

# Notice of Meeting



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## Western Area Planning Committee Wednesday, 12 January 2022 at 6.30pm in the Second Floor Meeting Area, Council Offices, Market Street Newbury

The Council will be live streaming its meetings.

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team ([planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)) by no later than 4.00pm on Tuesday 11 January 2022, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the meeting area. Remote attendance at the meeting is therefore encouraged at this time.

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 4 January 2022

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148  
Email: [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)



**Agenda - Western Area Planning Committee to be held on Wednesday, 12 January 2022**  
*(continued)*

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: [jenny.legge@westberks.gov.uk](mailto:jenny.legge@westberks.gov.uk)

**Agenda - Western Area Planning Committee to be held on Wednesday, 12 January 2022**  
(continued)

**To:** Councillors Dennis Benneyworth (Chairman), Clive Hooker, Jeff Cant, Carolyne Culver, Adrian Abbs, Phil Barnett, Tony Vickers (Vice-Chairman), Howard Woollaston and Claire Rowles

**Substitutes:** Councillors Jeff Beck, Andy Moore, Erik Pattenden, Steve Masters, David Marsh, Martha Vickers and Lynne Doherty

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# Agenda

## Part I

Page No.

- 1. Apologies**  
To receive apologies for inability to attend the meeting (if any).
- 2. Minutes**  
Minutes of the meetings held on 3 November 2021 and 15 December 2021 will be available for the next meeting of this Committee.
- 3. Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
- 4. Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).*



## Agenda - Western Area Planning Committee to be held on Wednesday, 12 January 2022

(continued)

- (1) **Application No. and Parish: 20/01336/OUTMAJ, Institute for Animal Health, High Street, Compton** 7 - 74

**Proposal:** Hybrid application: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal includes at least 1.75 hectares of employment land (Class B1) associated with the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.

**Location:** Institute for Animal Health, High Street, Compton.

**Applicant:** Homes England.

**Recommendation:** To DELEGATE to the Service Director – Development & Regulation to GRANT planning permission subject to conditions and the completion of a S106 legal agreement.

- (2) **Application No. and Parish: 21/01911/FULD Land Adjoining, 11 Pond Close, Newbury** 75 - 98

**Proposal:** Removal of derelict garages and erection of 2 no houses and 2 no flats, together with associated landscaping and parking.

**Location:** Land Adjoining, 11 Pond Close, Newbury.

**Applicant:** A, D and E Property Ltd

**Recommendation:** To DELEGATE to the Service Director - Development and Regulation to REFUSE PLANNING PERMISSION for the reason set out at part 8 of the officer's report.

### Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.  
(b) The West Berkshire District Local Plan (Saved Policies September 2007), the



## **Agenda - Western Area Planning Committee to be held on Wednesday, 12 January 2022**

*(continued)*

Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.

- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

### **Sarah Clarke**

Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.



**West Berkshire**  
C O U N C I L

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/01336/OUTMAJ Compton	18 <sup>th</sup> September 2020 <sup>1</sup>	<p>Hybrid application: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal includes at least 1.75 hectares of employment land (Class B1) associated with the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.</p> <p>Institute for Animal Health, High Street, Compton.</p> <p>Homes England.</p>

<sup>1</sup> Extension of time agreed with applicant until 30<sup>th</sup> January 2022.

The application can be viewed on the Council's website at the following link:  
<https://publicaccess.westberks.gov.uk/online-applications/20/01336/OUTMAJ>

**Recommendation Summary:** To DELEGATE to the Service Director – Development & Regulation to GRANT planning permission subject to conditions and the completion of a S106 legal agreement.

**Ward Members:** Councillor Carolyne Culver

**Reason for Committee Determination:** More than 10 letters of objection  
Development Control Manager

**Committee Site Visit:** 9<sup>th</sup> December 2021

## Contact Officer Details

<b>Name:</b>	Ms Lydia Mather
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	Lydia.mather@westberks.gov.uk

## 1. Introduction

- 1.1 The site was previously used by the Institute of Animal Health. At present only the Gatehouse building and Intervet are occupied and in use, the remaining buildings are vacant.
- 1.2 This is a hybrid application, meaning that part of the development is applied for in full, and part in outline with detailed matters reserved for later consideration. The application seeks full planning permission for the demolition of the existing buildings, structures and hardstanding (except the two in current use), as well as earthworks, remediation, utility works associated with addressing the land contamination on site. The full application also seeks change of use of land for the creation of public open space and wildlife area.
- 1.3 The outline part of the application is for up to 160 houses and associated works. The outline application is not seeking approval for layout, scale, appearance and landscaping; these are all reserved matters. The outline application is seeking detailed approval for access only; that is the vehicle access from the High Street to serve the proposed residential area, and the existing two accesses off Churn Road to the west to the existing and proposed employment area.
- 1.4 The proposal was amended twice during consideration of the application. The land use parameter plan included the land to the north of the site to be built upon, no additional employment area other than that in existing use, and was for up to 250 dwellings. An amendment to 185 dwellings removed housing from the north of the site and reduced the housing area to the centre of the site to instead include an additional area of future employment land. The final amendments reduced the dwellings to 160.
- 1.5 The setting and constraints of the site are as follows:
  - The site is allocated, HSA23 for approximately 140 dwellings.
  - The northernmost part of the site is outside the settlement boundary of Compton and in the open countryside.
  - A conservation area is along part of the boundary to the east of the site.
  - It is within the North Wessex Downs Area of Outstanding Natural Beauty.
  - The southern edge of the site is in flood zones 2 and 3.
  - The site is in an area of archaeological interest.
  - There is a public right of way around the boundary to the north of site and other public rights of way to the east and west of the site.



- There are tree preservation orders on site towards the south and just beyond the site boundary to the south of the site.
- 1.6 A number of parameter plans have been submitted which if permission were granted would need to be complied with including reserved matters stage for the outline application. These are:
- Land use plan
    - residential development only within the B1, C1-C4 parcels shown on the plan which are to the east of the existing Intervet building and to the south of the site, but not below or into the existing cricket ground.
    - There is a no-build zone to the south east which is in flood zone 2 and 3.
    - An area immediately south of Intervet which is reserve for future employment use.
    - The remainder of the site would be retained as existing landscaping and open space. The northern part of the site would have additional landscaping works but would not be built on.
  - Green infrastructure plan
    - The area between the C1-C4 residential parcels would be a central green street – ie not hardstanding or parking.
    - Category A and B trees would be retained.
    - Cricket pitch would be retained.
    - Green buffer planting between the Intervet and proposed employment land and the B1 residential parcel.
    - The northern part to be landscaped to provide additional wildlife habitat.
    - The remaining land outside the built areas to include public open space.
  - Movement plan
    - Primary access would be that existing off High Street into the proposed residential areas.
    - Two existing accesses off Churn Road towards the north of the site for the existing and proposed employment land.
    - Proposed footpaths through the central green street, around the perimeter of the C1-C4 residential parcels of land and to the eastern side of the B1 residential parcel of land.
    - Footpath extending north of the B1 parcel of land through the eastern side of the wildlife area joining Hockahm Road and the existing public rights of way.
    - A footpath across the site between B1 and C1-C4 parcels of land from Churn Road to Hockham Road. This would connect with existing public rights of way.
- 1.7 The demolition would be in 5 phases as set out in the demolition plan. Each phase would entail the demolition of between 4-15 buildings/structures, with the exception of the final phase which would be 26 buildings/structures (some in this phase have very small footprints, although it also includes the largest structure).
- 1.8 Planning History

1.9 The table below outlines the relevant planning history of the application site.

<b>Application</b>	<b>Proposal</b>	<b>Decision / Date</b>
00/01207/FUL	Extension to existing mess area and additional storage area for existing S.P.F building	Approved 2001
01/00566/FUL	Disposal of spoil from sheep shed development (Retrospective)	Approved 2002
01/01513/FUL	The installation of a free standing water break tank to increase water storage capacity. Tank to be sited at first floor level supported by structural steel and foundations	Approved 2001
02/00379/FUL	New replacement of existing boundary fencing to provide additional security to research premises and staff (phase II)	Approved 2002
02/01967/FUL	A single storey extension to the existing HSU at Compton for experimentation for improved animal health	Approved 2002
03/02216/FUL	The erection of a new steel-framed agricultural building for the loose housing of cattle on straw-bedded areas, with access to pasture	Approved 2003
07/0105/FUL	Erection of profiled metal storage shed and re-siting of 2 mobile storage units from near building C092 (to be sited adjacent to building C067)	Approved 2007
08/00827/AGRIC	Three animal feed bins.	Prior approval not required 2008
08/01260/FUL	Proposed cabin	Approved 2008
08/02073/FUL	Profiled steel enclosure to bunded (existing) oil storage tanks adjacent to boiler house	Approved 2009
09/00085/FUL	The erection of two single storey extensions one for a plant room for air handling equipment and changing rooms and a single storey plant room for a boiler house and heat transference equipment. In addition there are minor ancillary accommodation works including new retaining	Approved 2009

	wall, concrete hard standing for standby generator which also involves the removal of an existing chamber.	
09/02080/FUL	Installation of a nitrate reduction plant to the pump house and a storage tank both set on top of concrete hard standing	Approval 2010
15/03052/FUL	Installation of a new HV transformer including ancillary plant and secure enclosure fence	Approved 2016
96/48260/ADD	Hostel accommodation comprising - 4 No. 2 Bed 4 person houses, 1 No. 1 Bed 2 person houses, 8 No. 1 Bed 2 person flats, 35 No. 1 person bedsits. Total units 48. Laundry room, Creche and functions Buildings.	Approved 1996
20/01161/FUL	To install a Portakabin to be used as offices for a temporary period of 104 weeks	Approved 2000
00/57420/FUL	New replacement or recladding of existing boundary fencing to provide additional security to research premises and staff	Approved 2000
00/56799/OUT	Residential	Withdrawn 2000
98/54038/FUL	Additional fuel oil tank platform above existing tanks	Approved 1999
98/53863/FUL	Erection of modular building forming new biological support unit (acdp - ac level 3 facility)	Approved 1998
98/52558/FUL	Extension to existing paracox facility. formation of car park and link bridge. relocation of generator-propane tank(s) and formation of bin/chemical stores	Approved 1998
97/50003/FUL	Two agricultural sheep rearing buildings	Approved 1997
96/49582/FUL	Construction/extension of existing single storey canopy over new temporary office unit and single emergency shower (retrospective)	Approved 1996
96/49548/FUL	Extension of existing incinerator chimney with a 1.6m long silencer (retrospective)	Approved 1996

96/49432/FUL	Staff restaurant.	Approved 1996
96/49021/FUL	Construction of new laboratory building for basic scientific research into vaccines- also external landscaping- mechanical plant compound- delivery and maintenance road access.	Approved 1996
96/48527/FUL	Modular building forming new biological support unit (acdp - ac level 3 facility).	Approved 1996
96/48160/FUL	Construction of new portal framed building to house two new incinerators and a fumigation room.	Approved 1996
96/48001/FUL	Sheep rearing buildings	Approved 1996
95/47768/FUL	Construction of new portal framed building to house two new incinerators and fumigation room.	Approved 1996
95/47570/REM	Hotel accommodation comprising 4 no 1 bed 4 person houses 1 no 1 bed 2 person house 8 no 1 bed 2 person flats 35 no 1 person bedsits (total units 48 no) plus laundry room creche and functions building.	Withdrawn 1995
94/45810/FUL	Extension of existing and construction of a new incinerator house- replacement of two chimneys.	Approved 1995
93/43969/ADD	Hostel accommodation comprising 4 no. 2 bed 4 person houses. 10 no. 1 bed 2 person flats- 35 no. 1 person bedsits and 1 no. laundry room- creche facility and clubroom/cricket pavilion.	Approved 1996
93/43543/ADD	Stainless steel letters projecting sign. both illuminated	Approved 1993
92/40704/ADD	New gas store to paracox facility	Approved 1992
91/39115/ADD	Relaxation of condition no 7 of planning permission 136221	Approved 1991
90/38549/ADD	Reroofing and refurbishment of buildings a b and c provision of new plant room between building b & c laboratory and animal rearing etc	Approved 1991

90/38454/ADD	Two new electrical substations and extension to existing substation	Approved 1992
90/38453/ADD	Additional boiler flue to existing boiler house	Approved 1991
90/37288/ADD	Two laboratory blocks	Approved 1992
89/36221/ADD	Experimental animal house poultry unit and treatment plant	Approved 1990
89/36145/ADD	2 laboratories	Cannot determine
89/35566/ADD	Change of use and alterations to library and student accommodation	Approved 1989
89/33811/ADD	Hoarding v shaped 2 posters 5 ft x 10 ft	Refused 1989
84/23040/ADD	To widen gateway approximately 5 metres to allow easier access	Approved 1985
81/16118/ADD	Erection of new animal rearing accommodation	Approved 1981
80/14301/ADD	New research building on site of existing animal houses which are to be demolished	Approved 1979
79/11766/ADD	Non illuminated projecting sign	Approved 1978
78/07912/ADD	Replace and resite existing petrol installation with a view to installation which will comply with present day safety regulations	Approved 1978
77/07500/ADD	The modification of an existing farm building to re house existing bank branch office	Approved 1977
77/06498/ADD	Remove existing decaying roofs and replace with new on the isolation compound animal holding buildings	Approved 1977
77/05833/ADD	Replacement of chimney and boilers to central boiler house	Approved 1997
77/05782/ADD	To resite representation into a caravan owned by the institute of banking purposes	Refused 1977

## 2. Procedural Matters

- 2.1 The proposal has been subject to screening and scoping under the Environmental Impact Assessments (EIA) Regulations. As EIA development the application included the submission of an Environment Statement (ES). In accordance with the EIA Regulations the ES has been submitted to the Secretary of State and a response confirming they wish to make no comments on its contents has been received.
- 2.2 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations the proposal would be liable for CIL for the residential development. The liability would be calculated at reserved matter stage as it is based on floor space created.
- 2.3 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out the requirements for the publicity of planning applications.

Site notices were displayed by access points into the site on 8 July 2020 to expire on 29 July 2020. A further consultation on amended plans and additional information including site notices took place on 22 July 2021 until 12 August 2021, and a final consultation took place between 18 November 2021 and 2 December 2021. The Authority has therefore discharged their duty to publicise applications in accordance with the DMPO.

- 2.4 The Planning Casework Unit has contacted the Local Planning Authority in regard to a request for the Secretary of State to call in the application for determination in the event that the Committee's resolution is to approve. Therefore in the event of a resolution to grant permission officers will refer this matter to the Planning Casework Unit for confirmation as to whether the Secretary of State wishes to call in the decision.

## 3. Consultation

### ***Statutory and non-statutory consultation***

- 3.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Compton Parish Council:</b>	Objection.  <u>Comments on 160 houses include:</u> It remains that the proposal considerably departs from allocation policy HSA23 and the local framework and emerging Compton Neighbourhood Development Plan. It's major development in the AONB and there are no exceptional circumstances that demonstrate it's in
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	<p>the public interest to override the failure to conserve and enhance the AONB.</p> <p>It's a material increase above the allocation of 140. Without sight of the viability assessment to underpin the application proposal the reduction in number of dwellings appears somewhat arbitrary.</p> <p>The growth to the service village is unbalanced and doesn't respond to the character and function of the village as required by HSA23. No consideration to single storey and accessible housing as part of the masterplan for an appropriate mix of dwelling types. The proposal does not establish a framework for the delivery of employment land and floorspace to offset the loss of the employment site and create a mix of uses on site.</p> <p>There's insufficient evidence to demonstrate the hostel cannot be retained and refurbished to accord with HSA23 and the Compton NDP policy C6. The demolition of the nursery buildings result in the loss of valued community facilities identified as strong potential for accommodating community uses to meet identified need. The value of the cricket ground is diminished by the demolition of all ancillary facilities with no replacements.</p> <p>The application does not define the parameters to delivery affordable housing for those with a local connection. The design guide and design and access statement do not sufficiently define appropriate densities and heights across the site. Inadequate consideration of the pedestrian connectivity with the rest of Compton or promote pedestrian movement to the south side of the High Street. The illustrative drainage strategy is incompatible with the amount of development and conflicts with other proposals on site. The exclusion of public access from restored area A is contrary to the design principles of the site's SPD as an informal recreational resource. Insufficient details on the full application design, strategy, maintenance and management of public open space and wildlife areas.</p> <p>Failure to demonstrate how it will support transition to a low carbon future with no defined scheme for renewable and low carbon energy. The scale of development cannot be adequately accommodated by water supply and waste water. The demolition and construction phases should be subject to an hours of work condition and a detailed demolition and construction method statement. The design guide has not been subject to any public consultation.</p> <p><u>Previous comments on 250 houses include:</u> Major development in the AONB that would not conserve landscape beauty;</p>
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	<p>substantially above the allocation for 140 homes and extends into the area beyond the settlement boundary; unbalanced growth at a service village; inappropriate mix of housing; insufficient offset of loss of employment land; inadequate community facility provision; density; lack of connectivity for pedestrians; conflict between drainage strategy, illustrative master plan and green infrastructure plan; lack of information on low carbon development; issues of water supply and waste water; hours of work.</p>
<p><b>Hampstead Norreys Parish Council (adjacent):</b></p>	<p>Objection.</p> <p><u>Comments on 160 houses include:</u> Comments previously submitted are still valid despite the reduction in houses which is still greater than that of the allocation.</p> <p><u>Previous comments on 250 houses include:</u> significant impact on parish including the B4009 which is not fit for increased traffic and impact on pinch point on Cow Lane in East Ilsley and the junction on to the A34 at East Ilsley.</p>
<p><b>East Ilsley Parish Council (adjacent):</b></p>	<p>Objection.</p> <p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> 79% increase of housing above that allocated; fail to conserve landscape character; lack of community amenities; lack of smaller homes; inadequate water and waste water provision including for emergencies; density; lack of measures to tackle the climate emergency; radioactive and biological contamination and risks of further contamination with any danger to public health dealt with prior to planning; traffic through East Ilsley dangerous where there is a one way system and lack of pedestrian routes with buildings close to the road edge; risk of damage to listed buildings and buildings in a conservation area; racing stable access via pinch point at Cow Lane; access onto A34; pressure on school places and GP surgery; flooding.</p>
<p><b>Ashampstead Parish Council (adjacent):</b></p>	<p>Objection.</p> <p><u>Comments only received on amendments to 185 houses, including:</u> Concern regarding local traffic generated from Compton to Reading along Aldworth Road in Ashampstead which is effectively single track in places. The Councillors hope that this will be considered when determining the density of residential units permitted on the site.</p>



<p><b>Highways England:</b></p>	<p>No objection (to both 250 houses and 160 houses).</p> <p><u>Comments on 160 houses include:</u> We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network, in case of this proposal, the A34. Our recommendation remains the same as no objection.</p> <p><u>Previous comments on 250 houses include:</u> Requested junction modelling files for all strategic road network junctions (A34 East Ilsley junctions) assessed within the Transport Assessment where application is for 250 dwellings but allocated for approximately 140. Following receipt of this further information, justification and model adjustments and outputs were requested. In their final response no objections were raised.</p>
<p><b>Highway Authority (WBC):</b></p>	<p>No objection subject to conditions.</p> <p><u>Comments on 160 houses include:</u> Much of the site layout will not be approved until reserved matters. The illustrative site layout is acceptable but care will need to be taken ensuring pedestrian and cycle routes will be overlooked as much as possible.</p> <p><u>Previous comments on 250 houses include:</u> Amended plans requested to confirm sight lines can be achieved. Matters regarding access, traffic generation, traffic modelling and mitigation are considered acceptable. Site layout should be given greater consideration to avoid cul-de-sacs, internal roads be of an adoptable standard.</p>
<p><b>West Berkshire SPOKES:</b></p>	<p>Only one set of comments received on amendments that the proposal would be a large influx of housing and whilst no cycling infrastructure is in place all houses should have cycle storage on site and roads, pavements around the estate which are suitable and provision for traffic free cycling.</p>
<p><b>Thames Valley Police:</b></p>	<p><u>Comments on 250 houses include:</u> Comments on the layout for reserved matters: limited surveillance of cricket green and amenity space; suggest active rooms to overlook courtyard parking areas and located in harder to access areas with appropriate boundary treatments; vulnerable side and rear elevations to some dwellings; footpaths through the site could be excessively permeable making it difficult for residents to distinguish passers-by as local or not.</p> <p>No comments received on amendments to 160 houses.</p>

<b>Royal Berkshire Fire &amp; Rescue Service:</b>	<p>Condition advised.</p> <p><u>Comments on 160 houses include:</u> Fire service access and structural fire precautions and means of escape to comply with separate legislation. It's to be noted that the service operates vehicles exceeding the requirements so that structures on site such as bridges have the full vehicle carrying capacity.</p> <p><u>Previous comments on 250 houses include:</u> Objection regarding insufficient information for firefighting water supplies – suggested condition to overcome objection.</p>
<b>Thames Water:</b>	<p>Issues raised with regard to foul water and water capacity, with conditions recommended.</p> <p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> Upgrades to the waste water network are required beyond 20 dwellings capable of being accommodated on site; public sewers are in proximity to the development and require access for maintenance etc; off site upgrades to water infrastructure are required beyond 49 dwellings capable of being accommodated on site; no construction of the water main within 5m of the development; piling details to be agreed where there's a strategic water main within 15m of the development; no construction within 3m of water mains within the site; easements and wayleaves within the site which are not to be affected by the development.</p>
<b>Ministry of Defence:</b>	<p>No objection to original or amended proposal with regard to their safeguarding areas.</p>
<b>Natural England:</b>	<p>No objection to original or amended proposal with regard to potential significant impacts on the natural environment.</p>
<b>Environment Agency:</b>	<p>No objection subject to conditions.</p> <p><u>Comments on 160 houses include:</u> The applicant has now carried out detailed hydraulic modelling showing a reduced flood risk on site compared to previous assumptions. A pre-application methodology review was undertaken by the Environment Agency and are satisfied with the methodology proposed for use in the flood risk assessment and shows the proposed development to be outside the 1% annual exceedance probability (1 in 100) 70% extent. Objection is removed subject to conditions on the flood risk assessment, finished floor levels, no raising of ground levels.</p> <p>On groundwater quality and contaminated land: it's been identified that a number of former activities such as</p>

	<p>landfilling, hydrocarbon storage, animal disposal and incineration and research could have led to pollution of groundwater. The site also is covered in part within a source protection zone (SPZ) so groundwater in the Chalk aquifer is sensitive. Although this SPZ is related to former use of the site for potable supply, so if the licence is revoked this may not be an issue. Therefore it would be useful to know the long term proposals for this abstraction. We note it states further intrusive investigations are proposed in section 7 of the report. We would concur with this and recommend that groundwater quality is ascertained for the site. Conditions required for site investigation scheme, remediation strategy and verification plan, and a condition on verification on completion of remediation.</p> <p>With regard to drainage no infiltration sustainable drainage measures is to be conditioned due to the potential contamination due to the risk to controlled waters.</p> <p><u>Previous comments on 250 houses include:</u> Objection. Inadequate flood risk assessment with regard to precautionary design flood level, finished floor levels, impacts on flood plain storage.</p>
<p><b>Local Lead Flood Authority (WBC):</b></p>	<p>Objection.</p> <p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> Objection. Reduction in discharge rate requested; concern insufficient space with number of houses proposed available for sustainable drainage measures; amendments to drainage proposal sought.</p>
<p><b>Campaign to Protect Rural England, Berkshire:</b></p>	<p>Objection.</p> <p><u>Previous comments on 250 houses include:</u> urbanising impact, detrimental impact on local services and traffic. Viability and land contamination should be revisited.</p> <p>No comments received on proposal for 160 houses.</p>
<p><b>Archaeology (WBC):</b></p>	<p>No objection subject to conditions.</p> <p><u>Previous comments on 250 houses include:</u> There is some archaeological interest due to the later prehistoric features in the area. Though much of the site was developed in the 20<sup>th</sup> century there remains some potential outside the footprint of the existing buildings. The proposed residential redevelopment is likely to have an impact on any surviving archaeology.</p>

	<p>Therefore a programme of archaeological supervision is required by condition. The former Institute of Animal Health played an important part in the recent history of the village as well as being a national research centre established in the 1930s. A record of the physical layout should be collated and building recording is required by condition.</p> <p>No comments received on proposal for 160 houses.</p>
<b>Conservation (WBC):</b>	<p>No objection on both original 250 houses and 160 houses proposed.</p> <p>Comments include: this application is not considered to raise significant building conservation issues in terms of direct impact on designated heritage assets within or outside the site, or their settings. A small part of the application site in its south east corner impinges on the Compton Conservation Area, but in the outline proposals for this part of the site indicate an enhancement of its setting with area of open space.</p> <p>A comprehensive Archaeological and Built Heritage Statement has been submitted with the application, which includes an assessment of the buildings on the application site itself (all non-designated), the conclusions of which are noted and accepted.</p>
<b>Landscape Consultant (external):</b>	<p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> Proposals do not respond to local context with regard to height of dwellings, urbanising in impact out into open downland, high density within area allocated for housing, lack of buffer from development of site into area beyond housing allocation.</p>
<b>Environmental Health (WBC):</b>	<p>No objection subject to conditions.</p> <p><u>Previous comments on 250 houses:</u> I support this application as it will deal with a legacy of contaminated land present at this site. Although a comprehensive contaminated land investigation has been undertaken a number of areas across the site have not been investigated due to the presence of buildings on site that were not accessible to allow investigation beneath them. Therefore further site investigations and risk assessment are required following the removal of buildings on site to confirm the potential ground and contaminative risks at the site and any further remediation.</p>

	<p>Due to the extensive construction required a construction management plan will be needed. Hours of work condition is recommended in order to control potential noise from the site.</p> <p>As the proposal also includes B1 permission a noise impact assessment is required in order to protect the proposed residential properties on site. No comments received on amendments to 160 houses.</p>
<b>Public Rights of Way (WBC):</b>	<p>No objection subject to conditions and planning obligation.</p> <p><u>Previous comments on 250 houses include:</u> It's noted that 'Green Infrastructure' is proposed within the site, and the 'restoration of an old footpath'. Details required of the proposed legal statuses, and mechanisms for the future maintenance of the proposed new green infrastructure.</p> <p>A large increase in local population would result in increased demand for use of the network of rights of way in the local and wider area, including The Ridgeway National Trail. This is ample justification for S.106 and CIL allocations towards improvement to this network.</p> <p>No comments received on amendments to 160 houses.</p>
<b>Tree Officer (WBC):</b>	<p>No objection subject to conditions.</p> <p><u>Previous comments on 250 houses include:</u> Details of existing trees, individual trees and groups to be removed and suitable tree protection measures are comprehensively reported and the details provided are satisfactory.</p> <p>Reference to proposed new planting, replacement trees to mitigate the loss of the trees to be removed, landscaping and wildlife area are mentioned in the Design and Access Statement and main Planning Statement however further details of these elements would be required prior to any development commencing. Further details required which can be provided by conditions on tree protection measures, landscaping, and landscape management plan.</p> <p>No comments received on amendments to 160 houses.</p>
<b>Ecology (WBC):</b>	<p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> Compensation habitat required for loss of brownfield habitat, overlap required between vegetation clearance and planting, urban heat to be considered when extent of loss and replacement hardstanding</p>

	known, lighting strategy required, potential for land grab in illustrative masterplan would need to be addressed at reserved matters, onsite ponds and ditches should be created to slow water leaving the site.
<b>Education Service (WBC):</b>	<p>Comments on <u>250 houses include</u>: It's anticipated that the impact of the development can be met, based on the predictions around demographic growth in the area and proximity to local schools, in and just outside the catchment area. If the demographic picture were to change at the time development commences we would look to CIL to mitigate the impact as required at that time.</p> <p>No comments received on amendments to 160 houses.</p>

### ***Public representations***

- 3.2 The Local Planning Authority database has recorded nearly 330 contributors on the application. Of the representations receive 3 are in support, and the remaining contributors object to the proposal. The stated number of contributors refers to individuals, not the number of comments received – some individuals have commented once, others on each consultation.
- 3.3 The full responses of all representations may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following main issues/points have been raised:

#### **Objection Matters Raised**

- Number of houses proposed above the number allocated.
- Number of houses necessitates a higher density out of keeping with the village.
- Local services cannot support the higher housing numbers.
- Environmental impact of demolition and rebuild compared to reuse and re-purpose.
- Thames Water advise insufficient infrastructure for above 20 houses for sewerage and water. Sewage has flooded roads.
- Minimum floor height of 103.6m AOD insufficient to ensure flooding to properties won't occur.
- Lack of commitment to renewable energy and energy efficient buildings.
- No need to exceed the allocation number of houses on the basis of land contamination remediation costs.
- Increase in traffic along roads unsuited to that volume and suffer from flooding, and unsafe access to/from the A34.
- Unsustainable location for cycling and walking and limited transport options.
- Insufficient car parking proposed.
- No improvement to education, health or employment proposed. Local GP practice at capacity, schools oversubscribed.
- Lack of provision for shared facilities for the village.

- Proposal doesn't respond to the Conservation Area of Area of Outstanding Natural Beauty or the character of Compton.
- Loss of wildlife from extent of build area and the redevelopment.
- Lack of provision for children.
- Increase in noise and pollution from the development.
- Increase in noise, pollution, vibration and damage to property from heavy construction vehicles.
- Timescale of development and disruption over extended period.
- Level of contamination including biohazard and radiation not fully disclosed or how it will be managed to protect residents health.
- Proposal fails to comply with the policy allocation and SPD and Compton NDP.
- Scale of development impact on local village feel of Compton in the AONB.
- Lack of proximity to employment.
- Light pollution and loss of bats.
- Concern about the viability justification of land contamination justifying additional development.
- Single site entrance inadequate for the number of houses proposed.

#### **Support Matters Raised**

- Support increasing housing accommodation in the village.
- Specifically on the revised flood risk assessment support the conclusions that 101m AOD is used as the design fluvial flood level for the development. Consideration should be given to installing SuDS drainage overflows into the River Pang where they're located on lower areas of the site adjacent to dwellings.

## **4. Planning Policy**

4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA23, C1, C3 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies RL.1, RL.2, RL.3, OVS.5, OVS.6, ENV.19, and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

- North Wessex Downs AONB Management Plan 2019-24
- West Berkshire Landscape Character Assessment (2019)
- WBC Quality Design SPD (2006)
- WBC Planning Obligations SPD (2015)
- WBC Sustainable Drainage SPD (2019)
- Pirbright Institute Site, Compton SPD (2013)
- Compton Neighbourhood Development Plan
- Regulation 18 consultation draft of the Local Plan Review

## 5. Appraisal

5.1 The main issues for consideration in this application are:

- Principle of development
- Employment
- Community uses
- Landscape character
- Density, housing mix and affordable housing
- Heritage
- Sustainable construction and energy efficiency
- Green infrastructure
- Public open space
- Biodiversity
- Trees
- Amenity
- Flooding
- Highway

### ***Principle of development***

#### Local Plan Review and Compton NDP

- 5.2 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.3 The Council is undertaking a Local Plan Review to identify development required to meet local needs, set out the strategy for distributing development, and outline policies for conserving and enhancing the natural and built environment until 2037. A consultation was undertaken on an emerging draft in December 2020.

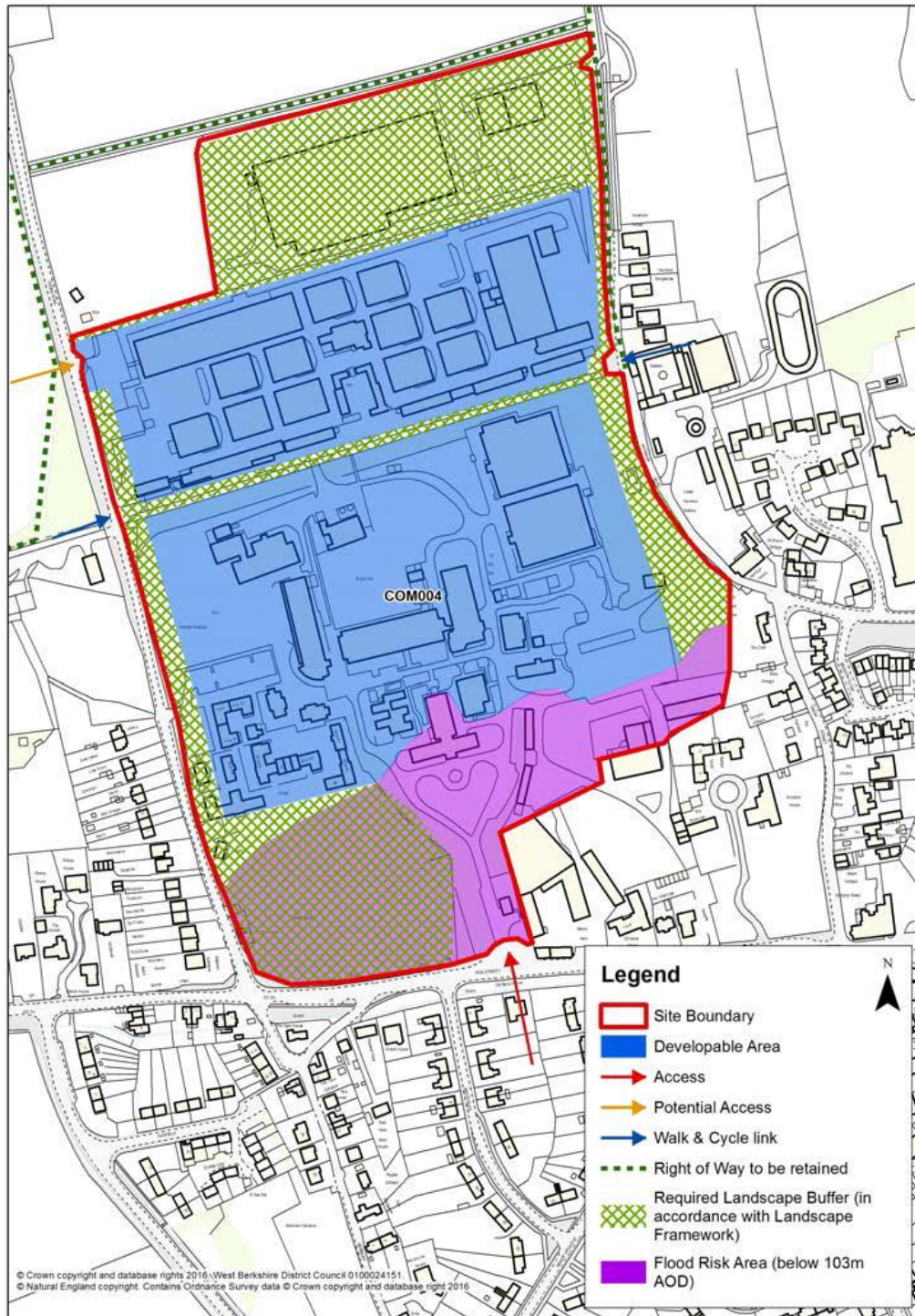


- 5.4 The approach of the emerging draft local plan review is to allocate strategic housing sites except in designated neighbourhood areas, if that area chooses to allocate housing. Compton designated a neighbourhood area in 2017 but is not proposing to allocate housing. This is because there is an existing allocation by the local planning authority within the neighbourhood area for approximately 140 dwellings (policy HSA23). Under local plan review Policy SP15 it is proposed to continue to allocate this site for same approximate number of dwellings under the same policy wording.
- 5.5 The Council's Local Plan Review attracts limited weight where it has not been tested and may be subject to change following the next stage of consultation. However, it is clear the direction is to continue to allocate the site as part of identifying development to meet local need and for distributing development.
- 5.6 Preparation of a Neighbourhood Development Plan has several statutory stages. The Compton NDP has passed independent examination and been to Full Council where it was agreed the NDP can continue to referendum. The NDP therefore carries considerable weight where it has been confirmed that it is legally compliant and meets the basic conditions, one of which is the general conformity with the NPPF. It is understood a referendum is due to take place in the New Year around February. The Compton NDP does not allocate the housing in the parish, but includes policies both on the site and for the parish as a whole. The Compton NDP does not carry full weight until it is successful at referendum and adopted as part of the local development plan. Should the plan be unsuccessful at referendum it would have no weight. Details of the weight of emerging neighbourhood plans can be found here: [Microsoft Word - WBC NP Advice Note 13 - Weight of emerging neighbourhood plans \(westberks.gov.uk\)](#)

#### Local Development Plan

- 5.7 The Council's current adopted policies attract full weight and are the policies under which the application is to be determined. The spatial policy ADPP1 of the Core Strategy directs most development to within or adjacent to settlements in the district settlement hierarchy. Compton is identified as a service village suitable for limited development.
- 5.8 The spatial policy ADPP5 of the Core Strategy is specific to the AONB. With regard to housing it states that there are opportunities for development on previously developed land and new housing will be focused on the rural service centres and service villages. It identifies this site as having the potential to provide a greater level of growth than normally expected in a service village.
- 5.9 Policy CS1 of the Core Strategy outlines that new homes will be primarily developed on: previously developed land within settlement boundaries; other land within settlement boundaries; strategic sites and broad locations; and land allocated for residential development.
- 5.10 Policy C1 of the Housing Site Allocations DPD (HSA DPD) states there is a presumption in favour of development and redevelopment within settlement boundaries. The site is within the settlement boundary of Compton.
- 5.11 The site is allocated by policy HSA23 of the Housing Site Allocations DPD (HSA DPD). With regard to housing the parameter of the allocation is for approximately 140 houses.

5.12 The allocation map shows landscape buffers to the north, across the centre, and to both side boundaries. To the south of the site is a flood risk area with a ground level below 103m ordnance datum (AOD) which also includes the existing cricket pitch. The developable area is in two parts between the landscape buffers and the flood risk area.

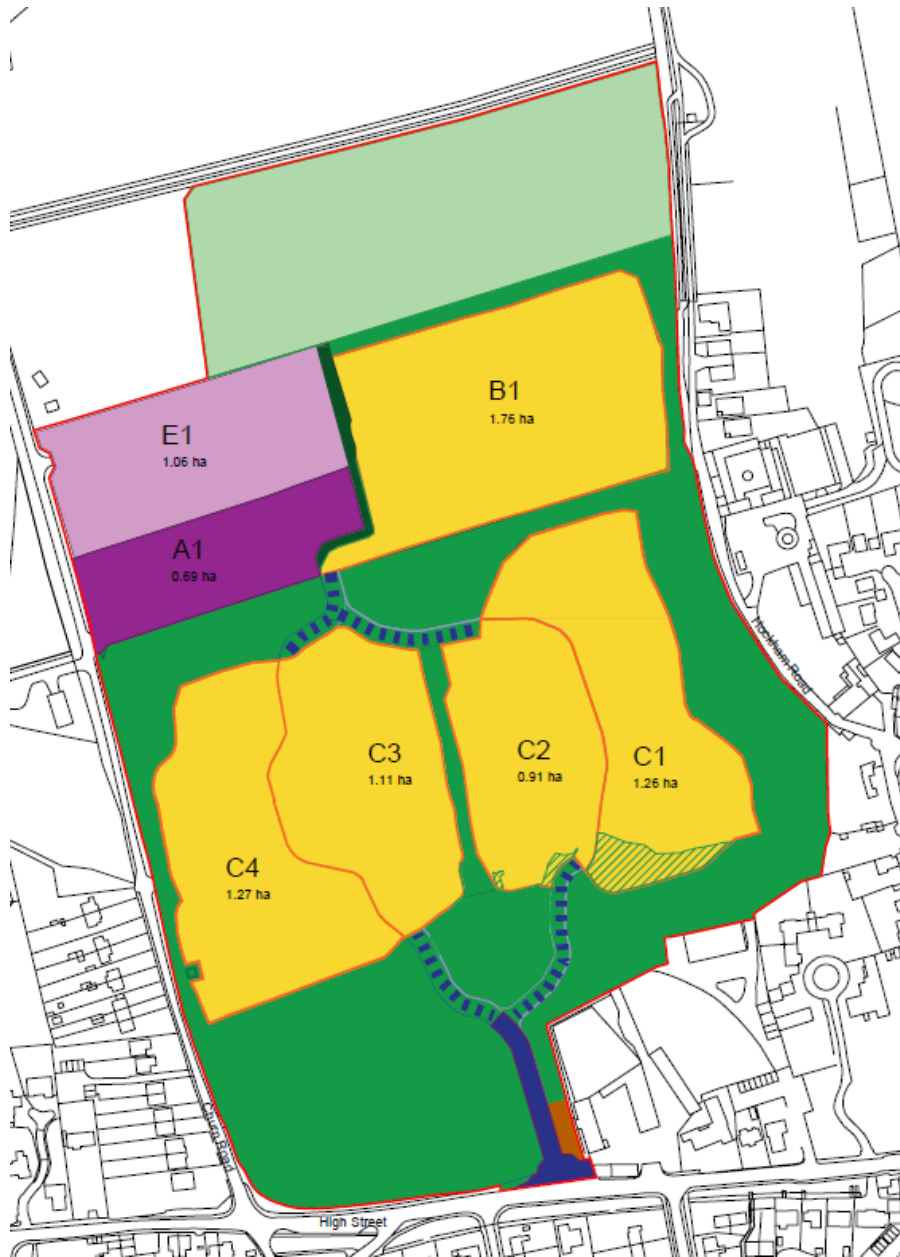




5.13 The Pirbright Institute Compton SPD subdivides the site into areas A, B and C in response to the landscape framework.

- Area A to the north would be for principal green infrastructure for woodland belts and grassland potentially for informal recreation;
- Area B to the centre should be developed at a lower density to area C and identifies the retention of existing employment floorspace and expansion of it;
- Area C to the centre to the south should retain the existing cricket ground, and could accommodate a higher density of development, excluding the flood zone 2 and 3 areas to the south of the site for housing (although potentially developable for employment space).

5.14 The proposal is for 160 dwellings which is 20 more than the approximate allocation, and is around 15% greater than 140. All of the dwellings are proposed within the developable area of policy HSA23 – the housing would be within the yellow areas labelled B1, C1-C4 in the land use plan below.



NPPF

5.15 Objections have been received that 160 dwellings is beyond the parameter of policy HSA23. In particular Compton Parish Council maintain that the application is 'major development' in the AONB that is not an exceptional circumstance and is not in the public interest, referring to NPPF paragraph 177. Paragraph 177 states,

*When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

*a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

*b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

The NPPF states “For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

- 5.16 The site has been allocated to meet an identified need for housing taking into account the fact it is within the AONB. There is a preference both in national and local policy for housing to be located on brownfield sites, which this site is. The allocation includes parameters for the housing to comply with in order to minimise effects on the environment, landscape and recreational opportunities. Those parameters give an approximate and not an ‘up to’ number of houses. It is therefore considered that the allocation of the site and the parameters imposed under policy HSA23 took account of and included an assessment of the criteria of paragraph 177 of the NPPF and concluded that it would not be ‘major development’. The addition of 20 houses to an approximate allocation is not considered of such additional significance to make the proposal ‘major development’ in the AONB.

#### Compton NDP policy C2

- 5.17 In maintaining that application is ‘major development’ in the AONB Compton Parish Council include that the proposal is contrary to Compton NDP policy C2. The policy requires “that the quantum of residential development remains for approximately 140 dwellings”. If a greater number of dwellings is proposed it will need to demonstrate it does not harm the character of the village and community or the landscape and scenic beauty of the AONB. This is to be demonstrated by assessments against the criteria of NPPF paragraph 177 referred to above. It extends these assessments to include the health and safety of villagers, local infrastructure, services and facilities.
- 5.18 Compton NDP policy C2 differs from NPPF paragraph 177 where it requires the assessments in relation to impacts on landscape character and scenic beauty. The NPPF requires the assessments in relation to whether a proposal is ‘major development’, an exceptional circumstance, and in the public interest. As such whilst the NPPF paragraph 177 relates to the principle of development, policy C2 of the Compton NDP relates to landscape impacts which are a separate consideration and therefore considered separately in this report.

#### Loss of existing buildings

- 5.19 Objections have also been received that the existing buildings on site are proposed to be demolished and not converted and reused. In particular the Hostel buildings, and the building previously used as the Piglets Day Nursery and Pickled Pig.

- 5.20 The allocation of the site under policy HSA23 is for it to be “comprehensively redeveloped” – ie buildings to be demolished and replaced. In the parameters to the policy it states that should the hostel come forward with the allocated site it must form an integrated element of the developable area.
- 5.21 The hostel building is included in the developable area of the application for redevelopment to housing, as is the Piglets Day Nursery and Pickled Pig. There is also land contamination on site both in some buildings and in the ground which will require remediation. For these reasons the redevelopment of the site is not considered to contravene policy HSA23.

### Conclusion

- 5.22 Having regard to the site being an allocated housing site in the AONB the proposed residential development for 160 dwellings is considered to conform to the Council's housing policies ADPP1, ADPP5, CS1, C1 and HSA23 for the reasons set out above. The development would contribute positively to maintaining a robust housing supply in accordance with these policies.

### ***Employment***

- 5.23 Within the parameters of Policy HSA23 it states that an element of employment floorspace will be replaced within the site. It does not quantify the employment floorspace.
- 5.24 The Pirbright Institute Compton SPD notes that the loss of a large research facility doesn't qualify the site to simply replace the same level of floorspace. The scale of potential employment development will be influenced by its location in the AONB and minimising visual intrusion. The size and function of Compton and evidence of market demand will also assist in determining the quantum of employment floorspace to be replaced on the site. Consultation responses concluded that small start-up units were most favoured in what were B1 uses (now generally within use class E). Evidence of market demand would also determine the type of employment provision.
- 5.25 Policy C11 of the Compton NDP states that the redevelopment of the site shall provide an enterprise hub for a range of flexible employment floorspace for those wishing to start and grow businesses, with a preference for re-use of existing buildings. If new employment buildings are required the applicant should demonstrate why a new building is essential. The supporting text says operators in nearby parishes have confirmed an interest in taking on a business hub in Compton as a commercial operation.
- 5.26 The existing employment use operating on site in Area B is proposed to be retained. The area adjacent to it to the south, also in Area B, is proposed to be retained for future employment use under the submitted land parameter plan. It does not propose a new building in this location, only that the land is reserved for future employment use. Nevertheless approximately a fifth of the site area to be developed on the land use parameter plan would be retained or set aside for employment use.
- 5.27 The applicant submitted with the application a Commercial Market Report by Cushman & Wakefield. It notes that Newbury and Thatcham are the primary commercial centres

in West Berkshire with high take up rates and a willingness to pay a premium rent, with no indication that could or would be the case in Compton as a secondary/tertiary location in the District. There was one transaction lease for offices in 2015 and no office sales in the last 5 years in Compton. There were no lettings or sales for industrial uses in Compton in that time frame. Transactions for industrial uses were concentrated in Theale, Thatcham and Newbury with greater transport links to cities and access to arterial roads and motorways.

- 5.28 As such it concludes that whilst there is demand for relatively small units in the District they are primarily in larger towns. There is not a robust demand to justify speculative development of commercial space in Compton. Demand is likely to be limited to small bespoke spaces and uses for a particular occupier and with a freehold interest. Rents and yields are such that the viability and deliverability of commercial space would be challenging.
- 5.29 No new or reused/converted employment building is proposed, which would be contrary to policy C11 of the Compton NDP, although it isn't an explicit requirement of policy HSA23. Where a fifth of the site would be retained and set aside for employment use this is considered to be a suitable land area in the context of a service village and to comply with the parameter of policy HSA23. The policy expects a mixed-use scheme including employment use and the proposal would continue the commercial operator on site.

### ***Community Uses***

- 5.30 Policy HSA23 includes community uses as part of the mixed-use redevelopment. The parameters of policy HSA23 include that the cricket ground as a community use will be retained. The Pirbright Institute Compton SPD includes that the cricket ground should be retained. This is proposed and could be secured by planning obligation.
- 5.31 The gatehouse building near the entrance off the High Street is proposed to be retained and is offered for community use. This can be secured by a planning obligation with triggers on when it would be made available and who it would be offered to and over what time frame. The building has limited car parking associated with it, although this could be secured at reserved matters when the detailed layout is considered.
- 5.32 Policy C13 of the Compton NDP states that "any proposal to replace the Piglets Day Nursery or Pickled Pig complex with a newer purpose built facility will be supported" and includes criteria to assess such a proposal against. It is implied that a "newer purpose-built facility" means a new community use building. The application includes the building in the redevelopment area for housing. The policy does not state that the building should otherwise be retained. As such the application proposal is not considered contrary to policy C13.

### ***Landscape character***

- 5.33 The following policies relate to landscaping character considerations. ADPP1 states that the scale and density of development will be related to the site's current or proposed character and surroundings. Policy ADPP4 states that development will conserve and



enhance the local distinctiveness, sense of place and setting of the AONB. Policy CS14 states that new development must respect and enhance the character and appearance of the area. Policy CS19 is specific to landscape character – with particular regard to the sensitivity of the area to change, that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, including consideration of landscape character assessments.

- 5.34 Policy HSA23 includes in the parameters that Area A to the north of the site will be restored and enhanced to make a significant positive contribution to the landscape character and local distinctiveness of the open downland landscape of the AONB and the landform carefully modified to remove incongruous features. The Pirbright Institute Compton SPD also recommended that Area A be excluded from the developable area and all buildings and hard standing removed. It suggests additional woodland belt landscaping to provide screening to Area B and grassland to the lower levels of Area A with potential informal recreational use.
- 5.35 Compton NDP policy C2 (as outlined in paragraphs 5.17 and 5.18) also applies.
- 5.36 The green infrastructure parameter plan shows the retained cricket pitch, all category A and B trees retained, a green buffer between the employment land and housing area in Area B, a central green street in Area C, wildlife habitat area in Area A, and public open space around Area C. The movement parameter plan shows footpaths around Area C and along the central green, across from Churn Road to Hockham Road between Areas B and C, and a footpath to the eastern boundary joining public rights of way to the north and Hockham Road. The residential access would use that existing off the High Street, and two existing accesses to the employment area off Churn Road.
- 5.37 An illustrative masterplan and indicative housing mix were submitted. The illustrative masterplan is based on dwellings being 2 storeys in height (the height parameter plan was withdrawn which showed dwellings up to 2.5 and 3 storeys in Area C). The housing mix shows 25% 2 bed dwellings, 40% 3 bed dwellings, 25% 4 bed dwellings, and 10% 5 bed dwellings.
- 5.38 The Council had a landscape consultant review the original proposal for 250 dwellings, amendment to 185 dwellings and the amendment to 160 dwellings. For the original proposal they considered that the proposal did not respond to the local context due to the number of dwellings which would result in an urban development with the majority of buildings up to 2.5 storeys high in a village characterised by 2 storey dwellings. Developing into Area A would extend development into the open downland which wouldn't conserve the adjacent landscape character of the Blewbury Downs. The number of dwellings and density would introduce noise, high volumes of traffic, lighting and footfall on adjacent public rights of way which would affect the sense of remoteness of the AONB. The higher ground level and extent of development in Areas A and B would also extend light pollution into open areas of open downland in the AONB. Extending development into Area A would also extend the settlement edge of Compton.
- 5.39 The proposal for 185 dwellings removed housing from Area A and replaced it with a wildlife habitat area. It removed dwellings to the south of the employment area to be for future employment instead. It increased the number of 3 storey dwellings in Area C resulting in 61 units at a density of 32.1 dwellings per hectare. Area B would be 2 storey

in height rather than 2.5 storeys originally. The landscape consultant concluded that the illustrative layout, the density and scale of development did not comply with local planning policy and that 2.5 and 3 storey dwellings are not suitable for the site. The proposal resulted in a higher density of dwellings in Area B which should be less than Area C.

- 5.40 As the existing value of the site is medium, the landscape consultant outlined that the proposal would need to be an enhancement, as would be expected within the AONB. The HSA23 guidelines set out the parameters on how this could be achieved. However, the proposals were for a substantial increase in number of dwellings and at a scale and design which would not be in keeping with the rural settlement of Compton. Although Area A would be free of development, it would not compensate for the increased density and scale of development within Areas B and C.
- 5.41 The landscape consultant also had concerns with the illustrative layout: not all internal access roads were shown; no garages were shown; no driveways were shown; the majority of tree planting within the residential areas would be within private gardens whose long term survival couldn't be guaranteed; the central green street would be dominated by parking; the indicative locations of the play areas were separated from housing and not overlooked; category B trees should be retained; the 3 storey landmark buildings by the entrance to Area C were considered urban features. There was also a concern that where no indicative housing mix was supplied it was difficult to tell what size of dwellings were proposed.
- 5.42 The proposal for 160 dwellings included amendments: to retain of all category A and B trees; an indicative housing mix for the illustrative layout; withdrawal of the height parameter plan; that the illustrative layout is based on dwellings which are all 2 storey; narrowing of the central green street; removal of the indicative locations of the play areas which are instead proposed to be dealt with as a number to be provided with the reserved matters.
- 5.43 The landscape consultant considers that the height and scale of the illustrative layout now demonstrates a suitable scale for new housing within Compton and the AONB can be achieved. A small percentage of 2.5 storey buildings could be accommodated in Area C and there should also be a small percentage of single storey buildings to respond to the policies in the Compton NDP. The density is now lower in Area B than Area C as required by policy HSA23 and would need to be maintained with the layout at reserved matters.
- 5.44 The landscape consultant is of the view a layout with 160 dwellings of mainly 2 storeys in height can be accommodated on site within both the parameter plans submitted with the application, in compliance with the parameters of policy HSA23, and have an acceptable impact on the AONB. The height can be controlled by condition, details of the play areas and grading of the land including for the wildlife habitat area of Area A can be secured by condition and their provision and maintenance secured through a planning obligation. They recommend a condition for a new design code to address their points on the illustrative layout on car parking, open space, boundary fences, the elevations of dwellings, footpath links, play areas, and space for tree planting in public areas within the development areas. This would also comply with Compton NDP policy

C9 for a design code to be developed after the masterplan and in consultation with the local community.

- 5.45 Overall the landscape consultant is satisfied the amendments to the parameter plans and conditions identified result in an outline proposal which complies with the adopted policies on landscape character and which the reserved matters would need to comply with.

### ***Density, housing mix and affordable housing***

#### Density

- 5.46 Policy CS4 of the Core Strategy requires development to make efficient use of land based on public transport accessibility. Whilst in general areas outside of town centres should achieve density of between 30 and 50 dwellings per hectare, density below 30 dwellings per hectare is considered appropriate in certain areas including villages that are particularly sensitive to intensification and redevelopment because of the prevailing character of the area or other reasons.
- 5.47 Policy HSA23 does not set a density or a range, only that Area B will be a lower density than Area C. The SPD Pirbright Institute Compton states that future development on site would not be expected to exceed 30 dwellings per hectare (para 5.6). The Inspector's report on the HSA DPD (paragraph 97) outlined that the proposed number of dwellings over the developable area could be considered too low and not the optimum use of the site. However, the density (20 dwellings per hectare) was appropriate as a starting point in terms of respecting the location of the site in the AONB and to be compatible with other densities in the village.
- 5.48 Where the proposal has increased the depth of the landscape buffers in Area C to the east and north the developable area is decreased. Based on the land use plan and the illustrative masterplan the density would be lower in Area B at just over 23 dwellings per hectare, and higher in Area C at just over 26 dwellings per hectare. This is lower than 30 dwellings per hectare as outlined in policy CS4, remains within the expectation of not exceeding 30 dwellings per hectare in the SPD, and is within the parameters of policy HSA23 where Area B would have a lower density than Area C. The Compton NDP discusses density but does not have a policy requirement for density. Overall it is considered that the proposal for 160 dwellings can achieve a density that complies with policy. It is not considered that a condition on density is necessary as the reserved matters layout would need to comply with the same policies.

#### Housing Mix

- 5.49 Policy CS4 expects residential development to deliver an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The housing mix should have regard to a number of factors listed in the policy. The Pirbright Institute Compton SPD para 5.7 refers to policy CS4 and notes that Compton consists of mainly family homes of 3 or 4 bedrooms, expected to be replicated on site along with some 1 and 2 bedroom homes and some 5 bed houses to meet all sectors of the community.

- 5.50 Compton NDP policy C7 outlines the development of the site provides an opportunity for a range of house sizes to meet local needs of 3-5 bedrooms. It also includes an expectation of homes designed to building regulation standards M4(2) Category 2: accessible and adaptable dwellings. The policy expects these to be provided as single-storey homes. The building regulations include provisions for M4(2) Category dwellings to include stairs which enable a stair-lift to be fitted, so the regulations do not preclude 2 storey dwellings from being accessible and adaptable.
- 5.51 Notwithstanding the buildings regulations requirements both the Compton NDP and the landscape consultant outline that single storey dwellings should be provided as part of the housing mix. This to provide both for variation in design of the layout and scale at reserved matters and also to provide for local need. It is therefore recommended that a condition for building height to include a percentage of single storey dwellings. The applicant has also agreed to 15% of dwelling to achieve M4(2) Category 2 which can be secured as part of a planning obligation.
- 5.52 Whilst the exact housing mix would otherwise be dealt with at reserved matters the illustrative layout and indicative housing mix show 25% 2 bed, 40% 3 bed, 25% 4 bed and 10 5 bed. Some 1 bed dwellings would be expected, and there are areas where there are concentrations of one housing type on the illustrative plans. However, in general terms it is considered to have been demonstrated that the submitted parameter plans and number of dwellings can provide a housing mix which responds to policies CS4 and C7.

#### Affordable Housing

- 5.53 Policy CS6 of the Core Strategy requires 30% affordable housing on developments of 15 or more dwellings which are on previously developed land. The application form states that 70% dwellings would be social rented and 30% would be shared intermediate (shared ownership). The Council's Housing Strategy confirmed there was a discrepancy of one unit on the original 250 houses scheme, but the amended proposal would provide the number and type of affordable units required under policy CS6 which is also in line with the Planning Obligations supplementary planning document. The affordable housing would be secured by planning obligation which would take into account the First Homes initiative should part of the affordable housing need to comply with the new government requirement coming into effect at the end of this year. It is expected that some of the M4(2) Category 2 dwellings would also be affordable.
- 5.54 Policy HSA23 includes a parameter that a local lettings policy should be explored for the site to allow a percentage of the affordable housing provision to be reserved for people with local needs. Compton NDP policy C5 includes that the final mix and tenure of affordable homes take account the recommendations of the CCB Report on Housing Need and other evidence. Furthermore that priority for affordable homes will be secured for households with a local connection.
- 5.55 The applicant has confirmed acceptance of an obligation for a local lettings policy with the drafting in the planning obligation to ensure it does not affect a registered provider's ability to secure their grant funding. It is considered that affordable housing provision will be in accordance with policy CS6 which is to be secured by planning obligation along with a local lettings scheme to comply with HSA23 and C5.

## Conclusion

- 5.56 Overall the density, housing mix including a proportion which are accessible and adaptable, affordable housing, and provision for a local lettings scheme, complies with policies CS4 and CS6 of the Core Strategy, policy HSA23 and policies C5 and C7 of the Compton NDP.

## ***Heritage***

- 5.57 Policy CS19 requires the conservation of heritage assets. Where the site is adjacent to a conservation area and is in an area of potential archaeological interest the Council's Conservation and Archaeology Officers have been consulted on the application. One of the parameters in policy HSA23 is for an archaeological desk based assessment as a requirement of any planning application.
- 5.58 With regard to the archaeological impacts later prehistoric features are in the area and an archaeological and built heritage assessment was provided in the submitted Environmental Assessment. There is some archaeological potential outside the footprint of existing buildings on site which the proposed residential development and regrading of the land to a certain extent in Area A. The Council's Archaeologist therefore recommends an archaeological watching brief be secured by condition.
- 5.59 They also recommend a building recording condition where the Institute itself played an important part in the history of the village and where it was a national research centre. The Council's Conservation Officer notes that a small part of the application site in the south east corner is just into the Compton Conservation Area, but the parameter plans and illustrative masterplan are considered to indicate that the setting of the Conservation Area would be enhanced by the proposal. As such and with the conditions identified the application is considered to comply with policy CS19.

## ***Sustainable construction and energy efficiency***

- 5.60 Policy CS15 states that major residential development shall achieve this from renewable energy or low/zero carbon energy generation on site or in the locality of the development as long as a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.
- 5.61 Whilst sustainable construction methods have largely been moved into building regulations the Council has declared a climate emergency and has published an Environment Strategy. Whilst this is not an adopted document as part of the local plan it is a material consideration.
- 5.62 Policy C3 of the Compton NDP requires all new residential development to achieve at least 19% improvement on the carbon emission target of Building Regulations (Part L), as well as other measures with regard to materials, insulation and passive solar gain. The applicant has agreed to the 19% improvement which can be secured by planning obligation.

- 5.63 Policy C4 of the Compton NDP encourages incorporation of infrastructure for a local district heating network either by connection to an existing one or delivering it onsite unless it's demonstrated not to be viable. The applicant considers that the relatively modest scale and low density of the development is such that it would not be possible for the development to provide a local district heating network.
- 5.64 Policy C9 of the Compton NDP requires a design code in consultation with the local community as a condition of outline permission, with the design to use the 'Building for a Healthy Life' assessment framework and identify opportunities to draw its energy supply from decentralised, renewable or low carbon supply systems. The applicant submitted a Design Guide which includes Building for a Healthy Life considerations for the site as well as anticipating the Future Homes Standard. The Landscape consultant felt that additional measures/alterations were required in the submitted design guide and recommended that a new/revised design guide be a condition should permission be granted.
- 5.65 The applicant has advised that some on-site renewables are expected to be included in strategies to achieve carbon savings, but the applicant states this would not be until reserved matters stage. This is accepted for matters such as solar panels where the orientation and layout of development would be a reserved matter consideration. However, measures such as air source heat pumps are less dependent on orientation. It is considered that a condition should be applied for a statement/strategy to be submitted either before or at reserved matters stage outlining the measures and demonstrating that the development will achieve policy CS15.
- 5.66 Overall the proposal would comply with policies C3 and C9 of the Compton NDP, and with the condition identified policy CS15, as well as the 19% improvement on building regulations with regard to sustainable construction.

### ***Green infrastructure***

- 5.67 Core Strategy policy CS18 requires the protection and enhancement of the District's green infrastructure. A loss of green infrastructure or harm to its use or enjoyment will not be permitted. The supporting text to the policy notes the contribution green infrastructure makes to quality of life visually and for access to the countryside which supports healthy living. The majority of green infrastructure assets of the District that the policy includes in its definition are accessible to the public.
- 5.68 The parameters of policy HSA23 include that improvements will be necessary to footways fronting the site onto the High Street and additional pedestrian and cycle routes could be provided onto Hockham Road. Within the site links will be created throughout the site to improve connectivity with the existing network and to the village centre. Particular reference is made to reinstating the former east/west footpath through the site. The Pirbright Institute Compton SPD refers to Core Strategy policy CS18 to protect and enhance existing green infrastructure and create new green infrastructure to link to the existing in the area.
- 5.69 Policy C15 of the Compton NDP supports the creation of new footpaths at new development sites which increase connectivity through the village. Policy C16 includes the cricket ground as a local green space on which new development would not be

permitted. Policy C19 of the Compton NDP supports proposals that improve and extend existing footpath and cycle path networks.

- 5.70 The proposal would retain the cricket pitch as part of the green infrastructure of the site, in accordance with policy C16. It would include footpaths around the proposed residential areas on site, along the green street through the centre of Area C and reinstate the east/west footpath through the site from Churn Road to Hockham Road between residential areas B and C. It would also have a footpath through Area A to the north onto Hockham Road and joining the public rights of way to the north and south from here. There will be areas of green space accessible to residents within Area C and Area A, although some will be less accessible in the interests of creating a diverse habitat for biodiversity on site.
- 5.71 The Public Rights of Way Officer was consulted. They confirm Compton Bridleway 6/1 and footpath 25/1 run adjacent to the northern boundary and bridleway 3/3 runs adjacent to part of the eastern boundary. They note the proposal for additional green infrastructure including footpaths through site including the restoration of the east/west route. They require details secured by condition of the surfacing, any lighting, etc. They also require details of the proposed legal status and mechanisms for future maintenance, which would be secured by planning obligation. The increase in local population from the proposed development would increase the use of the existing rights of way networks off site for which a planning obligation is sought.
- 5.72 Thames Valley Police comment that the extent of proposed footpaths could make the site too permeable and could create an increase in crime and anti social behaviour if there is a lack of overlooking from properties or limited local traffic. This will be a consideration for reserved matters with regard to the layout of development to address the parameter plan footpaths.
- 5.73 On the basis of the above considerations the proposal would secure and formalise wider public access and green space provision, including securing long term maintenance and protection. As such it is considered to comply with policies CS18, HSA23, C15 and C16.

### ***Public open space***

- 5.74 The Local Plan Saved Policies include RL.1, RL.2 and RL.3 which relate to public open space provision in residential schemes. These policies outline:
- how the area of public open space is to be calculated,
  - that details on future ownership and ongoing maintenance including those costs will need to be secured,
  - that public open space can be provided in a number of ways including a combination of on site, on other land within the applicant's control, or in certain circumstances by payment for other land to be used for public open space easily accessible to the development site,
  - that quality provision will be sought with regard to the nature, diversity and attractiveness of the land, suitability for a range of recreation, compatibility with

biodiversity, impact on the amenity of adjoining residents, and accessibility for pedestrians, cyclists and public transport.

- 5.75 The Planning Obligations SPD contains further details on the breakdown of play space, public amenity and playing fields space, and ongoing maintenance costs methodology. Public open space is secured by legal agreement, as well as conditions on the open space being provided within a timescale and in accordance with the details submitted.
- 5.76 For the 160 houses proposed and based on the submitted indicative housing mix an area of public open space between 1.4 and 2 hectares would be required under the RL policies and Planning Obligations SPD. The cricket pitch alone would be 1.15 hectares. The remainder of the land not designated for employment or residential development would be over 5 hectares. Not all of this would be publicly accessible due to the habitat creation for biodiversity, but nevertheless the open space will exceed that required by policy.
- 5.77 There will also be one locally equipped area of play (LEAP) and four local areas for play (LAP). The landscape architect requests that one is located on or near the cricket pitch. The indicative locations of the LEAP and LAPS on the green infrastructure plan have been removed. As the plan would be a condition of any outline permission the indicative locations were not considered sufficiently overlooked and some would involve children crossing the main primary route of the illustrative masterplan which could have implications for their safety and may not maximise their use. Instead their number and the details of provision and maintenance would be secured by planning obligation with details of their locations to be agreed at reserved matters stage.
- 5.78 The proposal would include an area of more formal open space with the cricket pitch and play areas. It would also have less formal areas of recreation near the wildlife habitat areas. Overall the proposal is considered to provide for different types of recreation and experience of public open space and would accord with the RL policies.

### ***Biodiversity***

- 5.79 Policy CS17 requires biodiversity assets to be conserved and enhanced and development should maximise opportunities to achieve net gains in biodiversity. The Environment Act 2021 includes provision for grants of planning permission to be subject to a condition to secure biodiversity gain by at least 10%. The Natural Environment and Rural Communities Act 2006 includes a duty to have regard to conserving biodiversity.
- 5.80 Policy HSA23 includes a parameter that appropriate avoidance and mitigation measures identified in habitat surveys shall be implemented to ensure protected species are not adversely affected. Policy C17 of the Compton NDP also requires measurable net gains for biodiversity and for development to be landscape led with regard to ecology.
- 5.81 A net gain calculation was submitted with the application. It identified that there would be a net loss of 8% hedgerow units and the detailed design for the site would require an additional 8% hedgerow units. It also identified potential temporary loss and replacement of the parkland habitat as part of development works which would also need to be addressed in the detailed design with a like for like compensation. A biodiversity management plan is identified as a requirement to ensure the net gains are



delivered for at least 30 years. The creation of enhanced hedgerows, woodland, grasslands, scrub, trees, vegetated gardens, amenity grassland and sustainable drainage features were assessed as far exceeding a 10% net gain.

- 5.82 Ecology and protected species surveys were submitted with the application. The Site is stated as being characterised by a series of disused buildings with associated hardstanding, grasslands, scattered trees and dense scrub. A small strip of plantation woodland, ephemeral vegetation and tall ruderal vegetation is also present. These habitats would offer habitat for protected species. Protected species were surveyed and found on site and mitigation measures identified and proposed. In addition the submitted reports recommend a construction environmental management plan.
- 5.83 Natural England were consulted and had no comments to make and had no objection to the proposal. The Environment Agency were consulted and made no comments with regard to biodiversity.
- 5.84 The Council's Ecologist has been consulted. They identify that a construction environmental management plan will be required by condition and a landscape ecological management plan (LEMP), a lighting including isolux levels condition, a bat licence condition, and a stipulation for the biodiversity net gain details and provision.
- 5.85 The provision of 2 bat lofts (ideally placed on the northern and/or eastern boundaries) appropriately designed for species such as brown long eared bats, this needs to be agreed in principle at this stage with details delivered via condition. Bin stores, substations and cycle storage structures are sometimes the best places to put bat lofts in. 33 Bat boxes (ratio 1:5 to new homes) will need to be integrated into the new structures on the site, and 55 bird boxes (a ratio of 1:3 to the new houses) with a mix of box types including boxes for swifts and common passerine birds. Details of the bird and bat box locations should be detailed on the planting plans with the details of the types of boxes and installation procedures included in the LEMP.
- 5.86 There will be a loss of existing habitat which will then be reinstated and enhanced. There will be impacts on protected species on site requiring mitigation measures by the proposed development. Overall the mitigation and enhancement measures would provide a site wide net gain in biodiversity. As such the proposal complies with policies CS17, HSA23 and C17.

### **Trees**

- 5.87 The Council's Tree Officer has commented on the proposal. They refer to the submitted tree survey and arboricultural report. All category A and B trees are proposed to be retained within the development. Full details of landscaping including management, tree protection measures and impact assessment detailing any special construction or monitoring requirements would be required to be secured by conditions for the area of the site subject of the full application. For the outline application the landscaping would be part of the reserved matters for the remainder of the site.

## ***Amenity***

- 5.88 Policy CS14 includes quality of life as part of the design principles development is required to comply with. The Quality Design SPD includes considerations to be given to the potential amenity impacts of development. Policy OVS.5 relates to environmental nuisance and pollution control from development, and policy OVS.6 to noise pollution.
- 5.89 Due to the topography of the site and surroundings and the existing boundary treatments, trees and hedges there is little direct overlooking into the site from existing residential properties. There will therefore be very limited direct impacts on existing residents in terms of overlooking, over shadowing, loss of outlook or daylight.
- 5.90 At reserved matters the proposal will need to demonstrate compliance with the Quality Design SPD and policy CS14 with regard to quality of life on these matters – to ensure properties within the proposal are not overlooked or suffer loss of light or over shadowing. Similarly the proposed dwellings will need to comply with the Quality Design SPD on private amenity space provision, and consideration will need to be given to ensure gardens are useable and don't have steep gradients.
- 5.91 The other potential impacts on existing and future residents are from land contamination from the previous use on site. Policy HSA23 includes a parameter that a phase one contamination report and preliminary risk assessment are required and remediation will need to take into account any plans for drainage infiltration measures. The Environment Agency and the Council's Environmental Health have been consulted on the application.
- 5.92 The Environment Agency confirmed they had reviewed the submitted land contamination report and note activities have included landfilling, hydrocarbon storage, animal disposal and incineration, research that could have led to pollution of groundwater. In addition they note the groundwater in the chalk aquifer is sensitive due to the site being partly covered by a water source protection zone. They concur that further intrusive investigations are required and recommend groundwater quality is established. They require conditions on a remediation strategy for the land contamination, a verification report demonstrating the effectiveness of the remediation, and that no drainage systems for infiltration of surface water to the ground are permitted unless agreed.
- 5.93 The Council's Environmental Health support the application where it will deal with a legacy of land contamination present on site. They consider the contaminated land investigation report to be comprehensive and note that due to the buildings on site the ground under them is currently not accessible for investigation. Further site investigation and risk assessment will be required following removal of the buildings to confirm the contamination risks and further remediation. This is to be secured by condition similar to that recommended by the Environment Agency.
- 5.94 Environmental Health also identify that the employment uses may emit noise that could affect future residents on site. They require a noise mitigation scheme. An hours of work condition during demolition and construction to control noise impacts on existing local residents, as well as a construction management scheme on how dust, deliveries, etc will be managed to minimise disruption to existing residents.

5.95 It is acknowledged that the extent of buildings to be removed, the removal of contaminated land from the site, and the construction works will impact local residents over a longer time frame than over developments. It is considered that these impacts can be mitigated to an acceptable level. In particular whilst the land contamination has not been identified as being an immediate risk that needs to be addressed outside of a planning application, its removal as part of the application is nevertheless of benefit. Measures and conditions have been identified that enable the development to comply with policies OVS.5, OVS.6 and CS14.

### **Flooding**

5.96 Policy CS16 of the Core Strategy requires it be demonstrated that development: would not impact on flood water storage capacity, or the flow of fluvial flood, surface or run-off water; can implement appropriate flood risk management measures; provide safe access and exit under frequent and extreme flood conditions; and provide long term maintenance and management of flood protection/mitigation measures as part of the development.

5.97 In addition policy CS16 and the Sustainable Drainage SPD requires sustainable drainage methods to manage surface water be incorporated in all development in accordance with best practice, national standards and attenuate to greenfield run off rates and volumes. Where possible other benefits such as water quality, biodiversity and amenity should also be provided with development.

5.98 The parameters of HAS23 include that a flood risk assessment would be required, no development within flood zones 2 and 3 on site, and housing not to be below the 103 metre AOD line unless detailed modelling indicates otherwise. The Pirbright Institute Compton SPD includes flooding considerations for development of the site. Policy C18 of the Compton NDP requires flood risk to be managed and sustainable drainage measures to be provided in accordance with policy CS16 and be designed as positive features of development.

5.99 The Environment Agency objected to the proposal on the basis the submitted flood risk assessment did not comply with requirements for site-specific flood risk or therefore fully assess the flood risks of the development. In particular that it failed to demonstrate,

*1. That an appropriate and precautionary design flood level has been calculated for the site - i.e. the 1% annual probability flood level with an appropriate allowance for climate change (1% + climate change flood level).*

*2. That the proposed development has finished floor levels above the 1% + climate change flood level.*

*3. The extent to which the proposed development impacts floodplain storage for the 1% annual probability flood event with an appropriate allowance for climate change (1% + climate change flood event).*

*The proposed flood zone level is not considered sufficiently accurate, for a development of this scale in this area we would expect the applicant to carry out detailed flood modelling to calculate an appropriate and precautionary design flood*

level - i.e. the 1% annual probability flood level with an appropriate allowance for climate change (1% + climate change flood level).

*We need to ensure that the correct principles are established with regard to flood risk, and that it is demonstrated that the proposed development is deliverable in accordance with these principles. This is a major development in an area with no detailed flood*

*modelling. The site includes an area of Flood Zone 3 which West Berkshire Borough Council have defined in their SFRA as Flood Zone 3b as a precautionary measure in an area with no detailed modelling. The applicant has suggested using an estimated flood zone level that they work to which they consider precautionary. However this is a major development in a sensitive area with a school, shops and houses at risk downstream. The applicant should undertake detailed modelling to calculate their design flood level to work from.*

5.100 The applicant undertook the modelling and a revised flood risk assessment was submitted. The Environment Agency was consulted and responded, stating,

*The applicant has now carried out detailed hydraulic modelling and states that this has shown a reduced flood risk on site compared to their previous assumptions. A pre-application methodology review was undertaken by the Evidence and Risk team and they were satisfied that the methodology proposed. The modelling is now considered 'fit for purpose' for the use of the FRA, and the modelling shows the proposed development to be outside the 1% annual exceedance probability (1 in 100) 70% extent.*

As a result the Environment Agency removed their objection and require a condition that the development be carried out in accordance with the flood risk assessment including that finished floor levels are set no lower than 101.6 metres above AOD and no raising of existing ground levels on site.

5.101 The Local Lead Flood Authority (the Council) commented on the original proposal and had concerns about the vulnerability of the main river and the proposed outfall to it and the lack of modelling a lower maximum discharge rate would be required to not exacerbate the existing situation with the main river. They were also concerned about the original proposal having insufficient space for drainage measures and a number of matters in the original flood risk assessment.

5.102 Thames Water have identified a limited capacity of the existing foul water infrastructure for approximately 20 dwellings and a limited capacity of the existing water supply infrastructure for approximately 50 dwellings. They are in discussions with the applicant for Thames Water to provide the necessary upgrades to the infrastructure to accommodate the development. Having requested an update from Thames Water as part of the recent consultant on the amendments to 160 dwellings they have advised it is unlikely the upgrades will be completed prior to any planning permission, and applying their requested conditions limiting the number of dwellings that can be occupied to the existing infrastructure capacity until the upgrades are completed.

5.103 Whilst the public concern regarding the lack of infrastructure is appreciated it is a matter for Thames Water as the statutory undertaker to provide the necessary upgrades.

Applying their suggested conditions ensures that the existing capacity they have advised is not exceeded and would provide them with time to undertake the works.

- 5.104 Whilst discussing infrastructure the Royal Berkshire Fire and Rescue Service request a condition for provision of fire hydrants to meet firefighting needs as part of the development.
- 5.105 There are clearly constraints on site due to the lack of water and foul water infrastructure, the sensitivity of the area to flooding including off site, part of the site being in flood zones 2 and 3, as well as limits on infiltration drainage due to the contamination on site. However, the submitted flood risk assessment demonstrates that it is feasible for surface water and flood risk to be managed in a way that policy CS16 can be complied with, subject to conditions. The Environment Agency and Thames Water are also satisfied that the impact of the development can be mitigated by conditions.

### ***Highways***

- 5.106 Policy TRANS.1 requires the transport needs of new development to be met through the provision of a range of facilities associated with different transport modes. Policy CS13 requires development that generates a transport impact to consider a number of points including reducing the need to travel, improve opportunities for healthy and safe travel, and mitigate the impact on the local transport and strategic road networks. The supporting text outlines that detailed traffic modelling will need to be undertaken where a significant development may impact on the capacity of the strategic road network, and developers will need to work with the Council and Highways England to establish a suitable mitigation package.
- 5.107 Policy P1 of the HSA DPD relates to parking standards for residential development which is reiterated in C22 of the Compton NDP. Policy P1 also includes that electric vehicle charging points will be provided, also reiterated in policy C20 of the Compton NDP. Parking details would be a reserved matter, but the illustrative masterplan has incorporated those standards so in principle they can be achieved within the parameter plans submitted. Electric vehicle charging points for each dwelling can be secured by condition.
- 5.108 Highways England, the Local Highway Authority, and the Council's Transport Policy were consulted on the application.
- 5.109 Highways England requested junction modelling for the strategic road network junction at East Ilsley to the A34. Following receipt and review on the modelling Highways England advised they had no objection. They have subsequently raised no objection to the amendments to 160 dwellings. As such Highways England do not consider the proposed development to have a significant impact on the safe and efficient operation of the East Ilsley junction to the A34 and in that respect the application accords with policy CS13.
- 5.110 The Council's Transport Policy noted that a framework travel plan was submitted with the application. A contribution is sought for £5,000 to cover the cost to the Council for assessing, monitoring and supporting the implementation of the travel plan. They did

not provide comments on the submitted travel plan but it would be a condition of any permission.

5.111 The Local Highway Authority have commented on the application. They note that Compton is served by bus route 6 between Newbury, West Ilsley, Hermitage, Hampstead Norreys, Compton and East Ilsley. There are 5 buses a day with non on a Sunday with bus stops east and west within 100 metres of the access. Most of the road within Compton have footpaths including the High Street fronting the site. Whilst there are no specific facilities for cyclists in Compton the roads are generally considered suitable for cyclists.

Access

5.112 As detailed on page 34 of the Transport Assessment and in line with Policy HSA23 of the Councils Housing Site Allocations DPD, there are three proposed vehicle access points. The existing vehicle and pedestrian access the High Street will be reused to serve the residential development. It is proposed that the access will be in the form of a turn right lane and ghost island priority junction as currently provided in its current location. It is noted that there are two existing accesses on Churn Road, currently used to access the Intervet site in that will be retained with the southern access being used as a secondary emergency vehicle access.

5.113 Plans showing the access arrangements and a general movement plan are shown within Appendix A of the Transport Assessment. The submitted automatic traffic count was undertaken on the High Street during June 2017, immediately to the west of the existing access into the Site. It provided one week’s worth of traffic flow data, including volume and speed. 85th percentile speeds were recorded of 54.9 kph (34.1 mph) westbound and 55.4 kph (34.4 mph) eastbound. The access therefore complies with all standards. Appendix A only shows sight lines of 2.4 x 43.0 metres onto the High Street that are appropriate for speeds of 50 kph (30.0 mph). Even though Highways are sure that they can be achieved, amended plans are required to show sight lines required to the above speeds. This can be secured by condition.

Traffic generation

5.114 The following is the assessment of the original 250 dwellings proposal. The Trip Rate Information Computer System (TRICS) was used to calculate expected traffic generation. TRICS is a Republic of Ireland and UK wide database of traffic surveys of many uses including residential. From TRICS the following is projected:

	AM peak (08.00 to 09.00)			PM peak (17.00 to 18.00)		
	Arrive	Depart	Total	Arrive	Depart	Total
Per dwelling	0.15	0.54	0.69	0.43	0.18	0.61
Whole development	38	135	173	108	45	153

Traffic projection for the development

5.115 The projection is in line with the Councils own surveys of residential developments taken at Yates Copse and Harrington Close in Newbury in 2016 that revealed total rates of between 0.37 and 0.67 per dwelling. It needs to be mentioned that the above figures do not reveal the total number of traffic leaving the area in the morning or arriving during the afternoon. Only the above peak hours are provided, as they are the busiest hours. Highways are content with the use of TRICS, how it has been used and the traffic projections provided.

5.116 To distribute the development traffic, the 2011 travel to work census data has been used. This is commonly used and standard methodology and Highways are content with this methodology. The distribution is that 18.6% will travel to and from the east, with 10.5% to and from the south. The remaining 70.9% with travel to and from the west including the A34.

5.117 The revised traffic projection table for 160 dwellings for weekday peak travel periods is

	AM peak (08.00 to 09.00)			PM peak (17.00 to 18.00)		
	Arrive	Depart	Total	Arrive	Depart	Total
Per dwelling	0.15	0.54	0.69	0.43	0.18	0.61
Whole development	24	86	110	69	29	98

5.118 The highway officer concludes that the above will most certainly be less than the traffic generated by the consented uses of the site.

#### Traffic Modelling

5.119 Traffic surveys were carried out in the vicinity of the Site on Tuesday 20 June 2017. Turning counts were carried out between 07:00am to 09:30 hours and 16:00 and 18:30 hours at the following junctions:

- Ilsley Road / Hampstead Norreys Road;
- Compton High Street / Site access;
- Compton High Street / Manor Crescent;
- B4009 / Aldworth Road
- B4009 / Hampstead Norreys Road
- Fidlers Lane / Cow Lane / East Ilsley High Street / Abingdon Road;
- Cow Lane / Church Hill priority junction; and
- Broad Street / East Ilsley High Street priority junction.
- Fidlers Lane / A34 northbound sliproads;
- A34 northbound off-slip;
- A34 northbound on-slip;
- A34 southbound off-slip;
- A34 southbound on-slip;
- A34 northbound carriageway; and
- A34 southbound carriageway.

5.120 The above junctions have been modelled using Junction 9 PICADY traffic modelling software that models individual vehicles through junctions to assess their capacity.

5.121 The following scenarios have been included within the traffic modelling:

- 2019 Base;
- 2022 Base;
- 2022 Future Year + Proposed Development;
- 2025 Base
- 2025 Future Year + Proposed Development

5.122 For future years traffic growth has also been applied using TEMPRO growth factors that have grown the traffic up to 2025. This is acceptable. Highways are not aware of any significant committed developments that should be included in the area. Weekday peak hours of 08:00 to 09:00 and 17:00 to 18:00 hours have been modelled. The results with the completed development on all of the above surveyed junctions show none of the junctions are and will be anywhere near capacity which is somewhat expected. The junction with the least capacity by 2025 is the Cow Lane / Church Hill junction with the Cow Lane (East) at 69% with an expected queue at times of two cars.

5.123 Traffic from demolition of existing buildings shows combined HGV and staff trips will generate approximately 100 vehicle movements (50 in, 50 out) per day. For construction, a Combined HGV and staff trips will generate approximately 280 vehicle movements (140 in, 140 out) per day.

5.124 With the above traffic modelling results for the original 250 dwellings, Highways are satisfied that the development will not have a detrimental impact on the highway and travel network during construction or upon completion. The most recent five years' worth of data of PIA's suggest that there are no recorded incidents in the study area of interest in the past 5 years.

5.125 Mitigation by a construction management plan during demolition and construction is requested by the Highways to be secured by condition. Local pedestrian improvements for dropped kerbs and tactile paving are likely to be required, to be secured by planning obligation.

### Conclusion

5.126 The UK government's National Planning Policy Framework states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". This an allocated site under Policy HSA23 of the Councils Housing Sites Allocation DPD for some 140 dwellings. While this proposal provides for a higher provision of 160 dwellings there is little or no evidence that there will be a detrimental impact on the highway and travel network and that any impact is severe.

5.127 Amendments are however required regarding sight lines for the access onto the High Street to be secured by condition. With this condition and the planning obligations identified the proposal is considered to comply with policies TRANS.1 and CS13.



## 6. Planning Balance and Conclusion

6.1 Attributing weight is a matter for the decision maker. Officers have reviewed the weight usually attributed to the matters listed, and have taken into consideration the weight generally given in reaching decisions on major housing schemes in the District. The following matters are considered to be the benefits of the proposal.

- a) The proposed development would provide 160 houses, including policy compliant 30% affordable, as well as 15% of houses built to additional building regulations standards for access and adaptability. This attracts significant weight by contributing to the supply of housing in accordance with policies ADPP1, ADPP5, CS1, C1 and HSA23.
- b) Moderate weight is given to the economic benefits during construction from employment and from future residents to the local economy.
- c) The proposed public open space and green space exceeds that required by policy. It also provides for their management for residents. This attracts moderate weight as an additional formal and informal public green space in the area – particularly where the cricket pitch has been designated by the Compton NDP.
- d) The development includes measures to combat climate change with reductions in emissions under enhanced building regulations. A condition to achieve policy CS15 with regard to onsite renewable energy generation would comply with policy. This attracts modest weight where the development is considered capable of meeting the policy expectation.
- e) Minor weight is given to the landscape impacts of the proposal. It would conserve the AONB and create a landscape buffer to the north that would better relate to the countryside beyond and the height of the development would be limited to reflect that locally. However, whilst the number of dwellings is considered capable of being accommodated further work is required on the design code and the illustrative layout.
- f) The reinstatement of a former public right of way across the site and additional footpaths that link the site to the surrounding rights of way network attract minor weight where the proposal will increase connectivity.
- g) Minor weight is given to net benefits in biodiversity. Whilst there will be some loss of habitat and impact on protected species which can be mitigated and the long term management of the site would maintain it. The proposal has demonstrated the required net gain is achievable.
- h) Minor weight is given to the remediation of the land contamination on site. It is required as mitigation in order to provide a safe site for new housing, but nevertheless provides a long term benefit from its removal.

- i) Minor weight is also given to the employment proposal on site. Whilst the site area would be a fifth of the area being developed it does not provide any new employment building as part of the redevelopment.

6.2 The following matters are considered to be the adverse impacts weighing against the proposal.

- a) Minor adverse weight is given to the gatehouse building for community use. It would provide an on-site facility for future residents which is an expectation of major housing development, but it is small and not ideally located at the site entrance.
- b) Whilst the impact on the local highway network is acceptable the demolition and construction period is likely to be longer than other similar scale housing development due to the extent of demolition and land contamination remediation works required. This will have a longer than normally expected impact on the amenity of residents which is afforded minor adverse weight.
- c) It has been demonstrated that managing surface water on site is feasible and the flood risks from the development can be mitigated. However, there are constraints on discharge rates and infiltration methods are unsuitable due to the land contamination risk.

6.3 The local development plan is considered up to date and as such the tilted balance of paragraph 11d of the National Planning Policy Framework is not considered to be engaged. Having taken into account all of the relevant policy considerations and other material considerations referred to above, it is considered that the benefits of the proposal are greater in number and weight such that they outweigh the adverse impacts. The recommendation is therefore that the application be approved subject to the conditions identified and subject to a planning obligation.

## 7. Full Recommendation

7.1 PROVIDED THAT a Section 106 Agreement has been completed by 17<sup>th</sup> March 2022 (or such longer period that may be authorised by the Service Director – Development & Regulation, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Service Director – Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

7.2 OR, if a Section 106 Agreement is not completed within the above timescale, to REFUSE PLANNING PERMISSION for the reasons listed below.

### **Conditions**

1. **Commencement of development – full permission change of use**  
The change of use to public open space and wildlife area hereby permitted shall be begun before the expiration of three years from the date of this permission. This relates to the land shown on parameters plan: green infrastructure 102F, except that shown as built development.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Phasing plan (full permission - demolition)**

The demolition hereby permitted shall be carried out in accordance with the approved phasing demolition plan 105B unless otherwise agreed in writing by the Local Planning Authority.

Reason: To facilitate the phasing of the development in the interests of timely infrastructure delivery, phased CIL payments, self-build delivery and project delivery. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026.

3. **Phasing plan (outline)**

A phasing plan shall be submitted to the local planning authority for approval before or alongside the first application for reserved matters approval. The phasing plan shall identify all phases of development by which the development shall be undertaken. No development shall take place until the phasing plan has been approved by the local planning authority. Thereafter the development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the phasing of the development in the interests of timely infrastructure delivery, phased CIL payments, self-build delivery and project delivery. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because the phasing plan will need to be adhered to throughout the entire construction phase.

4. **Approval of reserved matters**

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase takes place. The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5. **Time limit for reserved matters**

Applications for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

6. **Commencement of development (phased outline)**

The commencement of each phase hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

7. **Approved plans**

The development hereby permitted and the reserved matters shall be carried out in accordance with the approved plans and documents listed below:

Location Plan 008B  
Parameter Plan: Land Use 101D  
Parameter Plan: Movement 103D  
Parameter Plan: Green Infrastructure 102F  
Bat house design 113  
Churn Road Intervet HVG access SK002A  
Churn Road Intervet car park access SK003A  
With the exception of the visibility splay proposed access arrangements SK001  
Demolition plan 105B

The following documents shall inform the reserved matters:

The Former Pirbright Institute Compton Environmental Statement, Appendices and Addendums  
Outline Construction Resource Management Plan  
Outline Operational Waste and Recycling Management Strategy  
Transport Assessment ref 60544578  
Framework Residential Travel Plan  
Revised Flood Risk Assessment  
Drainage Technical Note  
Hydrology Review October 2021  
Non Real Time Hydraulic Model Review October 2021  
Biodiveristy Net Gain Calculation  
Amended Arboricultural Impact Assessment Report Revision 003

Reason: For the avoidance of doubt and in the interest of proper planning. Outline planning permission is granted solely on the basis of the parameters within these approved details.

8. **Access construction before occupation**

Unless otherwise agreed in writing with the local planning authority, no building shall be first occupied until the vehicular, cycle and pedestrian accesses (together with all associated engineering operations) have been provided and completed in accordance with the approved access plans SK002A and SK003A, and for the proposed access arrangements off the High Street the details including sight lines which have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and

CS14 of the West Berkshire Core Strategy (2006-2026). Access arrangements for construction fall within the remit of the Construction Method Statement.

9. **Layout and Design Standards**

No development shall commence until drawings and details illustrating how the Local Planning Authority and Highway Authority's standards in respect of road and footpath design, vehicle parking and turning provision will be met, have been submitted to and approved in writing by the Local Planning Authority. That submitted information shall include details of engineering work specifications; the methodology for the monitoring, and the staged evidencing of, the provision of the necessary works to an adoptable standard. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of future maintenance, road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework 2021, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. **Set back of gates**

Any gates to be provided at the vehicle accesses, shall open away from any adjoining highway and be set back a distance of at least 5 metres from the edge of the highway. No part of the development shall be brought into use until the gates have been provided.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

11. **Gradient of private drives**

The detailed layout of the site shall ensure the gradient of private drives does not exceed 1 in 12 to enable them to be occupied by all users including those with mobility impairments.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

12. **Parking**

No phase of the development hereby granted outline planning permission shall take place until details of vehicle parking and turning spaces have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026. A pre-commencement condition is necessary because the parking arrangements will need to be determined before any construction to ensure it can be accommodated within the space available.

13. **Dwelling height**

The detailed scale and appearance of the dwellings shall ensure no more than 5% of dwellings are 2.5 storeys in height, at least 5% of dwellings are single storey in height, and the remainder of dwellings shall be no greater than 2 storeys in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the detailed design of the housing development hereby approved responds to the local character and setting in the North Wessex Downs Area of Outstanding Natural Beauty. The illustrative masterplan has been assessed on the basis of all dwellings being 2 storey. This condition is applied in accordance with the National Planning Policy Framework, Policy ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and policy HSA23 of the Housing Site Allocations DPD 2006-2026.

14. **Design Code**

No phase of the development hereby granted outline planning permission, or ground works associated with the change of use shall take place until a design code has been submitted to an approved in writing by the Local Planning Authority for that phase of the development. The design code shall include addressing the following matters:

- Avoid over dominance of car parking at the front of dwellings in particular onto the green street;
- Avoid long stretches of rear boundary fences/walls in particular fronting public open spaces;
- Provide attractive facades where housing fronts the cricket pitch and conservation area;
- Avoid locating LEAP and LAPS that involve crossing primary internal roads to reach them, and avoid being located in areas with no natural overlooking from dwellings;
- Avoid strategic tree planting within the private gardens;
- Public open spaces, particularly within the areas to be developed, to be based around the trees to be retained.

Reason: To ensure the detailed design of the development responds to the character of the site and surrounding area in the AONB, and takes account of the natural constraints on site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and policy HSA23 of the Housing Site Allocations DPD 2006-2026.

15. **Tree Protection**

No phase of the development hereby granted outline planning permission, and no demolition, access construction, or ground works associated with the change of use, shall take place (including all preparatory work) until protective fencing and measures have been provided for the protection of the retained trees in accordance with the Arboricultural Assessment 60544578\_DOC\_005 for that phase of the development. The approved tree protection measures shall be implemented in full and maintained for the duration of the development works. Within the fenced areas there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the trees to be retained will not be damaged during the development and to protect and enhance the appearance and character of the site and locality, in accordance with the National Planning Policy Framework and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

16. **Archaeological supervision**

No phase of the development hereby granted outline planning permission, demolition, or ground works associated with the change of use, shall take place until the applicant has secured the implementation of a programme of archaeological work (phased as appropriate) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement for each phase.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework and policy CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; archaeological deposits require investigation and supervision before and during the development works and so it is necessary to approve these details before any development takes place.

17. **Building recording**

No phase of the development hereby granted outline planning permission, or demolition, or ground works associated with the change of use, shall take place within the application area until the applicant has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement for each phase.

Reason: To ensure that an adequate record is made of this site of historical interest. This condition is applied in accordance with the National Planning Policy Framework and policy CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; archaeological deposits require investigation and supervision before and during the development works and so it is necessary to approve these details before any development takes place.

18. **Contaminated land (investigation and remediation)**

No phase of the development\* hereby granted outline planning permission, demolition, or ground works associated with the change of use, shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. The above scheme shall take account of the suggested mitigation in the Environment statement and:

- (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).
- (b) Include a remediation scheme\* which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- (c) Include a monitoring and maintenance scheme\* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.
- (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details for that phase. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.

If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.

The development shall not be occupied\* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

(\* Unless otherwise agreed in writing by the LPA)

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. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).



A pre-commencement condition is required because insufficient detailed information accompanies the application; land contamination mitigation measures may require work to be undertaken prior to and throughout the development works and so it is necessary to approve these details before any development takes place.

19. **Construction method statement**

No phase of the development hereby granted outline planning permission, or ground works associated with the change of use to parkland, shall take place until a Construction Method Statement (CMS) (phased as appropriate) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works for that phase shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall take account of the suggested mitigation in the Environmental Statement and include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Temporary access arrangements to the site, and any temporary hard-standing;
- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) The proposed method of piling for foundations (if any);
- (j) A scheme for recycling/disposing of waste resulting from construction works;
- (k) Hours of construction and demolition work;
- (l) Hours of deliveries and preferred haulage routes;
- (m) Ensuring public rights of way are kept open and unobstructed throughout the development
- (n) Lighting of areas and construction compounds

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14, CS17 and CS18 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

20. **Construction Environmental Management Plan (Biodiversity)**

No phase of the development hereby granted outline planning permission, demolition, or ground works associated with the change of use shall take place (including vegetation clearance) until a Construction Environmental Management Plan (CEMP) (phased as appropriate) has been submitted to and approved in

writing by the local planning authority. The CEMP shall take account of the suggested mitigation in the Environmental Statement and include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of “biodiversity protection zones”.
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the development works or phase thereof strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure biodiversity is protected during the development works. This condition is required in order to meet the policy objectives of the National Planning Policy Framework and West Berkshire Core Strategy 2006-2026 Policy CS17.

A pre-commencement condition is required because insufficient detailed information accompanies the application; environmental measures will be required prior to and during the development works and so it is necessary to approve these details before any development takes place.

21. **Ecological Mitigation and Enhancement Plan**

No phase of the development hereby granted outline planning permission, demolition, or works associated with the change of use hereby permitted shall take place until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall take account of the suggested mitigation in the Environment Statement and include adequate details of the following:

- (a) Description and evaluation of features to be managed and created.
- (b) Aims and objectives of management.
- (c) Appropriate management options to achieve aims and objectives.
- (d) Prescriptions for management actions.
- (e) Preparation of a costed schedule for securing biodiversity enhancements in perpetuity.
- (f) Ongoing compliance reports, monitoring and remedial measures.
- (g) How the habitat enhancements will be managed long term to ensure a net gain legacy.
- (h) Measures to build biodiversity into the design of the new dwellings, providing details of location and design of features, e.g. bird and bat boxes integrated into buildings, bat lofts, fence holes for hedgehogs, access points for badgers, ponds for amphibians, banks for bees.

- (i) Description of how the developer expects to ensure no impact on protected species on site during construction and through scheme design.
- (j) Sensitive Lighting Strategy during construction and once the site is in operation (to minimise adverse impacts on bat species present).
- (k) A biodiversity net gain calculation demonstrating at least 10% net gain.

Proposed enhancements should be based on the recommendations of the ecological reports submitted in support of this application.

With the exception of ongoing measures after construction no part of the development shall be brought into use, or dwelling occupied, until the mitigation measures have been provided in accordance with approved details for each phase.

Reason: To ensure biodiversity is enhanced and maintained. This condition is required in order to meet the policy objectives of the National Planning Policy Framework and West Berkshire Core Strategy 2006-2026 Policy CS17, and to ensure compliance with the statutory requirements of relevant protected species legislation and the NERC Act 2006. A pre-commencement condition is required because insufficient detailed information accompanies the application; ecological mitigation will be required prior to, during and subsequent to the development works and so it is necessary to approve these details before any development takes place.

**22. Submission of a copy of the EPS licence**

No demolition works shall in any circumstances commence unless the Local Planning Authority has been provided with either:

- (a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This “strict protection” condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.

**23. Flood risk - finished floor levels and ground levels**

The development shall be carried out in accordance with the submitted flood risk assessment (ref 5<sup>th</sup> August 2021/60544578 R001/AECOM) and the following mitigation measures it details:

1. Finished floor levels shall be set no lower than 101.6 metres above Ordnance Datum (AOD)
2. There shall be no raising of existing ground levels on the site

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reasons**

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.

This condition is applied in accordance with policy CS16 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

**No infiltration drainage**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants or flood risk to people and property. This condition is applied in accordance with paragraph 174 of the National Planning Policy Framework and policy CS16 of the West Berkshire Core Strategy 2006-2026.

**24. Sustainable drainage**

No phase of the development hereby granted full planning permission, or ground works associated with the change of use to parkland shall take place until details of sustainable drainage measures to manage surface water have been submitted to and approved in writing by the Local Planning Authority (phased as appropriate). These details shall take into account the suggested mitigation in the Environmental Statement and:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) If required include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (in Flood Zone 2 and 3 or from surface water) or developments larger than 1 hectare;
- c) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;
- d) Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information must be provided;

- e) Demonstrate that proposed finished floor levels are set in accordance with Environment Agency requirements;
- f) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year Greenfield run-off rates;
- g) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- h) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and if infiltration measures are proposed the infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- i) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;
- j) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- k) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;
- l) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- m) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- n) Include written confirmation from Thames Water of their acceptance of the discharge from the site into any surface water sewer and confirmation that the sewer network has the capacity to take this flow;
- o) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- p) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- q) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;

- r) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- s) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc).

Thereafter the development shall incorporate and be undertaken in accordance with the approved measures for each phase.

Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be occupied until all approved remediation measures have been completed and a verification report a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the LPA. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the development works and so it is necessary to approve these details before any development takes place.

**25. Ground levels and finished floor levels**

No phase of the development hereby granted full planning permission, or ground works associated with the change of use shall take place until details of existing and proposed ground levels, and finished floor levels of the dwellings (phased as appropriate), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details for that phase, and the parkland shall not be brought into use until the ground levels have been provided in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; ground levels will be an early development operation and so it is necessary to approve these details before any development takes place.

26. **Spoil**

No phase of the development hereby granted full planning permission, or ground works associated with the change of use shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority (phased as appropriate). These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil from the site (that is not to be deposited);
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details for that phase.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because insufficient information accompanies the application and spoil may arise throughout the development works and so it is necessary to approve these details before any development takes place.

27. **Piling**

No piling shall take place unless and until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Thereafter any piling must be undertaken in accordance with the terms of the approved piling method statement for that phase.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework.

Information: Please read the Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water - Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

28. **Works in proximity to water main**

No construction shall take place within 5m of the water main. No phase of the development hereby granted full planning permission, or ground works associated with the change of use shall take place until information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework. A pre-commencement condition is required to ensure damage does not occur during the construction phase.

Information: Please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

29. **Foul water network upgrades**

There shall be no occupation beyond the 20<sup>th</sup> dwelling until confirmation has been provided that either:-

1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or-
2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow additional development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. This condition is applied in accordance with the National Planning Policy Framework.

30. **Water network upgrades**

There shall be no occupation beyond the 49<sup>th</sup> dwelling until confirmation has been provided that either:-

1. all water network upgrades required to accommodate the additional flows to serve the development have been completed; or-
2. a development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow additional development to be occupied. Where a development and



infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. This condition is applied in accordance with the National Planning Policy Framework.

31. **Public footpaths**

No phase of the development hereby granted full planning permission, or ground works associated with the change of use shall take place until details of the public footpaths have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) Alignment including width;
- (b) Surfacing materials/treatment;
- (c) If required measures to prevent cycles and/or motorcycles access;
- (d) Pedestrian safety measures if the footpaths are crossed by roads;
- (e) Any tree works necessary in proximity to footpaths to ensure public safety;
- (f) Signage for rights of way users/vehicle drivers;
- (g) Any means of enclosure;
- (h) A timetable for the implementation of all footpath infrastructure in conjunction with the phasing of development.

The public footpaths shall be provided in accordance with the approved details and timetable, and completed prior to the first occupation of the final dwelling.

Reason: To protect and enhance public rights of way and green infrastructure. This condition is applied in accordance with the National Planning Policy Framework, policies CS14 and CS18 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application so it is necessary to approve these details before any development takes place.

32. **Zero Carbon Strategy (addition)**

No phase of the development hereby granted outline planning permission shall take place until a strategy on the measures to be provided and calculations demonstrating that the residential development shall achieve zero carbon in line with policy CS15 of the West Berkshire Core Strategy 2006-2026 has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the measures have been provided in accordance with the approved strategy.

Reason: To ensure the development provides a carbon reduction in accordance with the National Planning Policy Framework, and policy CS15 of the West Berkshire District Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application so it is necessary to approve these details before any development takes place.

33. **Intervet noise assessment and mitigation**

No dwelling shall be first occupied until mitigation measures to protect its occupants from externally generated noise have been provided in accordance with a scheme of works that has first been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be informed by an appropriately detailed investigation to address the noise impacts from the commercial use (Intervet) on site.

Reason: To protect future occupiers of the development from excessive noise levels from the commercial use on site, to ensure a good standard of amenity. The approval of this information is required before occupation because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.

34. **Hard landscaping of public open space/wildlife habitat areas**

A detailed scheme of hard landscaping for the open space and wildlife habitat areas shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences), hard surfaced areas (e.g. paths, decking) and any other hard landscaping features to be provided as part of the development. Unless otherwise agreed in writing by the Local Planning Authority, the change of use to parkland shall not take place until the hard landscaping of the site has been completed in accordance with the approved details or in accordance with an agreed schedule of phasing.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

35. **Soft landscaping of open space/wildlife habitat areas**

The change of use to open space and wildlife habitat areas shall not take place until a detailed soft landscaping scheme for the parkland has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first use as open space and wildlife habitat (whichever occurs first) or in accordance with an agreed schedule of phasing. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of the approved soft landscaping scheme or the timescale agreed as part of the Environmental Enhancement & Management Plan shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

36. **Landscape management plan (for the open space and wildlife habitat)**

The change of use to open space and wildlife habitat shall not take place until a landscape management plan for the parkland including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years or the timescale agreed as part of the Environmental Enhancement & Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping. Thereafter the development shall be managed in accordance with the approved details.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

37. **Public open space infrastructure**

The change of use to public open space and wildlife habitat areas shall not take place until benches, signage, children play equipment and any means of enclosure have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure there is adequate public parkland infrastructure for users in the interest of amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

38. **Lighting strategy (AONB/Ecology)**

No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.
- (c) Include isolux contour diagram(s) of the proposed lighting.
- (d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

No external lighting shall be installed on site except in accordance with the above strategy.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and to conserve the dark night skies of the North Wessex Downs

AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

39. **Travel Plan**

No dwelling shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented with the first occupation of the residential development hereby permitted. Written notice of first occupation shall be given to the Local Planning Authority within one week of such occupation. The Travel Plan shall be reviewed (and updated if necessary) within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006).

40. **Refuse Storage (prior approval)**

No dwelling shall be first occupied until storage area(s) for refuse and recycling receptacles (and collection areas if necessary) for that dwelling has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).

41. **Cycle storage (prior approval)**

No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

42. **Electric vehicle charging points (prior approval)**

No dwelling shall be first occupied until an electric vehicle charging point has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

**43. Emergency water supplies**

No dwelling shall be occupied until either:

- (a) Private fire hydrant(s), or other suitable emergency water supplies, have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority; or
- (b) Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because a public mains water supply for the development provides sufficient supply) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.

Reason: At present there are no available public mains in this area to provide suitable water supply in order to effectively fight a fire. Suitable private fire hydrant(s), or other suitable emergency water supplies, are therefore required to meeting Royal Berkshire Fire and Rescue Service requirements, in the interests of public safety. The approval of this information is required before development commences because insufficient information accompanies the outline application and it will affect the servicing of the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.

**44. Use of community building**

The community building hereby permitted shall be used under Use Class E - except E(g) - Use Class F2(b), or Use Class F2(c) and for no other purpose under the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: As part of a wider residential development the building is to provide for the community and not as offices or an industrial process – those uses are directed by the Development Plan Policies to employment areas. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, CS9, CS11 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 of the West Berkshire District Local Plan (Saved Policies 2007).

45. **Operating hours (use/activity – community building)**  
 The use of the community building hereby permitted shall not take place outside of the following hours:  
 Mondays to Fridays: 07:00 to 22:00  
 Saturdays: 07:00 to 23:00  
 Sundays and public holidays: 09:00 to 18:00  
 Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan (Saved Policies 2007).

46. **Music (community building)**  
 No amplified or other music shall be played on the premises of the community building outside of the following hours:  
 Mondays to Fridays: 08:00 to 22:00  
 Saturdays: 08:00 to 23:00  
 Sundays and public holidays: 09:00 to 18:00

Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan (Saved Policies 2007).

### ***Heads of Terms for Section 106 Agreement***

1.	<b>Affordable housing</b> Provision arrangements to be agreed. 30% of the overall number of homes to be provided as affordable housing through a registered provider with triggers during construction. Except for any provided under the First Homes initiative.
2.	<b>Local Lettings Scheme</b> Details of scheme to be agreed, with some of the housing to be made available first to those with a local connection (subject to this not affecting the ability of a registered provider to obtain funding).
2.	<b>Housing to Part M4(2)</b> Provision arrangements to be agreed. At least 15% of homes to be built to at least Part M4(2) Category 2 of Building Regulations as accessible and adaptable. A proportion of the affordable housing to be to this standard.
4.	<b>Community Building</b> Provision arrangements to be agreed for transfer as a local community building.
6.	<b>Open Space and Wildlife Habitat Areas</b> Provision and governance arrangements including the cricket pitch, one LEAP and 4 LAPS. A commuted sum for management and transfer to a long term

	owner or management company (based on calculation in Planning Obligations SPD, circa £200,000).
7.	<b>Commuted sum for off-site footpath upgrades</b> Provision arrangements to be agreed. Contribution for off-site footpath improvements for public rights of way (£10,000) and for pedestrian improvements including dropped kerbs to be paid prior to first occupation of the site.
8.	<b>Travel Plan</b> Contribution of £5,000 for monitoring, travel information packs for all new residents and other measures.
9.	<b>Housing to 19% improvement on carbon emissions</b> Housing to be built to 19% improvement on building regulations standards Part L with regard to carbon emissions.
10.	<b>Highways</b> Contribution towards dropped kerbs and tactile paving.
11.	<b>Drainage Strategy</b> Provision and maintenance to be agreed along with provisions for potential land transfer to a management company.

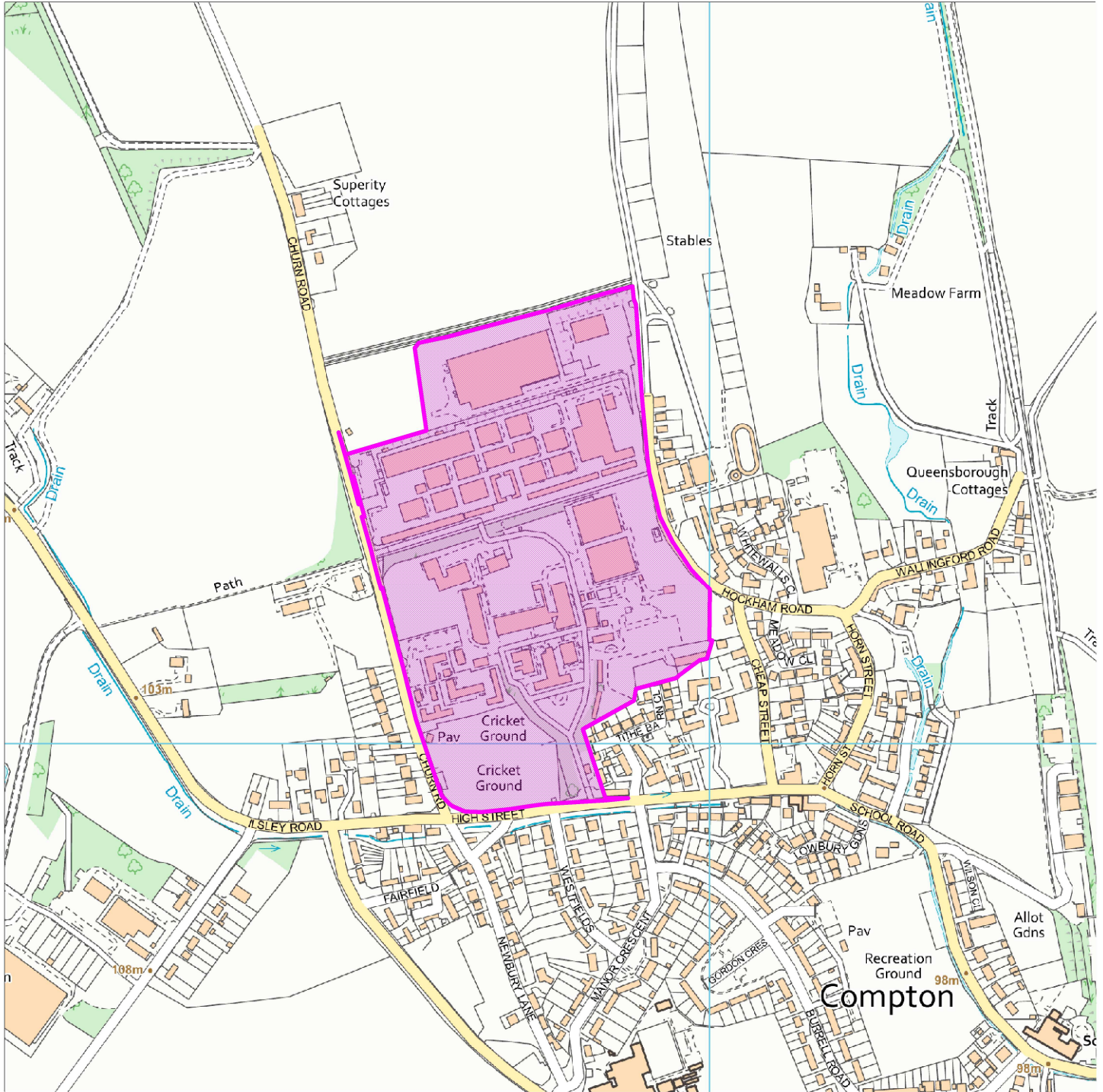
***Refusal Reasons (if S106 legal agreement not completed)***

1. **Planning obligation**

The application fails to provide an appropriate planning obligation to mitigate the impact of the development with regard to affordable housing, enhanced accessible and adaptable housing, community building, public open space, public rights of way, sustainable travel, climate change measures. The District has a high affordable housing need and an affordability ratio above the national average. Public open space and upgrades to the public rights of way and increase in sustainable travel options are all required from the development, and there is a statutory duty on climate change. Without these planning obligations the proposed development conflicts with policies CS5, CS6, CS13, CS15, and CS18 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations SPD and the National Planning Policy Framework.

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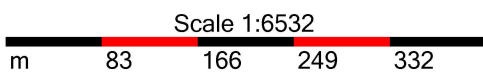
Map Centre Coordinates :

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	01 December 2021
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	21/01911/FULD Newbury	17 <sup>th</sup> 2021 <sup>1</sup>	September	Removal of derelict garages and erection of 2 no houses and 2 no flats, together with associated landscaping and parking  Land Adjoining, 11 Pond Close, Newbury  A, D and E Property Ltd

<sup>1</sup> Extension of time agreed with applicant until 5<sup>th</sup> November 2021

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01911/FULD>

**Recommendation Summary:** To DELEGATE to the Service Director - Development and Regulation to REFUSE PLANNING PERMISSION for the reason set out at part 8 of this report.

**Ward Member(s):** Councillor Adrian Abbs  
Councillor David Marsh  
Councillor Tony Vickers

**Reason for Committee Determination:** Over 10 objections received

**Committee Site Visit:** 28<sup>th</sup> October 2021

## Contact Officer Details

**Name:** Cheyanne Kirby  
**Job Title:** Planning Officer  
**Tel No:** 01635 519489  
**Email:** Cheyanne.kirby@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for removal of derelict garages and erection of 2 no houses and 2 no flats, together with associated landscaping and parking.
- 1.2 The application site is within a residential street, surrounded by houses and residential gardens. The site has been previously occupied by garages, most of which have been demolished, and is covered with hardstanding. The site constitutes previously developed land.
- 1.3 At the western end of the application site a two storey detached building comprising two flats is proposed; a 3 bedroom flat on the ground floor with two parking spaces and private amenity space to the west of the building and a 3 bedroom flat on the first floor with two parking spaces and private amenity space to the east of the building. At the eastern end of the application site two semi-detached two bedroomed dwellings are proposed with two parking spaces each located to the front and each having private amenity space to the rear.
- 1.4 This application was previously taken before Members at the meeting of the Western Area Planning Committee on 03 November 2021. At that meeting Members resolved to refuse the application for the reasons given below:
- 1.5 **Highway safety and general amenity:** Pond Close is a narrow residential road serving a number of properties. Parking is tightly constrained in the vicinity of the application site, a situation that has been compounded by the historic loss of private residential parking on the location of the application site and limited alternative parking provision, resulting in the need for residents to utilise on street parking for their vehicles. The proposed works would result in an increased demand for parking, with the size of rooms in the proposed flats resulting in potential multiple occupation, overdeveloping the site and increasing the demand for parking associated with the development beyond the number of parking spaces provided, and the reduction in on street parking reducing the general amenity of existing residential occupants of Pond Close, detracting from the quality of life of existing residents and compounding existing access problems for residents' vehicles and emergency vehicles, endangering highway safety. The proposed works would therefore be contrary to the requirements of Policy P1 of the West Berkshire Local Plan Housing Site Allocations DPD (2017) which specifies that there may be exceptional circumstances where there is a case for providing parking that does not accord with the levels set out in the policy, and notes in its supporting text that levels of parking provision and the way in which they are designed are important factors in creating good quality environments. The proposed works would fail to meet the requirements of Policy CS14 of the West Berkshire Local Plan Core Strategy 2012, which requires development to make good provision for access by all transport modes and to make a positive contribution to the quality of life in West Berkshire. Furthermore, the proposed works would fail to take account of local circumstances contrary to paragraph 9 of the National Planning Policy Framework and would result in the loss of valued facilities for parking for existing residents, contrary to the requirements of paragraph 93 of the National Planning Policy Framework.
- 1.6 **Zero carbon development:** The proposed works would fail to provide zero carbon residential development and are therefore contrary to the requirements of Policy CS15 of the West Berkshire Local Plan Core Strategy 2012 which requires, inter alia, that all residential development shall achieve Zero Carbon from 2016. Furthermore the proposed works would be contrary to the requirements of Part 14 of the National Planning Policy Framework which states that the planning system should support the transition to a low carbon future by shaping places in ways that contribute to radical reductions in greenhouse gas emissions and supports renewable and low carbon energy.

- 1.7 Following the Committee meeting on the 3<sup>rd</sup> November 2021 advice from planning policy and an accompanying legal counsel's opinion regarding the correct interpretation of Policy CS15 under the current policy context. This included advice on the application of the Policy in respect of minor residential development and is discussed below. Following consideration of this advice officers have taken the view that the application should be returned to the Western Area Planning Committee in order for Members to consider whether a fresh resolution will be required in respect of the "Zero carbon development" reason for refusal.
- 1.8 It is not proposed by officers to re-open debate regarding the "Highway safety and general amenity" reason for refusal.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
12/01164/FULD	The construction of 8 no.1 bedroom flats together with external works.	Refused / 13.08.2012 – Appeal Dismissed 20.03.2013
12/01319/FULD	Construction of 3 No 3 bedroom detached houses together with external works.	Refused / 13.08.2012 – Appeal Dismissed 15.08.2013
20/00014/FULD	Removal of derelict garages and erection of 2 no. dwellings and 4 no. flats, together with associated landscaping and parking.	Refused / 09.06.2020 – Appeal Dismissed 23.02.2021

## 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 9<sup>th</sup> August at the site; the deadline for representations expired on 30<sup>th</sup> August 2021.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

- 3.4 Initial assessment, based on the CIL PAIR form, it appears that the CIL liability for this development will be based on a floor area of 341 sq. metres, and charged at the Newbury and Thatcham multiplier as indexed. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Newbury Town Council:</b>	Objection - Overdevelopment, parking issues and limiting emergency vehicle access.
<b>WBC Highways:</b>	Conditional Approval – Subject to Section 278 and Section 38 Agreements
<b>Trees:</b>	Conditional Approval
<b>Archaeology:</b>	No Objections
<b>Ecology:</b>	No Response
<b>SUDS:</b>	No Response
<b>Waste:</b>	No Response
<b>Thames Water:</b>	No Response

### *Public representations*

- 4.2 Representations have been received from 15 contributors, 15 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Narrow roads
  - Impact on emergency vehicles
  - Parking issues
  - Highways/pedestrian safety
  - Overdevelopment
  - Character and appearance
  - Ecological impacts
  - Environmental impacts
  - Impacts on residents mental health
  - Waste collection
  - Health and safety
  - Overlooking

## 5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- WBC House Extensions SPG (2004)
- Sustainable Drainage Systems SPD (2018)
- Cycle as Motorcycle Advice and Standards for New Development (2014)
- Newbury Town Design Statement July (2018)

## 6. Main issue

6.1 The main issues for consideration in review of the Committee's resolution at the meeting of the WAPC on the 3<sup>rd</sup> November 2021 are the application of the provisions of Policy CS15 of the Core Strategy and whether the application should be refused for failure to provide zero carbon residential development.

6.2 Member's attention is drawn to the advice from planning policy and accompanying counsel's opinion regarding the application of Policy CS15 that was circulated on 14 December 2021. In respect of minor residential development the advice confirms that: "At a local policy level Policy CS15 does not provide a policy basis on which residential development can be required to meet a zero carbon construction standard; rather in respect of residential development construction standards CS15 is out of date, inconsistent with the NPPF and of little if any weight". It goes on to state "there is no policy basis on which the Council could lawfully require residential development to come forward on a zero-carbon basis. At present the Council will have to rely upon the building regulations regime delivering development which accords with the national technical standards."

6.3 There are two elements to Policy CS15, the first is the construction standard referred to above, and the second relates to reductions in carbon emissions and energy use. The counsel's advice notes that the second part only applies for major development as defined under footnote 73 of the Core Strategy. Footnote 73 defines major residential development as, inter alia, proposals for 10 or more dwellings or on a site of more than 0.5 hectares. As such the requirement for reductions in carbon emissions and energy use set out in the policy does not apply to the proposed development of four dwellings in this application.

## 7. Planning Balance and Conclusion

- 7.1 Members have provided a full and detailed reason for refusal in respect of highway safety and general amenity, and this report does not seek to revisit those concerns raised by Members at the previous committee meeting on the 3<sup>rd</sup> November 2021 regarding those matters. Instead they are carried forward to the reason for refusal set out below, and will be recorded in the minutes of that meeting.
- 7.2 In respect of the second reason for refusal, part 6 of this report sets out the relevant considerations with regard to the application of Policy CS15 both in terms of seeking zero carbon development and reductions in carbon emissions and energy use. In respect of the former, your officers' advice is that policy CS15 provides no policy basis on which to seek zero carbon development. In respect of the latter, the policy does not provide a basis to seek this in the case proposed.
- 7.3 It is therefore your officers' recommendation that the second reason for refusal set out in the resolution of the WAPC on the 3<sup>rd</sup> November 2021, seeking zero carbon development, is removed, and the application is refused for the reason set out below.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development and Regulation to REFUSE PLANNING PERMISSION for the reason given below.

### *Refusal Reason*

1.	<p><b>Highway safety and general amenity</b></p> <p>Pond Close is a narrow residential road serving a number of properties. Parking is tightly constrained in the vicinity of the application site, a situation that has been compounded by the historic loss of private residential parking on the location of the application site and limited alternative parking provision, resulting in the need for residents to utilise on street parking for their vehicles. The proposed works would result in an increased demand for parking, with the size of rooms in the proposed flats resulting in potential multiple occupation, overdeveloping the site and increasing the demand for parking associated with the development beyond the number of parking spaces provided, and the reduction in on street parking reducing the general amenity of existing residential occupants of Pond Close, detracting from the quality of life of existing residents and compounding existing access problems for residents' vehicles and emergency vehicles, endangering highway safety. The proposed works would therefore be contrary to the requirements of Policy P1 of the West Berkshire Local Plan Housing Site Allocations DPD (2017) which specifies that there may be exceptional circumstances where there is a case for providing parking that does not accord with the levels set out in the policy, and notes in its supporting text that levels of parking provision and the way in which they are designed are important factors in creating good quality environments. The proposed works would fail to meet the requirements of Policy CS14 of the West Berkshire Local Plan Core Strategy 2012, which requires development to make good provision for access by all transport modes and to make a positive contribution to the quality of life in West Berkshire. Furthermore, the proposed works would fail to take account of local circumstances contrary to paragraph 9 of the National Planning Policy Framework and would result in the loss of valued facilities for parking for existing residents, contrary to the requirements of paragraph 93 of the National Planning Policy Framework.</p>
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# Briefing Note – Use of CS 15 in Planning Decisions

<b>Produced for:</b>	Portfolio Holder Planning and Countryside Chairmen of Planning Committees Member of PAG, EAG and Planning Committees
<b>Requested by:</b>	Eric Owens
<b>Portfolio Member:</b>	Councillor Richard Somner
<b>Service Director:</b>	Eric Owens
<b>Date Prepared:</b>	24th November 2021
<b>Briefing Author:</b>	Bryan Lyttle, Planning Policy Manager

## 1 Purpose of the Briefing

- 1.1 To provide a definitive position on the use of CS15 in Planning Decisions.

## 2 Background

- 2.1 Core Strategy Policy CS15 – Sustainable Construction and Energy Efficiency was adopted in 2012 and provided a stepped requirement for all development in West Berkshire to be Net Zero Carbon by 2016 unless technologically or economically unviable.
- 2.2 The policy required non-residential development to be measured against the BREEAM standard and residential development to be measured against Code for Sustainable Homes (the “Code”). The Code was however withdrawn in 2015 by the Government and was to be replaced by new technical standards contained within Building Regulations.

## 3 Current Status

- 3.1 The Council declared a “Climate Emergency” in July 2019, and it has been argued that this should be used to enforce CS15 on all new development requiring planning permission. Officers have provided opinion that this was not possible and risked the Council losing appeals but also raised the possibility of costs being awarded against them for un-reasonable behaviour.
- 3.2 Due to the implications of not getting the approach to CS15 correct, the delay in the Secretary of State in issuing a decision on the Sandleford appeal at which the Council has argued that “major development” has to reduce CO2 emissions to Zero Carbon from 2016 using renewable energy or low/zero carbon energy generation on site, independent legal opinion has been sought. (Attached Appendix A)

## 4 Implications

4.1 The Council sought an opinion on CS15 generally and its application and interaction with the following:

Policy CS15;  
The Revised NPPF;  
The National Design Guide;  
The National Model Design Code Parts 1 and 2;  
(The Policy Playbook and/or equivalent guidance and Part L if considered relevant).

The Council also sought opinion on the following specific questions : -

- How CS15 can be applied today in light of the recent changes to the NPPF and the Ministerial Statement in 2019?
- Can the Council ask for Net Zero Carbon on all developments by just using the NPPF?

The Council has declared a Climate Emergency is this enough to ask for Net Zero Carbon for new developments?

4.2 The comprehensive response concludes that officer opinion has been correct. The first part of CS15 relates to standards of construction and Counsel's conclusion is that at a local policy level Policy CS15 does not provide a policy basis on which residential development can be required to meet a zero carbon construction standard. However, Policy CS15 is up to date and of full weight in terms of its requirement that non-residential development should meet BREEAM excellent.

The second part relates to energy use and reduction in carbon emissions. CS15 is up to date and of full weight. It can be relied upon to require new major development to demonstrate that all of a proposed development's energy use will be drawn from renewable or zero carbon energy generation on site or in the locality of the development is subject to consideration of viability.

4.3 The opinion has also provided clarification for how the Council should proceed with its objective for a replacement CS15 policy in the Local Plan Review.

## 5 Appendices

5.1 Appendix A – Counsel Opinion

# Appendix A – Counsel Opinion November 2021

**RE: Policy CS15 of the West Berkshire Core Strategy**

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## **O P I N I O N**

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1. I am asked to advise West Berkshire Council in relation to the approach to be adopted in relation to Policy CS15 of the West Berkshire Core Strategy (“the CS”), which was adopted in July 2012.
2. Policy CS15 states:

### **“Sustainable Construction and Energy Efficiency**

#### **Residential Development**

New residential development will meet the following minimum standards of construction:

- Minor development - Code for Sustainable Homes Level 3
- Major development<sup>73</sup> - Code for Sustainable Homes Level 4
- From 2013: All development - Code for Sustainable Homes Level 4
- From 2016: All development - Code for Sustainable Homes Level 6

#### **Non-Residential Development**

New non-residential development will meet the following minimum standards of construction:

- Minor development - BREEAM Very Good
- Major development - BREEAM Excellent
- From 2013: All development - BREEAM Excellent

#### **Renewable energy**

Major development shall achieve the following minimum reductions in total CO2 emissions

(regulated and unregulated energy use) from renewable energy or low/zero carbon energy

generation on site or in the locality of the development as long as a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.

The percentage reductions in CO2 emissions should be based on the estimated CO2 emissions of the development after the installation of energy efficiency measures related to either the Code for Sustainable Homes, BREEAM or equivalent method has been applied.

**Residential Development:**

- A 10% reduction in CO2 emissions;
- from 2014: A 20% reduction in CO2 emissions;
- from 2016: Zero Carbon<sup>74</sup>.

**Non-Residential Development:**

- A 10% reduction in CO2 emissions;
- from 2014: A 20% reduction in CO2 emissions;
- from 2019: Zero Carbon<sup>75</sup>."

3. Footnote 73 defines major development as a proposals for dwellings of 10 or more or on a site of more than 0,5 ha. For other uses it is where the floorspace is 1000 sq m or greater.
4. Footnotes 74 and 75 state "Requirements for zero carbon in line with stated Government aspirations, which may be subject to change".

**Policy CS15 and The Determination of Applications for Planning Permission**

5. When determining a planning application, a local planning authority is required to have regard to the Development Plan and to all other material considerations (S70(2) of the Town and Country Planning Act 1990 ("the 1990 Act").
6. This means that the Council will have to apply CS15 when determining applications for planning permission and consider whether the proposed development accords or breaches the policy.

7. In addition, the Council will need to determine the weight to ascribe to the policy. In determining the weight it should be given it will be necessary to determine whether it is up to date and whether or not it is consistent with the NPPF.

8. The NPPF explains at paragraph 219:

“...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

9. Accordingly, a development plan policy which is inconsistent with the NPPF, whilst it still falls to be applied, will be given little if any weight in the planning balance.

### **Applying Policy CS15**

10. Policy CS15 is in two parts. The first part relates to standards of construction. The second part relates to energy use and reduction in carbon emissions.

#### ***(i) Standards of Construction***

11. In terms of the standards of construction for residential development, since we are at a point in time beyond 2016, Policy CS15 requires all new residential development to attain Code for Sustainable Homes Level 6. However, the Government withdrew the code for sustainable homes in March 2015 and created new “national technical standards” contained in the Building Regulations.

12. Lord Pickles explained in the Ministerial Statement of 25 March 2015:

“From the date the Deregulation Bill 2015 is given Royal Assent [26 March 2015], local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; ***the government has now withdrawn the code, aside from the management of legacy cases.*** Particular standards or requirements for energy performance are considered later in this statement.

13. In March 2019, the Government announced that it would introduce a Future Homes Standard (FHS) for new-build homes. In October 2019, the Ministry of Housing, Communities and Local Government (MHCLG) published a consultation on the FHS for new homes in England (see MHCLG: The Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings (1 October 2019)). MHCLG also published a National Design Guide setting out what it expects from new developments.
  
14. In January 2021, MHCLG published the government response to the October 2019 FSH consultation, which confirms:
  - a. From 2025, the FHS will require new homes to be zero carbon ready and to have carbon emissions 75-80% lower than those built under current standards. Specifically, the FHS performance standard will be set at a level so that new homes will not be built with fossil fuel heating, such as a natural gas boiler. New homes will have low carbon heating (particularly heat pumps and heat networks) and high levels of energy efficiency to future-proof them so further energy efficiency retrofit work will not be necessary to enable them to become zero carbon as the electricity grid decarbonises. The government will consult on a technical specification for the FHS in spring 2023.
  
  - b. In 2021, the government will introduce an interim uplift in Part L (Conservation of fuel and power) standards in the Building Regulations 2010. This will require homes that produce 31% less carbon dioxide (CO<sub>2</sub>) emissions compared to current standards.
  
  - c. The role of local planning authorities in determining local energy efficiency standards will be clarified as part of the planning reforms initiated in 2020. The government will not amend the Planning and Energy Act 2008 in the meantime so local authorities will retain powers to set local energy efficiency standards for new homes
  
  - d. The existing Fabric Energy Efficiency Standard (FEES) in Part L will be one of four performance metrics to address the balance between building fabric and low carbon heating. FEES is the maximum space heating and cooling energy demand for zero carbon homes.
  
  - e. Transitional arrangements in the 2021 uplift of Part L standards will apply to individual homes rather than an entire development. The transitional arrangements that will apply to the FHS will be considered as part of the consultation on the technical specification in 2023.
  
15. The NPPF at paragraph 154 b) states:

“Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”

16. Drawing the above together, CS15 requires residential to attain a standard which has been withdrawn and replaced by a policy approach delivered via compliance with the national technical standards contained in the Building Regulations. Accordingly, the standards contained in CS15 for residential development can no longer be applied since they have been withdrawn. In my view the standards of construction for residential development contained in Policy CS15 are out of date and inconsistent with the NPPF. This part of Policy CS15 is thus out of date, inconsistent with the NPPF and of little if any weight in the planning balance.
17. Instead of a local planning policy based approach, at present within West Berkshire construction standards for residential development are thus regulated, not by the planning system, but via the Building Regulations. Whilst these are yet to be amended to reflect the requirement to attain Carbon Budget limits and Net Zero 2050, as I have explained above the Government intends to introduce relevant requirements in the near future.
18. A condition can only be imposed where it is necessary to make a development acceptable in planning terms. Accordingly, a condition requiring development to attain a particular standard of construction can only be imposed where there is a policy basis for so requiring.
19. As can be seen from the above, at a national level the Government’s position is not one of requiring all housing to attain a standard of construction equivalent to zero carbon with immediate effect; rather the approach is to phase in over time the various policy approaches to deliver net zero.
20. At a local policy level Policy CS15 does not provide a policy basis on which residential development can be required to meet a zero carbon construction standard; rather in respect of residential development construction standards. CS15 is out of date, inconsistent with the NPPF and of little if any weight.
21. Accordingly, there is no policy basis upon which the Council could lawfully require residential development to come forward on a zero-carbon basis. At the present time, the Council will have to rely upon the building regulations regime delivering development which accords with the national technical standards.
22. In terms of the standards of construction for non-residential development, Policy CS15 requires all development to obtain BREEAM Excellent as a minimum. The Ministerial statement of March 2015 (see above) did not affect non-residential property. The BREEAM standard still exists and can be applied. It

has been included as a required construction standard in a number of recently adopted Local Plans (for example the Oxford Local Plan (adopted June 2020)).

23. Policy CS15 is up to date and of full weight in terms of its requirement that non-residential development should meet BREEAM excellent. Planning conditions can be imposed to require the attainment of this standard where this is necessary. However, since BREEAM excellent is not the equivalent to carbon zero, Policy CS15 does not justify a requirement that all on-residential developments should be carbon zero. A condition which required this could not be lawfully imposed in my view.

### ***ii) CO2 Emissions and Energy Use***

24. The second part of Policy CS15 relates to reductions in carbon emissions associated with energy use. It applies only to "major development" (see above). As such it cannot be relied upon to require reductions in energy use from all development, but rather only those developments falling within the definition of "major development" in footnote 73.

25. Since we are now at a point in time beyond 2016 and beyond 2019, CS15 provides that as a minimum a "Zero Carbon" target in terms of energy use is to be achieved:

- a. "from renewable energy or low/zero carbon energy generation on site or in the locality of the development as long as a direct physical connection is used"; and
- b. "unless it can be demonstrated that such provision is not technically or economically viable"

26. The phrase "zero carbon" is footnoted in footnotes 74 and 65 as follows:

"Requirements for zero carbon **in line with stated Government aspirations**, which may be subject to change." (emphasis added)

### ***The Meaning of Zero Carbon***

27. As can be seen from the above, the phrase "zero carbon" cannot be interpreted simply as meaning that all energy use for developments to which this part of policy CS15 applies must draw their energy from renewable or zero carbon energy generation on site or in the locality of the development; rather what is meant by zero carbon" is a requirement "in line with stated Government aspirations".



28. This begs the question – what are the Government’s stated aspirations in terms of energy use for new development?
29. The Planning and Energy Act 2008 was amended in 2015 to provide Government with powers to stop local planning authorities from being able to exceed the minimum energy efficiency requirements of the Building Regulations, but this amendment has not been commenced. In the Ministerial Statement in 2015 (see above), the Government set out an expectation that local planning authorities should not set energy efficiency standards for new homes higher than the energy requirements of Level 4 of the Code for Sustainable Homes, which is equivalent to a 19% improvement on the Part L 2013 standard.
30. In its response to the Consultation on the Future Homes Standard, the Government recognised that its approach had caused confusion:
- “The Future Homes Standard consultation recognised that the current position has caused confusion and uncertainty for local planning authorities and home builders, alike. While some local planning authorities are unclear about what powers they have to set their own energy efficiency standards and have not done so, others have continued to set their own energy performance standards which go beyond the Building Regulations minimum and in some cases beyond the Code for Sustainable Homes.” (see paragraph 2.35)
31. The Government decided as a result of the consultation
- “To provide some certainty in the immediate term, the Government will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes...” (see paragraph 2.40)
32. Thus, the Government decided that, pending further changes to the Building Regulations which will seek to improve energy efficiency, it is for local planning authorities to set local energy efficiency standards for new homes.
33. This means that the Government has not yet adopted a policy in relation to energy use by new development; rather it defers to local planning authorities in this regard. It does so in the knowledge that some local planning authorities are implementing standards that go beyond the Building Regulations and beyond the Code for Sustainable Homes.
34. In West Berkshire that local energy efficiency standard requires a “zero carbon” approach to energy use. It seems to me in the light of the above, that it cannot reasonably be said that this locally set approach is out of line with “stated Government aspirations”; rather the Government’s stated aspiration

is that this is an issue for local policy to address and it recognises that this can go beyond the Building regulations requirements.

35. This means that it is open to the Council to require new development, to which this second part of CS15 applies, to demonstrate that all of its energy use will be drawn from renewable or zero carbon energy generation on site or in the locality of the development.
36. This position does, however, have the potential to change since the Government is undertaking further consultation on these issues (expected in 2023 with policy adoption in 2024). Once the Government does adopt its aspirations for carbon reduction in energy use by new development, then the Council will need to ensure that its requirements are in line with those aspirations.
37. In that regard I note that the Government Response contained a "Draft notional building specification for the Future Homes Standard" in Appendix A. This explained:

"The introduction of the Future Homes Standard will ensure that from 2025, an average home will produce at least 75% lower CO2 emissions than one built to current energy efficiency requirements. In the short term this represents a considerable improvement in energy efficiency standards for new homes. Homes built under the Future Homes Standard will be 'zero carbon ready', which means that in the longer term, these homes will be future-proofed with low carbon heating and world-leading levels of energy efficiency. No further retrofit work will be necessary to enable them to become zero carbon homes as the electricity grid continues to decarbonise..."

38. This suggests that the requirement in CS15 (i.e. for zero carbon energy use) may go beyond the standard that the Government may introduce with effect from 2025.

### **Viability**

39. As I have set out above, the requirement to demonstrate that all of a proposed development's energy use will be drawn from renewable or zero carbon energy generation on site or in the locality of the development is subject to consideration of viability.
40. Accordingly, it will be open to a developer to argue that it is not financially viable to meet the zero carbon energy use standard but some lesser standard. Thus, this issue can be a matter of negotiation much as the amount of affordable housing. The Council may need to adopt a flexible approach if it is not to stifle new development coming forward.

### **The NPPF and Energy Use**

41. Paragraph 157 of the NPPF states:

“In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable....”

42. In my view, the second part of CS15 relating to energy use is thus entirely in line with the NPPF. It represents a local requirement for decentralised energy supply which can be altered if it is not viable or feasible to achieve in any particular case.

43. As a result, I conclude, that the second part of CS15 is consistent with the NPPF and of full weight.

44. Indeed, it is also consistent with the National Design Guide part R1 “follow the energy hierarchy” which states:

“138 Well-designed places and buildings follow the energy hierarchy of:

- reducing the need for energy through passive measures including form, orientation and fabric;
- using energy efficient mechanical and electrical systems, including heat pumps, heat recovery and LED lights; and
- maximising renewable energy especially through decentralised sources, including on-site generation and community-led initiatives.

139 They maximise the contributions of natural resources such as sun, ground, wind, and vegetation.

140 They make use of potential for renewable energy infrastructures at neighbourhood and building level. These include photovoltaic arrays, heat pumps and district heating systems, to reduce demand for nonsustainable energy sources. IT advances and app-based solutions allow users to take ownership or to manage these systems so as to use them most efficiently.

141 They follow the principles of whole life carbon assessment and the circular economy, reducing embodied carbon and waste and maximising reuse and recycling. 142 Good developments minimise the cost of running buildings and are easy and affordable for occupants to use and manage.”

### **CONCLUSION ON CS15**

45. CS15 is in part out of date and of little if any weight and in part up to date and of full weight.

46. The standards of construction for residential development contained in Policy CS15 are out of date and inconsistent with the NPPF. Accordingly, the standards contained in CS15 for residential development can no longer be applied since they have been withdrawn. This part of Policy CS15 is thus out of date, inconsistent with the NPPF and of little if any weight in the planning balance. Instead, it is the requirements of the Building regulations which regulated the standards of construction for residential development.
47. Policy CS15 is up to date and of full weight in terms of its requirement that non-residential development should meet BREEAM excellent. Planning conditions can be imposed to require the attainment of this standard where this is necessary. However, since BREEAM excellent is not the equivalent to carbon zero, Policy CS15 does not justify a requirement that all on-residential developments should be carbon zero. A condition which required this could not be lawfully imposed in my view.
48. In terms of energy use by new major development, CS15 is up to date and of full weight. It can be relied upon to require new major development to demonstrate that all of a proposed development's energy use will be drawn from renewable or zero carbon energy generation on site or in the locality of the development is subject to consideration of viability.

### **The NPPF and Net Zero**

49. The NPPF does not contain any policy requirement that all new development must be carbon neutral. There is no requirement in it to go beyond the national technical standards in terms of construction standards. Further, there is no requirement in the NPPF to ensure that new development is carbon neutral in terms of its energy use.
50. As a result, the NPPF does not provide a policy basis for imposing a requirement that a development achieves a zero carbon standard; that can only be done pursuant to Policy CS15 as I have described above.
51. The NPPF explains at paragraph 129 that the National Design Guide and the National Model Design Code "should be used to guide decisions on applications in the absence of locally produced design guides or design codes."
52. At paragraph 135 the National Design Guide states:

“135 Well-designed places and buildings conserve natural resources including land, water, energy and materials. Their design responds to the impacts of climate change by being energy efficient and minimising carbon emissions to meet net zero by 2050. It identifies measures to achieve:

- mitigation, primarily by reducing greenhouse gas emissions and minimising embodied energy; and
- adaptation to anticipated events, such as rising temperatures and the increasing risk of flooding.”

53. Thus, the obligation is to minimise carbon emissions – there is no obligation to attain zero carbon emissions in every case.

### **The Council’s Declaration of a Climate Emergency**

54. In my view the declaration of a climate emergency does not provide a policy basis for imposing a requirement that a development achieves a zero-carbon standard. The declaration of the 2<sup>nd</sup> July 2019 was as follows:

“This Council notes that:

1. All levels of government (national, regional and local) have a responsibility to limit the negative impacts of Climate Breakdown. It is important for the residents of West Berkshire and the UK that we commit to working towards carbon neutrality as quickly as possible.
2. The consequences of global temperature rising above 1.5°C are so severe that preventing this from happening must be of the utmost urgency.
3. Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved health and wellbeing) but will also require changes in individuals’ lifestyles and have a cost implication to both the individual and the state.

West Berkshire Council therefore:

- Declares a Climate Emergency.
- Will create a strategic plan for West Berkshire, that aims to deliver carbon neutral by 2030. • Calls on HM Government to provide the Council with the powers and resources to make the 2030 target possible.
- Will work with other authorities to determine and implement where practicable best practice methods to limit Global Warming to less than 1.5°C.”

55. The Councils’ Environmental Strategy 2020-2030 which was designed to implement that Council’s aspirations does not contain any statement that all new development should come forward on a basis which achieves a zero carbon standard. Indeed, in relation to energy use it explains

“We will:

- Work with local suppliers, community energy co-operatives and similar groups to invest in renewable energy in the District; and
- Lobby Government to change the tax system to favour low and zero carbon solutions...”

56. The declaration and the Environmental Policy produced pursuant to it cannot be construed as providing a policy basis that all new development must achieve a zero carbon standard. As such, they do not provide a basis for requiring all new development to meet such a standard.

#### National Design Guide

57. The NPPF paragraph 129 requires local planning authorities to use the National Design Guide and the National Model Design Code to “guide decisions on applications in the absence of locally produced design guides or design codes”.

58. The NDG does not contain any requirement that all development should achieve a construction standard of zero carbon or that or zero carbon energy use. Paragraph 135 explains

135 Well-designed places and buildings conserve natural resources including land, water, energy and materials. Their design responds to the impacts of climate change by being energy efficient and minimising carbon emissions to meet net zero by 2050. It identifies measures to achieve:

- mitigation, primarily by reducing greenhouse gas emissions and minimising embodied energy; and
- adaptation to anticipated events, such as rising temperatures and the increasing risk of flooding.

59. Thus the approach is one of seeking to minimise carbon emissions but it is not one that requires zero carbon emissions to be achieved by all new development.

60. Page 34 of the National Model Design Code part 1 identifies that local codes can include Environmental standards:

“Codes may set standards for new development to meet relating to: • Embodied energy/carbon • Whole life-cycle carbon

- BREEAM Ratings and other best practice guidance
- Modern Methods of Construction
- Water usage

61. But this does not create a policy basis for requiring attainment of a zero carbon standard within West Berkshire now.

Landmark Chambers

180 Fleet Street

London

EC4A 2HG





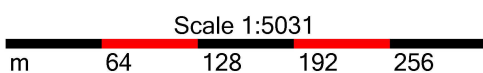


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