

Item No.	Application No. and Parish	Proposal, Location and Applicant
(3)	14/00101/FULD Newbury Town Council	Erection of 3 two storey three bedroom houses with attached garages. Land At Wallis Gardens, Adjoining West Berks Bowls Club, Pyle Hill, Newbury, RG14 7SW West Berks Bowls Association Ltd

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/00101/FULD>

Recommendation Summary:

To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Planning Permission subject to the schedule of conditions (section 8) and the completion of a Section 106 legal agreement within two months of the date of Committee.

OR

If the s106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure, where expedient.

Ward Member(s):

Cllr B Drummond and Cllr J Swift-Hook

Reason for Committee Determination:

At the request of Cllr J Swift-Hook

Committee Site Visit:

3rd April 2014

Contact Officer Details	
Name:	Mrs Sue Etheridge
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1. Site History

No recent relevant planning history relating to this site. It is noted that the existing 13 dwellings which currently form Wallis Gardens were constructed following planning permission 03/01990/FULMAJ

2. Publicity of Application

Site Notice Expired: 26th February 2014
Neighbour Notification Expiry 25th February 2014

3. Consultations and Representations

Newbury Town Council:	Objection/comment: Concern raised at narrow width of road, additional cars will increase the problem of access and turning; waste vehicles already have problems accessing the road; concern at overlooking of existing properties and possible overlooking of school playing field. If the development were to proceed, a £3,531 S106 contribution is requested towards the medium term plans to improve nearby open spaces / playgrounds on the nearby Nightingales estate.
Highways:	No objection. Concern that garages may not be used for parking of vehicles. Could be removed/ replaced with car ports. Noted that in the past residents in Wallis Gardens have parked on road causing problems for delivery/ waste collection vehicles. Revisions requested to secure visibility splays by removing piers/ railings either side of accesses; remove hard standing area shown for bin stores to avoid visibility being hampered. Cycle storage sheds are sufficient size for two cycles per dwelling. Conditions suggested.
Thames Water	No objection. Comments regarding surface water drainage and water pressure. No objections regarding sewerage infrastructure capacity and water supply.
Waste Management	No concerns with regard to the collection and storage of refuse and recycling from the proposed new properties. However, there have been problems in the past gaining access to Wallis Gardens due to vehicles parking on the bend in the road and narrowing the access. Whilst this does appear to have been resolved following contact with the residents in March 2013, it is possible that three additional properties may exacerbate the problem.
Environmental Health:	Please note that there is no requirement for a hard-standing bin storage point to be provided for individual properties. Site lies on a former landfill site and is within 40m of Pinchington Lane Land Fill site. The site is currently being used in a commercial setting however the proposal is to change this to a more sensitive land use which could possibly open new contamination pathways to potential residents.
	Residential properties already exist in the locality therefore disturbance could be caused by the proposed construction activities. Full contaminated land condition and hours of work during construction conditions requested.

Tree Officer:	No objection. There are no trees on site to be impacted. The site is sandwiched between existing development and the Bowls Club and sheltered by close board fencing, therefore a significant, carefully considered Landscaping scheme, including long lived small to medium sized trees and hedging will be required to screen the development and break up its outline in the urban setting. Landscaping scheme requested.
Ecology:	Two areas of concern. If the developer altered the position of the gully grids in relation to the position of the kerbs, when putting in the required drop kerbs. There is currently a 3cm berm at the base of the kerbs to prevent Great Crested Newts from falling into the gully pots and getting trapped. This berm must be retained. The grassland should be carefully checked by an ecologist for GCNs immediately prior to works starting on site, and animals found should be released next to the pond to the north of this site. Suitably worded conditions could be attached
Newbury Society:	The Society supports the objections raised by present residents of Wallis Gardens to this proposal to build three further houses on land owned by the Indoor Bowls Club. It would create a blind corner at the 90-degree bend in Wallis Gardens which, given that the width of the road is the legal minimum of about 4.25 metres, would be dangerous. We understand that the estate was originally built on the understanding that there would be a clear field of view across this corner, which the proposed houses would obstruct. We also support the objections to a rear access to the gardens of the proposed houses, which will result in parking in the one area available in the road as a turning circle. A resident has suggested to us that the application would compromise the present emergency exit from the rear of the Bowls Club, a point which you may care to look into. In the event that the application is approved, the materials and design of the houses should be consistent with the 13 present dwellings.
Developer Contributions:	Education: £15,487.66 Highways: £9,900 Public Open Space: £3,531 Libraries: £921 Adult Social Care: £2187 Waste Services: £168.80
Correspondence:	Six letters of representation received. Main concerns relate to existing road layout with sharp 90 degree turn and difficulties for refuse collection, emergency vehicles and lack of parking/ visitor parking. The proposal will exacerbate the situation and also affect clear visibility. Orientation which will overlook The Willows School and other properties. Loss of outlook. Conflict of rear accesses with existing car parking spaces. Lack of detail relating to boundary treatments and landscaping. Lack of local engagement prior to submission.

4. Policy Considerations

4.1 The West Berkshire Core Strategy 2006 – 2026 has been adopted by the Council and forms the Local development Plan. The following policies carry significant weight in the decision making process:

- National Planning Policy Framework
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- CS 1 Delivering New Homes and Retaining the Housing Stock
- CS 4 Housing Type and Mix
- CS 5 Infrastructure Requirements and Delivery
- CS 13 Transport
- CS 14 Design Principles
- CS 15 Sustainable Construction and Energy Efficiency
- CS 16 Flooding
- CS 17 Biodiversity and Geodiversity

4.2 The West Berkshire Core Strategy replaced a number of planning policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following policies remain in place until they are replaced by Development Plan Documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- Circular 11/95 - The use of conditions in planning permissions.
- Delivering Investment from Sustainable Development SPD June 2013
- Supplementary Planning Document "Quality Design" (adopted June 2006).
- Newbury Town Design Statement

5. Description of Development

5.1 The application site lies within the identified settlement of Newbury, on land which forms an area of unused grassland to the West of West Berkshire Bowls Club. Access to the site is off Greenham Road (Pyle Hill). This access serves the Bowls Club and 13 existing dwellings in Wallis Gardens. Land immediately to the east contains the Bowls Club and associated car parking, to the north-west is the Willows Primary School, existing housing lies to the west and south. Further to the south is open land which includes a habitat for great crested newts. The site is surrounded on three sides by a brick and metal railing wall, comprising 1000mm wall, 1980mm piers with 900mm railing between. The site is open to the Bowls Club on the eastern side.

5.2 The application seeks planning permission for the erection of three two storey detached dwellings, each with three bedrooms. The submitted layout is for one link detached dwelling and a pair of semi detached dwellings each with a garage and single storey element providing a study to the side. The appearance, eaves and ridge height will be similar to existing dwellings in Wallis Gardens, with materials to blend in with existing. The dwellings are orientated northwest-southeast with rear gardens to the southeast. Dropped kerbs on the northern boundary would provide individual vehicular access to each dwelling and their two car parking spaces (one within the garage). Each dwelling would also have a pedestrian access into the rear garden to the south-east. The existing brick and metal railing wall is to be retained with a new close boarded fence forming the new boundary with the Bowls Club.

5.3 Each dwelling would have a rear garden area of approximately 75 sqm and the fronts would be set back from the pavement by 5 metres (closest point of single storey projecting bay). The rear of each dwelling would be 23 metres from the front of Nos. 11, 12 and 13 Wallis Gardens. The fronts would be 12 metres from the boundary with the school, which is formed by a metal fence and over 60 metres from the main school buildings with school grounds and play areas between. During consideration of the application, the proposed dwelling on the south-west side has been handed. This allows a gap of 10 metres from front of the existing dwellings (3 and 4 Wallis Gardens) to the proposed single storey garage and 12.5 metres to the flank wall. Proposed hard standing areas for bin stores in the front gardens have also been removed.

6. Consideration of the Proposal

The main issues to consider are:-

- 6.1 The principle of the development
- 6.2 The impact on the character of the area
- 6.3 Impact on neighbouring properties and residential amenity
- 6.4 Impact on highway safety and parking
- 6.5 Developer contributions
- 6.6 Other Matters

6.1 Principle of development

6.1.1 The site lies within the identified settlement of Newbury and forms part of the land owned by West Berkshire Bowls Club. The land is not in use by the Bowls Club and currently not landscaped. Development for new dwellings within sustainable locations is normally supported subject to other material planning considerations which are considered below. The majority of development will take place on previously developed land and other suitable land within settlement boundaries. Development of this site would, in principle, be in accordance with advice set out in Policies ADPP1, CS1 and CS 4 of the Core Strategy, Policy HSG 1 of the West Berkshire Local Plan saved policies 2007 and advice contained within the NPPF.

6.2 The impact on the character of the area

6.2.1 The application site is currently undeveloped land within a cul-de-sac which comprises a Bowls Club fronting Pyle Hill and 13 two and three storey link detached, semi detached and terraced three bedroom dwellings at the western end of the cul-de-sac. The proposed dwellings will be of similar design, scale and density to the existing dwellings. The proposed appearance and size of the new dwellings and plot size would relate well to the character of the area.

6.2.2 The new dwellings would be orientated northwest-southeast on the site. This would mean that the rear of the dwellings would face the front of existing dwellings to the southeast. A rear to front spacing of 23 metres is proposed. The side elevation of the western-most dwelling would be 12.5 metres from the front of existing link detached dwellings, the single storey garage would be 2.5 metres closer. This relationship is considered acceptable in terms of the built character of the area.

6.2.3 During consideration of the application alternative orientation has been assessed. However the degree of separation would be compromised and a greater level of overlooking may result. The position of drive ways serving dwellings on both sides of the road could also affect the character of the area and highway safety (considered below).

- 6.2.4 The existing boundary to three sides of the site comprises a brick wall with metal railings above. This is to be retained, apart from sections of the wall to the front which must be removed/ lowered to provide visibility splays from proposed driveways. This wall around the site contributes to the character of the area. In order to ensure privacy within the rear gardens some of the existing railings should be replaced by close boarded fence panels. The north-eastern boundary to the Bowls Club is to be formed by 1.8 metre high close boarded fencing, whilst to the rear this would be acceptable a less harsh treatment should be secured to the front. Details of boundary treatments could be secured by condition.
- 6.2.5 There are no trees or landscaping on the site. This new development will provide the opportunity to secure a considered landscape scheme to soften the built form within the locality. A suitably worded condition could be attached.
- 6.2.6 It is considered that the proposed new dwellings will relate well to the existing built character of the area and would not demonstrably harm the visual character of the area. This would be in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026, advice contained within the NPPF and the Supplementary Planning Document "Quality Design" (adopted June 2006). It is suggested that Permitted Development Rights (PD Rights) in respect of extensions to the dwellings are removed, so that the plots do not become overdeveloped and result in harm to the character of the area. (PD Rights for the 13 existing dwellings were removed (03/ 01990).

6.3 The impact on neighbouring properties and residential amenity

- 6.3.1 One of the core planning principles of the NPPF (paragraph 17) seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is further supported in the Council's SPD on Quality Design 'Part 2 Residential Development'.
- 6.3.2 The siting of the new dwellings will relate well to existing dwellings and other neighbouring uses. Distances between dwellings meet current guidelines (SPD Quality Design) (as discussed above). There would be no direct overlooking resulting in harm to residential amenity. It is suggested that permitted development rights allowing further windows at first floor and above be removed so that any potential for overlooking or perception of impact to privacy can be controlled.
- 6.3.3 It is noted that concern has been expressed regarding loss of outlook. Whilst this is unfortunate there is no right to a view. Within an urban situation development and new development which meets minimum space guidelines and is in character of the established built form is normally permissible.
- 6.3.4 Concern has been expressed regarding the potential for overlooking the school play area. The School has been notified of the application and no representation has been received. A 2 metre high metal fence forms the boundary to the school. The new dwellings would be 12 metres from this boundary and over 60 metres from the school buildings. It is not considered that amenity of the school or pupils would be unduly harmed.
- 6.3.5 The Environmental Health Officer has requested a condition limiting construction working hours due to the close proximity to existing dwellings. This can be secured by condition.
- 6.3.6 The application is therefore not considered to result in any significant detrimental impact on the amenities of neighbouring properties in accordance with the National Planning Policy Framework as well as Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document – Quality Design.

6.4 The impact on highway safety and parking

6.4.1 The application has been reviewed by the Council's Highway Officer and Waste Services Officer. The application proposes two parking spaces per dwelling (one within each garage) and a cycle storage container in each rear garden. A rear pedestrian access to each dwelling is also shown. During consideration of the application the Highway Officer has requested the removal of the garages (to ensure sufficient parking), reduction in the height of the boundary wall to provide visibility splays and removal of bin storage area to front gardens. Amended plans have been received, although garages are to be retained.

6.4.2 The site layout meets current highway standards in terms of vehicle and cycle parking provision and visibility splays. Suitable conditions to retain parking/ garage use and visibility splays are suggested. Therefore there would be no adverse impact in terms of highway safety. The amended plans received now show a reduction of the height of the existing boundary wall at the corner to the point where it intersects the proposed garage. The removal of the existing wall will provide a greater level of forward visibility around this corner than existing.

6.4.3 Local residents have expressed concerns regarding access for refuse and emergency vehicles, visitor parking and conflict between users of parking to the rear of the proposed dwellings and existing parking spaces to the south-east of the application site.

6.4.4 The Waste Services Officer has confirmed that in the past there have been occasions where, due to inconsiderate parking on the highway, refuse vehicles have not been able to negotiate the 90 degree left turn to existing houses and the turning head. This has resulted in missed collections. It is not considered that this proposed development will exacerbate this situation providing vehicles are considerate in parking on collection day. The proposal provides in excess of the 1.5 spaces per dwelling currently required (West Berkshire standards) to meet off street parking requirements. It is noted that a letter was sent in March 2013 to the residents requesting no parking on the highway on collection day between 0700 and 1800 hours to avoid the possibility of missed collections.

6.4.5 The Highway Officer is satisfied that the proposal provides sufficient off street parking for residents and visitors. Whilst the new dropped kerbs to serve the new dwellings will mean that other visitors to Wallis Gardens may need to park on the street further away from the dwellings there are no parking restrictions on the highway. With regard to the rear access to the new dwellings, there is sufficient space for these accesses, which are shown through the existing boundary wall, to avoid conflict with users of the three parking spaces to the south-east. These rear accesses may also be used for exiting the premises with waste and recycling bins to be placed on the kerbside ready for collection. The Highway Officer raises no objection to the use of these accesses for this purpose.

6.4.6 Given the fact that the site occupies a corner plot, where it is acknowledged that road side parking occurs, the applicant should be requested for a Construction Management Plan. This would ensure construction traffic is managed and would avoid conflict with existing local residents. Access through the Bowls Club car park for construction traffic could be considered. A suitably worded condition is suggested.

6.4.7 The proposal is considered acceptable and would not introduce any significant concerns in respect of highway safety in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the WBDLP of the West Berkshire Distract Local Plan saved policies 2007.

6.5 Developer Contributions

- 6.5.1 Developer contributions are sought to mitigate the impact of the development on local infrastructure and services and are detailed above. The applicant has indicated that an appropriate legal agreement to secure these contributions would be acceptable.
- 6.5.2 Subject to the Committee resolution the required contributions will be secured through a legal agreement.
- 6.5.3 This would be in compliance with policy CS 5 of the Core Strategy, advice contained within the NPPF and SPD Delivering Investment from Sustainable Development June 2013

6.6 Other Matters

Contamination

- 6.6.1 The Environmental Health Officer has advised that the site lies on a former landfill site and is within 40 metres of the Pinchington Lane land fill site. The change in use of this land from a commercial use (Bowls Club) to a more sensitive use could possibly open new contamination pathways to future residents. A full contaminated land condition is suggested.
- 6.6.2 It is noted that contamination mitigation measures were agreed as part of the 03/01990 permission. These have been implemented with gas vents located to the South of the site.

Ecology

- 6.6.3 The Council's Ecologist has commented on the impact on Great Crested Newts, a protected species. Under the permission for the 13 existing dwellings mitigation measures were secured. These should not be compromised as a result of the current proposal. Conditions to ensure gully grids are not altered (There is currently a 3cm berm at the base of the kerbs to prevent Great Crested Newts from falling into the gully pots and getting trapped. This berm must be retained) and checking of the grassland immediately prior to the commencement of works on site for Newts and any found should be released next to the pond to the south of this site have been suggested. Any permission should include these conditions.
- 6.6.4 It is noted that mitigation measures were agreed as part of the 03/01990 permission. These included drop kerbs at each gully pot and the setting out of the gully pot by 1-2 inches; Habitat management along the strip of land to the south of the Bowls Club (use for GCNs in perpetuity), including the construction of the 2 ponds and 2 hibernacula. Monitoring of the newt population for 10 years from 1st occupation. These measures have been implemented.
- 6.6.5 The application of suitably worded conditions to continue mitigation measures and release of newts to the South would then be in compliance with development plan policies (CS17) and advice contained within the NPPF.

Sustainable Construction and Energy Efficiency

- 6.6.6 Policy CS15 of the Core Strategy seeks to ensure that all new residential development should meet minimum standards of construction Code for Sustainable Homes level 4. The applicant has confirmed that this level will be met. A condition to secure this requirement ensuring compliance with the Core Strategy and advice contained within the NPPF could be attached.

Flooding

6.6.6 The site does not fall into either Flood Zone 2 or 3. However as this would be a new building the requirements of policy CS16 surface water will need to be managed. An acceptable Sustainable Drainage Method could be secured by condition.

Bowls Club access

6.6.7 Concern has been expressed regarding the existing emergency exit on the southwest (rear) elevation of the Bowls Club. The applicant has confirmed that a 1 metre wide tarmac path and gravel path around the building will remain to enable access to the Bowls Club car park.

National Planning Policy Framework

6.6.8 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The proposed scheme is considered to be in a sustainable location and would not adversely impact upon the environmental and social sustainability for the reasons detailed above. The economic aspect of the proposal is considered to be limited. As these have been found acceptable the development is considered to constitute sustainable development in accordance with the NPPF.

7. Conclusion

7.1 Having taken account of all the relevant policies and the other material considerations referred to above, it is concluded that whilst balanced the proposed development is acceptable and a conditional approval is justifiable for the following reasons.

7.2 The site is located within an identified settlement. The proposed development respects the existing character of the area in terms of siting, scale and appearance. Residential amenity and that of neighbouring land uses would not be demonstrably harmed. There would be no conflict with highway safety. The applicant has agreed to enter into a legal agreement to mitigate the impact of the development on local services, infrastructure and amenity. Protected species will not be affected.

7.3 As such the application is considered to be in compliance with National and Local Planning Policies as well as Supplementary Planning Document "Quality Design" and the Newbury Town Design Statement.

8. Full Recommendation

8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** planning permission subject to the following conditions and the completion of a Section 106 legal agreement within two months of the date of Committee:

8.2 Schedule of conditions

Time limit

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 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

Approved plans

2. The development hereby approved shall be carried out in accordance with drawing title numbers Location Plan (V.07.14/06), Existing Site Survey (V.07.14/01), Site Layout and Roof Plan (V.07.14/04 rev B), Proposed Floor Plans and Elevations (V.07.14/03 rev B) and proposed sections (V.07.14/05 rev B) and Design and Access Statement received with the application validated on 20th January 2014 and where amended by e-mail dated 27th March.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

Samples of materials

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. 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 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

Landscape

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

The landscaping shall be carried out in accordance with the approved scheme.

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

Fencing and enclosures

5. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in

writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority. This condition applies irrespective of the details submitted with the current application.

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 CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

Hard surfaces

6. No development shall commence on site until a scheme confirming any upgrade for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

Construction method statement

7. 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).

Visibility splays for private drives

8. No dwelling shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the driveway/access and the adjacent footway. Dimensions shall be measured along the edge of the driveway/access and the back of the footway from their point of intersection. The visibility splays shall, thereafter, be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: To enable pedestrians to see emerging vehicles and to be seen by its driver. 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.

Access construction detail

9. No development shall take place until details of the proposed access(es) to each dwelling have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be brought into use until the approved vehicular, pedestrian/cycle access and associated engineering operations have been constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the dwellings are first occupied and in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

Cycle parking

10. No dwelling hereby permitted 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. In accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 – 2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Garages Retained for vehicle parking

11. Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 1995, the garage on the site shall not be used for any purpose other than as garage accommodation, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage(s) is/are kept available for vehicle parking in the interest of road safety. 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 Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Contaminated land

12. 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.

a. 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*'.

b. 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.

c. 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.

d. 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.

If required:

e. 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. In accordance with Policy Cs 14 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF.

Hours of work

13. 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:-

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

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

Ecology

14. No development shall take place until full details of the proposed dropped kerbs and other accesses to the site including details of the storm water drainage system, including grilles, gully pots and kerbs, have been submitted to and approved in writing by the Local Planning Authority. The system shall ensure that the existing gully grids in relation to the kerb are not altered. The approved system shall subsequently be maintained in a condition to the satisfaction of the Local Planning Authority at all times.

Reason: In the interests of the great crested newt, a protected species and to ensure that existing mitigation measures are not adversely affected by this development. In accordance with Policy CS 17 of the West Berkshire Core Strategy 2006-2026 and advice set out in the NPPF.

15. Immediately before any development commences on site, the site comprising the grassland shall be carefully checked by an ecologist for Great Crested Newts. Any animals found shall be released next to the pond to the South of the site in the area edged blue on the approved location plan.

Reason: In the interests of the great crested newt, a protected species. In accordance with Policy CS 17 of the West Berkshire Core Strategy 2006-2026 and advice set out in the NPPF.

Sustainable Drainage

16. No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. These details shall be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework, and the results of this assessment shall be provided to the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been provided in accordance with the approved details. Where a sustainable drainage system is to be provided, the submitted details shall:
 - (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - (b) include a timetable for its implementation.

Note: Any paved areas shall be formed of permeable paving.

Reason: The development must ensure that the design and locations of the SuDS provisions are adequate and maintainable and will provide adequate flood protection to this property and the surrounding area in accordance with National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026.

Code for Sustainable Homes

17. The dwelling 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 3 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).

No additions, extensions or alterations

18. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwellings shall be built unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.
19. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional window shall be inserted at first floor or above in any dwelling, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the potential overlooking of neighbouring properties and to safeguard the amenities of these neighbouring properties in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

8.3 **Informatics**

This list does not contain all informatics which may be attached

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519803, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. 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. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.
6. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.
7. 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.
8. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
9. 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.

OR

- 8.4 If the legal agreement is not completed within two months of the date of Committee 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 Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPD Delivering Investment from Sustainable Development.

DC