

PLANNING COMMITTEE  
28<sup>th</sup> May 2015

PLANNING APPLICATION 12/00993/OUT  
Land at Amen Corner, London Road, Binfield

Head of Planning

## 1 PURPOSE

To update Members on the progress on the s106 agreement and to seek authorisation for amended obligations required as a result of the introduction of the Community Infrastructure Levy (CIL) on the 6th April 2015 .

## 2 RECOMMENDATION(S)

**That authority to approve the application be delegated to the Head of Planning upon the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-**

**01. The provision of an appropriate level of affordable housing;**

**02. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA), including the provision in perpetuity of on-site bespoke Suitable Alternative Natural Greenspace (SANG); a financial contribution towards Strategic Access Management and Monitoring; and any other measures that are required to satisfy Habitat Regulations, the Council's Thames Basins Heaths SPA Avoidance and Mitigation Strategy and relevant guidance.**

**03. Securing the timely provision of, and contributions to, local facilities and services including:**

- Transport measures to mitigate the development's impact on roads and encourage sustainable modes of transport, including the provision of cycleways along London Road and Residential and School Travel Plans;**
- On-site provision of a Primary School;**
- a financial contribution towards the provision by others of a multi-functional community hub;**
- a comprehensive package of on-site Open Space of Public Value, in accordance with standards;**
- The provision of waste recycling facilities.**

**Where on-site provision is made for infrastructure or services where the intention is that the responsibility for long term management is to be transferred to the Council or other body, in addition a financial contribution towards commuted maintenance and management costs will be sought.**

**and subject to the conditions listed in the report, amended, added to or deleted as he considers necessary.**

## 3 REASONS FOR RECOMMENDATIONS

### 3.1. INTRODUCTION

This application was reported to Planning Committee on 21<sup>st</sup> August 2014. The committee resolved that upon the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 the Head of Development Management be authorised to approve the application subject to various conditions.

This report provides an update on these matters and explains that due to protracted negotiations with the applicant and other landowners it was not possible to complete a s106 agreement securing the terms in the committee resolution before the introduction of the Community Infrastructure Levy (CIL) on the 6<sup>th</sup> April 2015. The introduction of CIL has resulted in a number of the matters that previously were to be secured through the s106 agreement will now be secured through CIL payments. As a result these elements can no longer lawfully be sought under the s106 agreement and this report seeks Members agreement to an amended set of obligations to be secured through a s106 agreement. Discussions have taken place with the applicant and other landowners and agreement has been reached to the terms now being recommended to Committee.

This report should be read alongside the full Committee report considered by Members on the 21<sup>st</sup> August 2014.

### 3.2. S106 OBLIGATIONS

The Committee resolution required the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-

01. The provision of an appropriate level of affordable housing;

02. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA), including the provision in perpetuity of on-site bespoke Suitable Alternative Natural Greenspace (SANG); a financial contribution towards Strategic Access Management and Monitoring; and any other measures that are required to satisfy Habitat Regulations, the Council's Thames Basins Heaths SPA Avoidance and Mitigation Strategy and relevant guidance.

03. Securing the timely provision of, and contributions to, local facilities and services including:

- A comprehensive package of on and off-site transport measures (either through provision in kind or a financial contribution towards provision by others) to mitigate the development's impact on roads and encourage sustainable modes of transport;
- On-site in-kind provision of a Primary School;
- a financial contribution towards the provision by others of Secondary education, post-16 education and Special Educational Needs places;
- a financial contribution towards the provision by others of a multi-functional community hub;
- a financial contribution towards the provision by others of improvements to existing library facilities;
- a financial contribution towards the provision by others of improvements to existing built sport facilities
- a comprehensive package of on-site Open Space of Public Value, in accordance with standards;
- The provision of waste recycling facilities.

Where on-site provision is made for infrastructure or services where the intention is that the responsibility for long term management is to be transferred to the Council or other body, in addition a financial contribution towards commuted maintenance and management costs will be sought.

Following the introduction of CIL on the 6<sup>th</sup> April 2015 a number of the items listed under point 3) fall within the Council's "regulation 123 list" of infrastructure types and projects to be funded by CIL. As this development will now be liable to pay CIL at £150 per sq metre under the Council's adopted CIL charging schedule it will automatically contribute towards the provision of these projects. The contributions that this relates to are:

- on and off-site transport measures (including bus subsidies);
- the provision of Secondary education, post-16 education and Special Educational Needs places;
- the provision of improvements to existing library facilities;
- the provision of improvements to existing built sport facilities.

In the light of the above in order to avoid collecting for the same items of infrastructure twice it is necessary to amend the s106 agreement to remove the above items. The terms of an amended s106 agreement have been agreed with the applicant and other landowners that are considered to be fair and reasonable, striking a balance between securing the delivery of essential infrastructure and services to serve the needs of the proposed development, including a reasonable proportion of affordable housing, without prejudicing the comprehensive development of the larger site allocated under Policy SA8 of the Site Allocations Local Plan for 725 dwellings, or the ability to deliver a viable development, thereby providing a substantial and timely contribution to this Borough's housing land supply targets.

The amended s106 agreement contains obligations that, inter alia, secure the following:

a) No less than 25% of the dwellings will be affordable Housing. This level of affordable housing is considered appropriate, and is in accordance with the Development Plan and the Council's affordable housing policy.

b) The provision of a SANG on Council owned land at Big Wood, a second on-site SANG at Riggs Copse and the on-going management of both SANGs until either the site is returned to the Council (Big Wood) or ownership transferred to the Council in accordance with a SANG Management Plan (Riggs Copse). In addition it provides for financial contributions towards the future maintenance of the SANGs and towards Strategic Access Management and Monitoring. It is considered that these obligations will secure appropriate measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA) and as such will satisfy the Habitat Regulations, the Council's Thames Basins Heaths SPA Avoidance and Mitigation Strategy and relevant guidance.

c) The provision of:

- A cycleway along the northern side of London Road (or a financial contribution towards this if provided by others);
- An on site primary school;
- A financial contribution towards the cost of providing community facilities able to serve the development;
- A comprehensive package of on-site Open Space of Public Value including provisions for its long term management and financial contributions towards its future maintenance;
- The provision of waste recycling facilities; and
- Residential and School Travel Plans

It is considered that the above obligations will secure adequate infrastructure and services to support growth and to mitigate the impact of this development upon communities, transport & the environment in accordance with Policy CS6.

### 3.3 CONCLUSION

SALP Policy CP1 set out the presumption in favour of sustainable development. This requires that development proposals should be approved that accord with the development plan. Where this is absent, silent or relevant policies out of date, development proposals should be approved unless material considerations indicate otherwise. The relevant development plan policies relating to the principle of development are up to date and consistent with the NPPF and as such carry substantial weight.

The application site was considered in the preparation of the SALP and ultimately it was allocated for development by SALP Policy SA8 when the local plan was adopted in 2013. For the reasons set out in the previous committee report the proposed development is considered to be acceptable as it would be in accordance with the NPPF, Policy NRM6 of the South East Plan, Policy SA8 of the SALP, and Policies CS2, CS9, CS14 and CS15 of the Core Strategy.

This report has considered the matters listed in the previous committee resolution in the light of the changed circumstances following the adoption of CIL, and the implications of this on the Committee's previous resolution in respect of the s106 obligations to be sought. It has set out the amendments to the s106 obligations required to take account of CIL. An amended s106 has been negotiated with the applicant and other landowners that will secure adequate infrastructure and services to support growth and to mitigate the impact of this development upon communities, transport and the environment in accordance with Policy CS6.

The applicant has worked with the Local Planning Authority to agree the wording of various conditions, a number of which have been revised from the list set out in the previous committee report. These revised conditions are set out below.

Therefore, subject to the completion of a s106 agreement containing obligations as set out above, and the following conditions, the proposed development is considered to be acceptable and the application is accordingly recommended for approval.

### RECOMMENDATION

That authority to approve the application be delegated to the Head of Planning upon the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-

01. The provision of an appropriate level of affordable housing;

02. Measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA), including the provision in perpetuity of on-site bespoke Suitable Alternative Natural Greenspace (SANG); a financial contribution towards Strategic Access Management and Monitoring; and any other measures that are required to satisfy Habitat Regulations, the Council's Thames Basins Heaths SPA Avoidance and Mitigation Strategy and relevant guidance.

03. Securing the timely provision of, and/or contributions to, local facilities and services including:

- Transport measures to mitigate the development's impact on roads and encourage sustainable modes of transport, including the provision of a cycleway along the northern side of London Road and Residential and School Travel Plans;
- On-site provision of a Primary School;
- a financial contribution towards the provision by others of a multi-functional community hub;
- a comprehensive package of on-site Open Space of Public Value, in accordance with standards;
- The provision of waste recycling facilities.

Where on-site provision is made for infrastructure or services where the intention is that the responsibility for long term management is to be transferred to the Council or other body, in addition a financial contribution towards commuted maintenance and management costs will be sought.

and subject to the conditions listed below, amended, added to or deleted as he considers necessary.

01. Approval of the details of the scale of the buildings, the access for (other than the vehicular access to/from the site which is not reserved) and the layout, appearance and landscaping of the development (hereinafter called "the Reserved Matters") for each phase of development (as defined within the details to be submitted and approved pursuant to condition 4) shall be obtained from the Local Planning Authority in writing before development of that phase is commenced. Development of each phase shall be implemented in accordance with the approved details for that phase, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990

02. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be begun not later than the expiration of two years from date of the final approval of reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

04. The development hereby permitted shall not be begun until an overarching site wide Phasing Strategy and Planning Submission Programme has been submitted to and approved in writing by the Local Planning Authority.

The Phasing Strategy shall comprise the following details unless otherwise agreed in writing by the Local Planning Authority:

- i. A phasing strategy diagram which illustrates the location of each Phase of development;
- ii. A phasing strategy diagram which illustrates the sequence in which the Phases will be carried out;
- iii. A schedule of the proposed land use components including the approximate number of dwellings and non residential floorspace/ land area within each Phase of the development;
- iv. The Phases within which any occupied buildings and structures will be demolished; existing accesses removed and existing uses will cease;
- v) The Phases within which the on and off site highway works specified in conditions 17, 18 and 21 will be completed;

- vi) The Phases within which areas of Open Space of Public Value and Suitable Alternative Natural Greenspace (SANG) that relate to more than one Phase will be laid out;
- vii) The Phases within which drainage works (Surface and Foul water) that relate to more than one Phase will be undertaken;
- viii) The Phases within which structural earthworks and landscaping that relate to more than one Phase will be carried out;
- ix) The Phases within which Utilities that relate to more than one Phase will be provided; and
- x) The Phases within which land remediation and other Environmental mitigation works identified in the Environmental Statement that relate to more than one Phase will be carried out.

The development shall thereafter only be carried out in accordance with the approved Phasing Strategy (as may be amended from time to time by agreement in writing of the Local Planning Authority).

The Planning Submission Programme shall set out the anticipated sequence for the submission of the Masterplan, Design Code, Reserved Matters and other details as referred to in other conditions attached to this permission

The Masterplan, Design Code, Reserved Matters and other details as referred to in other conditions attached to this permission shall thereafter be submitted in accordance with the approved Planning Submission Programme (as may be amended from time to time by agreement in writing by the Local Planning Authority).

For the purposes of this planning permission the extent of a 'phase' shall be determined in accordance with this condition.

REASON: In order to ensure a phased programme of development in the interests of proper planning and the comprehensive redevelopment of the area.

05. Prior to commencement of each phase of development, a Demolition and Construction Programme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Programme will outline the anticipated sequence in which the following works within that phase (where relevant to that phase) will be carried out:
- i. Demolition works;
  - ii. Tree Clearance works;
  - iii. Earthworks;
  - iv. Land remediation and other Environmental mitigation works identified in the Environmental Statement;
  - v. Surface and Foul Water drainage works;
  - vi. Utility works;
  - vii. On and off site highway works, including alterations for construction access;
  - viii. Pedestrian/cyclist routes;
  - viii. Structural landscaping works;
  - vix. Recycling facilities;
  - x. Construction works (including areas of Open Space of Public Value and Suitable Alternative Natural Greenspace);
  - xi. Public Art

Thereafter the development of each phase shall be carried out in accordance with the approved Demolition and Construction Programme for that phase.

REASON: In order to ensure a phased programme of development in the interests of proper planning and the comprehensive redevelopment of the area.

06. The development hereby permitted shall be carried out in accordance with the following plans:

PD27/D Site application boundary submitted 12th June 2014  
PD86/A Site application boundary showing land relating to planning applications to Bracknell Forest Council & Wokingham Borough Council submitted 12th June 2014  
PD98/A Parameters Drawing submitted 12th June 2014  
PD127 London Road Sections submitted 29th July 2014

23732-001-SK006-C Proposed highway layout (showing details of cycleway) submitted 29th July 2014

23732-001-004-Q Proposed highway layout submitted 29th July 2014

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

07. Prior to the submission of the first Reserved Matters application a Masterplan for the whole site shall be submitted to and approved in writing by the Local Planning Authority containing the following details:
- (a) The disposition of the development within the site including the proposed land uses and density of development
  - (b) The principles of vehicular, pedestrian and cyclist access to the development
  - (c) The landscaping principles for the development
  - (d) The design principles for the development
  - (e) A plan showing the different Character Areas within the site based on the principles in the Design and Access Statement

The details comprised in the reserved matters shall comply in all respects with the approved Master Plan

REASON: To enable the Local Planning Authority to exercise appropriate control of the design of the development

- 08 Prior to the submission of the first Reserved Matters application for each character area within the development a Design Code for that Character area shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be based on the design principles in the Design and Access Statement and set out further information in relation to the following:

- i. A Built Form Strategy setting out principles of layout, permeability, street enclosure, active frontages, building form, orientation, scale, massing and palette of external materials. This shall include an analysis of how these principles inform character, and contain example streetscenes;
- ii. Mix of dwelling types;
- iii. Hard and soft landscaping strategy including examples of boundary treatment
- iv. A strategy for the design of the public realm including layout of streets, squares, areas of public open space and areas for play;
- v. A Lighting Strategy;
- xi. A Parking Strategy (including cycle parking and storage)
- xii. An Access Strategy to secure an inclusive development for all
- xiii. Integration of strategic utility requirements, landscaping and highway design
- xiv. Public art

Thereafter all Reserved Matters applications shall be submitted in accordance with the approved Design Codes (as may be amended from time to time by written agreement with the Local Planning Authority).

REASON: To enable the Local Planning Authority to exercise appropriate control of the design of the development

09. The development hereby permitted shall not be begun until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority setting out a phased programme of archaeological works. Thereafter no part of any phase of the development hereby permitted shall commence until the archaeological investigation work for that phase as set out in the approved scheme has been carried out.

REASON: In the interests of the archaeological and historical heritage of the Borough.  
[Relevant Policies: Core Strategy CS14; BFBLP EN6, EN7]

10. Any application for the approval of landscaping as a Reserved Matter in a specific phase shall include details of the following (where applicable) in respect of that phase:

- i. The proposed finished ground levels or contours
- ii. Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.

- iii. Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
- iv. Details of semi mature tree planting.
- v. Means of enclosure (walls and fences etc)
- vi. Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts,.
- vii. Recycling/refuse or other storage units,
- viii. The creation of new water and associated habitats including landscaped buffers to watercourses
- ix. Any other landscape features (water features, seating, trellis and pergolas etc).

Each Plot (defined as a building together with its curtilage) shall be landscaped and completed in full accordance with the approved landscape scheme for that Plot, prior to its practical completion. In respect to off-Plot landscaping, the approved landscaping scheme for each phase shall be implemented in accordance with the details approved pursuant to this condition relative to that phase, in the first planting season following completion of the development in the phase and maintained for a period of 5 years thereafter

REASON: In the interests of good landscape design and the visual amenity of the area.  
[Relevant Policies: BFBLP EN2 and EN20, CS CS7]

11. Any application for the approval of landscaping as a Reserved Matter in a specific phase shall include a landscape management plan, including details of:
- a) long term design objectives;
  - b) timing of works;
  - c) management responsibilities; and
  - d) maintenance schedules

for all publically accessible landscape areas including cycle/footways within that phase (other than the SANGs and domestic gardens). Any approval of landscaping as a reserved Matter shall not be implemented until a Landscape Management Plan in respect thereof has been approved. Each approved landscape management plan shall be performed and complied with unless otherwise agreed in writing by the Local Planning Authority.

As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications for Trees & Shrubs' or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the Phase or Sub Phase, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure that the landscaping is maintained in the interests of the visual amenities of the area.  
[Relevant Policies: BFBLP EN2 and EN20, CS CS7]

12. No Phase of development shall be begun until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority:-
- a) a comprehensive land (topographical) survey in accordance with Section 4 of British Standard 5837:2012 'Trees In Relation to Construction Recommendations' (or any subsequent revision), identifying the positions of all existing trees over 75mm diameter at 1.5m (unless in woodland when over 150mm diameter) to be retained (including their crown spreads) together with any retained hedgerows or shrubbery on the land to be retained in that phase;
  - b) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the respective phase which overhangs that phase; and

c) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the respective phase.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the survey referred to in paragraph (a) above. Any works carried out under b) or c) shall be in accordance with the approved details.

If any retained tree is removed, uprooted, destroyed or dies within 5 years of the completion of a phase, another tree shall be planted at the same location and the replacement tree shall be of such size and species (and shall be planted at such time) as may be specified in writing with the Local Planning Authority.

REASON: In order to safeguard the vegetation that is considered to be worthy of retention in the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN2 and EN20, CS CS7]

13. All existing trees, hedgerows and groups of mature shrubs shown to be retained on the survey approved by the Local Planning Authority pursuant to condition 13 (part a) shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2012, or any subsequent revision. The protective fencing shall be erected in the locations to be agreed in writing by the Local Planning Authority prior to the commencement of each phase and shall be retained until the completion of all building operations within that phase.

REASON: In order to safeguard the vegetation that is considered to be worthy of retention in the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN2 and EN20, CS CS7]

14. Save for domestic gardens, once laid out/planted the areas shown for hard and soft landscaping purposes on the plans approved by the Local Planning Authority pursuant to condition 1 shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

15. No Phase of the development hereby permitted shall be begun until all existing uses still taking place within the area covered by that phase have ceased, and any existing accesses onto the public highway serving these uses (other than any that are proposed to be re-used for the new development hereby permitted) permanently stopped up.

REASON: In the interests of road safety and the amenities of the locality.

[Relevant Policy: CS CS23; BFBLP M4]

16. Unless otherwise agreed in a site wide Phasing Strategy approved under condition 4, no construction of any building hereby permitted shall be commenced until the following highway works have been completed in general accordance with the works shown on drawing 23732-001-004-Q:

- a. construction of a junction between the Spine Road and London Road;
- b. construction of the north western section of the Spine Road between London Road and the internal roundabout.

During the construction works above, vehicular access shall be maintained at all times to all existing properties on London Road.

REASON: In the interests of road safety and the amenities of the locality.

[Relevant Policy: CS CS23; BFBLP M4]



17. The following highway works shall be completed in accordance with the site wide Phasing Strategy approved by the Local Planning Authority pursuant to condition 4, and in general accordance with the with the works shown on drawing 23732-001-004-Q:
- i. construction of improvement works to the Cain Road/ Beehive Road/ John Nike Way roundabout;
  - ii. construction of the southern/ eastern section of the Spine Road between the internal roundabout and the Cain Road roundabout;
  - iii. construction of a new access from Beehive Road to the Spine Road and a new turning head on Beehive Road;
  - iv. construction of a new access from North View to the Spine Road and a new turning head on North View;
  - v. construction of a new access from South View to the Spine Road and a new turning head on South View;

The works i.-v. listed above shall not be begun until replacement parking for the John Nike Leisuresport Complex has been provided in accordance with details set out in an approved reserved matters application.

REASON: In the interests of road safety and the amenities of the locality.  
[Relevant Policy: CS CS23; BFBLP M4]

18. No Phase of the development hereby permitted shall be commenced until the access works in respect of that Phase as set out in the approved Demolition and Construction Programme have been completed to the satisfaction of the Highway Authority in accordance with the following drawings (subject to any minor variations that may be required through the completion of a S278 agreement with the Highway Authority):

23732-001-SK006-C Proposed highway layout (showing details of cycleway)  
23732-001-004-Q Proposed highway layout

Thereafter such accesses shall be retained and there shall be no motor vehicular access or egress from the development hereby permitted onto London Road, North View, South View, Beehive road or Cain Road other than from these approved accesses.

REASON: In the interests of highway safety.  
[Relevant Policies: CS CS23]

19. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling or other building shall be practically completed until:
- (a) a means of vehicular access for that dwelling or building; and
  - (b) a means of access for that dwelling or building for pedestrians and cyclists; and
  - (c) vehicle and cycle parking spaces for that dwelling or building;

have been constructed in accordance with details to be submitted to and approved by the Local Planning Authority. Such accesses and parking spaces shall thereafter be retained.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking and in the interests of the accessibility of the site to pedestrians, cyclists and vehicles.

[Relevant Policies: Core Strategy DPD CS23; BFBLP M9]

20. No dwelling hereby permitted shall be constructed to Practical Completion until works to widen the existing footway on the south side of London Road between the proposed signal controlled crossing of London Road and John Nike Way to create a footway/cycleway have been constructed in general accordance with the works shown on drawings 23732-001-004-Q and 23732-001-SK006-C.

REASON: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians.  
[Relevant Policies: BFBLP M6, Core Strategy DPD CS23]

21. The development hereby permitted shall not be begun until a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site in accordance with the submitted

Flood Risk Assessment, based on sustainable drainage principles, and evidence of an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any necessary infrastructure required for its implementation. Thereafter, detailed schemes for surface water and foul drainage for any phase of development (pursuant to Conditions 22 and 23) shall be prepared in accordance with the agreed strategy for the entire site.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding

22. No phase of the development hereby permitted shall be begun until a detailed surface water drainage scheme for that phase, based on the site wide drainage strategy approved under condition 21, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy for each phase should demonstrate (a) that the surface water run-off rate generated up to and including the 1 in 100 year with an allowance for climate change critical storm will not exceed the run-off rate from the undeveloped site following the corresponding rainfall event; (b) that adequate rights exist to permit discharge into the balancing pond owned by Hewlett Packard in so far as this is relevant to the phase; and, (c) that soakaways are not constructed onto contaminated land. The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of any development within that phase and retained thereafter.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding. There are specific areas of this site identified as having a previous potentially contaminative use. To prevent enhanced mobilisation of unidentified pollutants within the soils or within areas identified as historic landfills surface water drainage systems must not discharge through contaminated land.

23. No phase of the development hereby permitted shall be begun until, a detailed foul water drainage strategy for that phase detailing any on and/or off site drainage works to upgrade the foul drainage network in respect of that phase, has been submitted to and approved in writing by the Local Planning Authority. The foul water drainage strategy for each phase shall be implemented in accordance with the approved details prior to the occupation of any dwelling or building within that phase.

Reason: The development may lead to sewage flooding; to ensure that sufficient foul drainage capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

24. The development hereby permitted shall not be begun until an Energy Demand Assessment relating to the entire site has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate:
- (a) that before taking account of any on-site renewable energy production the proposed development will reduce estimated carbon dioxide emissions by at least 10% against the appropriate Target Emission Rate as set out in Part L of the Building Regulations (2006), and
  - (b) that 20% of the development's energy requirements will be provided from on-site renewable energy production.

The development hereby permitted shall be constructed in accordance with the measures outlined in the approved assessment and those measures shall be retained thereafter.

REASON: In the interests of the sustainability and the efficient use of resources.  
[Relevant Plans and Policies: CS Policy CS12]

25. No phase of the development hereby permitted shall be begun until a Sustainability Statement, in accordance with the requirements set out in the Sustainable Resource Supplementary Planning Document (October 2008), has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.  
[Relevant Policy: Core Strategy DPD CS10]

26. No Phase of the development hereby permitted shall be begun until a remediation options appraisal and/or a Tier 3 geo-environmental risk assessment containing a detailed site specific Remediation Strategy for that Phase to further assess the identified geo-environmental risks has been submitted to

and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented in full before the commencement of the development of that Phase (other than that required to be carried out as part of the approved scheme of remediation) and as approved, unless otherwise agreed in writing by the Local Planning Authority.

No buildings shall be commenced within a Phase until a Site Completion Report for that Phase has been submitted to, and approved in writing by, the Local Planning Authority. The Site Completion Report shall detail the conclusions, actions taken and verification methodology at each stage of the works and include the results of a sampling and analysis programme to confirm the adequacy of decontamination. It should demonstrate that an appropriately qualified person oversaw the implementation of all remediation.

The Site Completion Report shall: (i) include confirmation that all remediation measures have been carried out fully in accordance with the remediation scheme; (ii) include results of the verification programme of post-remediation sampling and monitoring conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and the CIRIA C665 in order to demonstrate that the required remediation has been fully met; and (iii) set out future monitoring and reporting proposals. The future monitoring and reporting proposals shall be implemented and performed.

If, during development, contamination not previously identified is found to be present then no further development (other than any further development agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how the unidentified contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented in full before the continuation of any development of that Phase (other than that required to be carried out as part of the approved scheme of remediation) and as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. This site is sited over an isolated outcrop of Bagshot Beds and Claygate member (Secondary A Aquifers) and there is sufficient groundwater in these aquifers to feed springs that emanate radially from the site. The Phase 1 and 2 reports submitted identify a moderate risk of harm to human health for the residential area of the proposed development and that hotspots for certain contaminants have been identified. In accordance with the recommendations of the Phase 1 and 2 reports a Phase 3 report is required to further assess and remediate the identified geo-environmental risks to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

[Relevant Policy: BFBLP EN25]

27. No phase of the development hereby permitted shall be begun until a scheme detailing all external street lighting and lighting to public open spaces in that phase has been submitted to and approved in writing by the Local Planning Authority.

The development of each phase shall be implemented in accordance with the approved lighting scheme for that phase prior to first occupation of any development within that phase or within any other period as may be agreed in writing by the Local Planning Authority and retained thereafter.

Reason: In the interests of visual amenity.

[Relevant Policies: BFBLP EN15, EN20 and EN25]

28. No phase of the development hereby permitted shall be begun until an Ecological Mitigation Scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed the scheme shall include:
- all the mitigation measures outlined in chapter 10 of the Environmental Statement;
  - details and a plan showing proposed areas of wildlife permeable fencing;
  - details and a plan showing the provision of bird and bats boxes or wildlife gates.

The development of each phase shall be implemented in accordance with the approved details for that phase and retained thereafter. An ecological site inspection report for each phase shall be submitted to and approved in writing by the Local Planning Authority within three months of the first occupation of any dwelling within each phase.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

29. No phase of the development hereby permitted (including site clearance and demolition) shall be begun until:-
- (i) A report containing updated protected species surveys and a new survey of orchids for that phase carried out by a suitably qualified ecologist, together with an assessment of the implications, and revised mitigation and monitoring measures for that phase, has been submitted to and approved by the Local Planning Authority in writing; and
  - (ii) the Local Planning Authority has agreed that either no relocation of protected species or orchids is necessary for that phase, or that the relocation of protected species or orchids has been achieved in accordance with the approved mitigation and monitoring measures.

REASON: In the interests of nature conservation and to ensure the status of protected species on site has not changed since the last survey.

[Relevant Plans and Policies: Core Strategy CS1, CS7]

30. No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3 CS1, CS7]

31. No phase of the development hereby permitted shall be begun until a scheme for protecting the proposed dwellings/gardens within that phase from noise has been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority for that phase shall be completed before any dwelling in that phase is occupied.

REASON: To ensure that the amenities of the future residents is not adversely affected by noise. As the road traffic noise assessment indicates that noise mitigation is required as part of this development in order to ensure acceptable internal noise levels for future residential properties as per BS8233:2014 criteria and nearby existing residential properties.

[Relevant Plans and Policies: BFBLP EN25]

32. The development hereby permitted shall not commence until a site-wide Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The site-wide CEMP shall incorporate a Site Waste Management Plan; a Materials Management Plan; a Dust Management Plan; and Wildlife Protection Plan.

No phase of development shall commence until a Construction Environmental Management Plan (CEMP) for that Phase has been submitted to and approved in writing by the local planning authority.

The site-wide CEMP and each Phase CEMP shall include as a minimum:

- (i) a Construction Logistics/ Site Organisation Plan (save in respect of the site-wide CEMP)
- (ii) The location of construction access for the relevant phase of demolition and construction (save in respect of the site-wide CEMP);
- (iii) The routing of construction traffic (including directional signage and appropriate traffic management measures) to minimise the impact of local residents and other road users
- (iv) Details of the parking of vehicles of site operatives and visitors
- (v) Areas for loading and unloading of plant and materials
- (vi) Areas for the storage of plant and materials used in constructing the development
- (vii) The erection and maintenance of security hoarding
- (viii) External lighting of the site
- (ix) Method of piling for foundations
- (x) Measures to control the emission of dust, dirt, noise and odour during construction
- (xi) Measures to control surface water run-off
- (xii) Measures to prevent ground and water pollution from contaminants on-site
- (xiii) construction working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site;
- (xiv) Details of wheel-washing facilities;

(xv) details in respect of measures to minimise, re-use and re-cycle waste; minimise the pollution potential of unavoidable waste; and dispose of unavoidable waste in an environmentally acceptable manner;

(xvi) details of measures to mitigate the impact of construction activities on ecology including a) an appropriate scale plan showing where construction activities are restricted and protective measures; b) details of protective measures to avoid impacts during construction; c) a timetable to show phasing of construction activities; and d) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance; and

(xvii) Details of a monitoring regime to demonstrate compliance with the CEMP including timings for reports to be submitted to the Local Planning Authority.

The approved Construction Environmental Management Plans shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

REASON: To mitigate and control environmental effects during the construction phases [Relevant Policies: BFBLP EN25]

33. The total amount of floorpace hereby permitted within Use Classes A1, A2, A3 and A4 shall not exceed 1488 sq m gross external area. No retail units within Use Classes A1 or A2 shall individually exceed 560 sq m gross external area. There shall be no amalgamation of units such that at any time any retail unit within Use Classes A1 or A2 exceeds 560 sq m gross external area.

REASON: To accord with the terms of the application and to safeguard the viability and vitality of existing town and village centres

[Relevant Policies: Core Strategy CS22]

#### 4 SUPPORTING INFORMATION

None

#### 5 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

None

Background Papers

PLANNING APPLICATION 12/00993/OUT