fact that the whole of the application site lies within the defined settlement boundary of the town/ parish, and the number of public viewpoints of the site are relatively limited, having regard to the local footpath network, and the range of existing mature trees, particularly on the eastern boundary, to be retained and enhanced. In addition, a new tree belt is to be planted up on the north perimeter, which will further assist in screening the development from the north and Greenham Road viewpoints. Indeed it is concluded that there are no long distance views of the site [in excess of 1km] available and only limited middle distance views. Having said that, the visual impact [not landscape impact] for existing residents, particularly to the south of the application site, will be substantial to moderate, in terms of private views, which will diminish over time as local landscaping matures.

6.16 The Committee will know that private view loss, unless demonstrable harm to amenity is proven, is not a planning issue, however. Having regard to the advice in policy CS19, in the Core Strategy, which deals with, inter alia, landscape character, the loss of Greenacres and the insertion of the 40 dwellings with associated garaging etc will have a minimal impact on the local landscape integrity and quality. It is thus considered acceptable in this regard.

6.17. Submitted Viability Assessment and affordable housing.

The Committee may be aware that the applicant has submitted an amended viability appraisal for the scheme as a whole, in relation to the delivery of the new off site sports centre. This has been submitted, in the light of not only guidance within para 5.30 of policy CS6 in the Core Strategy, corresponding to affordable housing, but also the specific advice in the NPPF – paragraph 173 in particular. Just to set the details out. Policy CS6 would normally require that 30% of the 40 units are to be affordable i.e. 12 units. Unless a viability assessment suggests otherwise, as noted in the NPPF. The Council has asked that an independent assessor be retained, to examine the submitted appraisal, in order to see if it fully justifies no affordable housing being provided on site, but an allowance still made for the s106 contributions - currently standing at a total of £275,638. The further £127,000 s106 highways contribution at the Monks Lane site also needs to be taken into consideration, in the viability appraisal. It is understood that Bloor Homes will be paying the highways contribution for Stax Leisure in addition, so further affecting their viability position. Finally, just for clarity, for reasons of commercial confidentiality, the figures employed in the actual assessment cannot be made public.

6.18 A number of factors militate against the ability of the developer to provide affordable housing on site, namely the agreed purchase prices for both sites, and the fact that land contamination remediation costs are likely to be high at Greenacres, given the landfill site to the north with the ongoing potential for gas migration to be contained properly. The conclusion of the Council's independent report is that with the current market housing prices, the land costs noted and so on, no affordable housing should be supplied on the site, if it is to be viable, meeting a normal developer profit expectation of 20%, on gross development value. Whilst a number of minor queries have been raised by the assessor, which have been responded to by the applicant, your officers fully concur with the reports conclusions. That is, if the Council were to require even a lower percentage of affordable housing on site [e.g. 10%] this would effectively place the whole scheme in jeopardy, and so the delivery of the new leisure centre at Monks Lane.

6.19 Whilst officers do not wish to diminish in any way the clear and continuing importance of affordable housing delivery across the District, to put the 12 units in context; at the first stage of the Racecourse site [11/00723/ resmaj refers], 127 affordable housing units are being provided, by the Developer, at present. In addition, for example, under a recent planning permission at Himley Lodge in the centre of town it is expected that 11 further affordable dwellings will be soon provided. It will be for the Committee to consider the balance of advantage in regard to the affordable housing issue, and the new sports centre.

7. Conclusion

7.1. This is a difficult application for the Committee to assess, given the range of issues which need to be carefully taken into account, in arriving at a suitable determination. The following issues are apposite:-

7.2. In favour of the application.

The construction of 40 houses, on a largely [but not wholly] brown field site, in a sustainable location.

The construction of an off-site new sports centre, which will be a significant future asset for the town as a whole.

The provision of the required s106 planning obligation funding to mitigate the impact of the proposed developments.

The minimal visual impact of the proposals.

7.3. Against the application.

The non-provision of 12 much needed affordable housing units.

The loss of the Greenacre Leisure facility. A much valued local facility. However, it is to be replaced elsewhere.

The view of officers, is that whilst the non-delivery of the affordable housing is regrettable, it is fully justified having regard to the opportunity to realise the new sports centre elsewhere, and the fact that Greenacres could close at any time, outwith planning control.

In conclusion, having regard to the strong reasons to support the application, a favourable recommendation is made to GRANT conditional planning permission for the application in question. This recommendation is made on the basis that the planning permission is only linked to an agreement that ensures the delivery of the sports centre as applied for under application number 13/02581/comind, the required s 106 funding noted, and the delivery of an additional rugby club pitch at the Monks Lane site. It is expected in the update sheet that the proposed draft heads of terms of the s106 obligation will be set out.

8. Full Recommendation

The Head of Planning and Countryside be authorised to GRANT planning permission subject to the first completion of the required s 106 planning obligation. This to include all the funding contributions noted, plus the linkage of the implementation of the housing with the implementation /funding of the new sports centre at the Rugby Club.

If for any reason the required s 106 obligation is not completed by the end of December 2014, the application, if expedient be refused for the following reason.

Notwithstanding the applicants willingness to do so , the required s 106 planning obligation has not been completed, which would mitigate the impact the new housing occupants would have upon the Council's infrastructure, facilities and services, plus provide the necessary linkage between the delivery of the housing site, with the delivery of the new sports centre noted. Accordingly, the application is contrary to the advice in the NPPF, policy CS5 in the West Berkshire Core Strategy 2006 to 2026, para 122 of the CIL Regulations of 2010, and the advice in the document Delivering Investment from Sustainable Development June 2013. It is thus unacceptable.

CONDITIONS.

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2010.

2. No development shall commence, until samples of the materials to be used in the proposed development have been submitted on the application site, and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the

submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

3. The development layout shall be as in the amended plan number 57285:1F.

Reason: To clarify the planning permission.

4. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with policy CS14 and CS19 of the West Berkshire Core Strategy 2006 to 2026.

5. The hours of work for all contractors (and sub-contractors) for the duration of the site development, which shall include demolition, shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

6. The dwellings 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). No dwelling shall 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).

7. 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 conditions 1 to 4 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 condition 4 has been complied with in relation to that contamination.

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'.

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.

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.

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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition 3.

5. Long Term Monitoring and Maintenance (If required)

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with 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. In accord with the advice in the NPPF of 2012.

8. 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: In the interests of the amenities of neighbouring occupiers. In accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

9. No development shall commence until a Construction Management Plan has been submitted to the Local Planning Authority. The plan should detail items such as phasing of construction, lorry routing and potential numbers, types of piling rig and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations. In addition the plan should make note of any temporary lighting that will be used during the construction phase of the development. The plan shall be implemented in full and retained until the development has been constructed. Any deviation from this Statement shall be first agreed in writing with the Local Planning Authority.

Reason: To ensure potential disruption is minimised as much as possible during construction in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons .Shallow foundations are proposed for the dwellings, which would be acceptable, however the design has not been finalised and deep piles or ground improvement works have the potential to mobilise contaminants or create new contaminant pathways from the adjacent landfill. In accord with the advice in the NPPF of 2012.

11. No infiltration of surface water drainage into the ground that is contaminated is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason. While the site has low levels of contamination identified it is possible that infiltration has the potential to mobilise contaminants migrating from the adjacent landfill site which have the potential to reach nearby ponds and watercourses to the south. In accord with advice in the NPPF of 2012.

12. All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing numbers Drawing No. 0067 'Landscape Strategy Plan'. 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 CS18 of the West Berkshire Core Strategy 2006 to 2026.

13. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

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 CS18 of West Berkshire Core Strategy 2006 to 2026.

14. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted 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 CS18 of the West Berkshire Core Strategy 2006 to 2026.

15. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and 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.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

16. 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. In addition, no development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.

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 CS18 of West Berkshire Core Strategy 2006 to 2026.

17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. No dwelling shall be occupied until the visibility splays at the site access have been provided in accordance with the amended drawing received electronically on the 7th March 2014. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6m metres above the carriageway level.

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

19. No dwelling shall be occupied until the vehicle parking and/or turning space 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).

20. No dwelling shall be occupied until the site access onto Greenham Road/ Pyle Hill 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).

21. No dwelling shall be occupied until the cycle parking has 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).

22. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

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

Informatives.

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

DC