

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/03028/OUTMAJ Midgham	06/04/2021 ¹	Outline application for the erection of 16 dwellings, including 6 affordable units, with access from Bath Road. Matters to be considered: Access Land at Junction With Bath Road New Road Hill Midgham Reading JPP Land Limited

¹ Extension of time agreed with applicant until 12/05/2022

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/03028/OUTMAJ>

Recommendation Summary: Delegate to the Service Director of Development and Regulation to grant outline planning permission subject to the completion of a Section 106 legal agreement, or to refuse planning permission if the Section 106 legal agreement is not completed.

Ward Member: Councillor Graham Pask

Reason for Committee Determination: More than 10 of objection have been received and the officers' recommendation is to approve the application.

Committee Site Visit: 4th May 2022

Contact Officer Details

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1. Introduction

- 1.1 This application seeks outline planning permission for the erection of 16 dwellings, including 6 affordable units, with access from Bath Road. Details of access are to be considered at this outline stage, but the layout, scale, appearance and landscaping are reserved matters for later consideration if outline permission is granted.
- 1.2 The site is located at junction of Bath Road with New Road Hill, on the western edge of Woolhampton, within the parish of Midgham. The site is not with a planning policy defined settlement boundary. The site is 0.81 hectares in size according to the application form, it is an undeveloped green field site, currently used as a paddock with strongly defined boundary's adjacent to Woodlands. The site is bounded to the west by a Biodiversity Opportunity Area and a Local Wildlife Site, and has a Tree Protection order on a T1 Oak to the east of the site. The site is bounded by Ancient Woodland to the East to which sits adjacent to the boundary of the site. In summary:
- Open countryside (outside of any defined settlement boundary)
 - Adjacent to a Biodiversity Opportunity Area, Local Wildlife Site and has TPO on the site.
 - Site is bounded by Ancient Woodland to the East

2. Planning History

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

Application	Proposal	Decision / Date
19/01942/OUTMAJ	Outline application for the erection of 16 dwellings, including 6 affordable units, with access from Bath Road.	Refused 23.01.2020. Appeal withdrawn

- 2.2 As detailed above, planning permission was refused for substantively the same development in January 2020, and this decision was appealed to the Planning Inspectorate. However, in advance of the scheduled inquiry the Regulation 18 consultation draft of the Local Plan Review was published with the appeal/application site as a proposed allocation. Consequently, the appeal was withdrawn to pursue this application in light of the changing circumstances.

3. Procedural Matters

- 3.1 **EIA:** Given the nature and scale of this development it is considered to fall under section 10 of Column 1 of Schedule 2, but it is not considered to exceed any of the thresholds listed in column 2 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Site notices were displayed on 13/01/2021 on lampposts fronting the site adjacent to the A4; the deadline for representations expired on 03/02/2021. A public notice was displayed in the Newbury Weekly News on 21/01/2021.

- 3.3 **CIL:** 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). Based on the CIL PAIR form, it appears that the proposed development will be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any reserved matters approval. More information is available at 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.

Midgham Parish Council:	<p>Objection to the application for the following reasons:</p> <ul style="list-style-type: none"> • It is a development in the countryside. • It is outside the settlement boundary. • It is a ribbon development. • The matter has already been assessed by the planning authorities very recently and planning permission was denied. • The parish council are also objecting to the potential inclusion of this site into the local plan.
Woolhampton Parish Council:	<p>Object to the application due to the access to the site being considered unsafe and too close to other junctions nearby.</p> <p>The sewage infrastructure is not sufficient to meet the demands of the new development.</p> <p>Overdevelopment- The oil pipeline area cannot be built on/near too.</p>
WBC Highways:	No objections subject to conditions
WBC Trees:	No objections subject to conditions
WBC Housing Officer:	No objections subject to securing affordable housing via legal agreement
WBC Minerals and Waste Officer:	No response 29/04/2022
WBC Planning Policy Officer:	<p>Response summarised as follows:</p> <p>This proposed development does not meet the exceptions listed in Policy C1, and therefore the policy presumption against new</p>

	<p>residential development applies. The proposed development is considered to be contrary to the current development plan.</p> <p>The HELAA concluded that the site is available within the next 1-5 years; that development is achievable (i.e. no known legal, ownership, market, or cost issues that could constrain the development); and the suitability was unknown. It was assessed that the site is potentially developable in part due to the need for a buffer between development and the ancient woodland which adjoins the site. The other sites in Woolhampton promoted for consideration in the HELAA (refs MID2 and MID3) were assessed as 'not developable within the next 15 years'.</p> <p>The LPR is in an early stage of development, and an emerging draft was subject to public consultation (Regulation 18 stage) between December 2020 and February 2021. Policy RSA20 allocates the application site for residential development.</p> <p>The preparation of the LPR has been delayed, given the changes outlined in the July 2021 NPPF and the need to undertake 30-year visioning work.</p> <p>Through the Regulation 18 consultation, six representations were received in respect of the site, and these can be viewed on the Council's Local Plan Consultation Portal: https://consult.westberks.gov.uk/kse/event/35924/peoplesubmissions/section/ID-5735616-6?consultation=ID-5735616-SITE-20.</p> <p>Of the six representations, two were in support (this included the site promoter), there was one objection (Midgham Parish Council), and three which recommended typographical changes or criteria for inclusion in the policy.</p> <p>Officers consider that the matters raised in the representations are not of a significance that they would warrant the removal of the site as an allocation.</p> <p>Woolhampton is designated as a 'service village' and no changes are anticipated to take place to that classification through the LPR, meaning that the settlement will continue to be regarded as suitable for this scale of development through the LPR.</p> <p>The application site has been promoted again as part of the LPR. Of the three sites adjacent to the village this is the only site that has not been discounted through the HELAA, and it is the only proposed allocation in the village.</p>
WBC Ecology Officer:	No Objections subject to conditions
Thames Water Utilities:	<p><u>Waste Comments</u></p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the</p>

	<p>proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that a condition be added to any planning permission.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p><u>Water Comments</u> Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.</p>
WBC Emergency Planning Officer:	No objections
Officer of Nuclear Regulation (ONR):	No comment
AWE:	No response 28/04/2022
WBC Archaeology Officer:	No objections
Thames Valley Police:	No objections

WBC Environmental Health:	The application site is located next to the A4 road which will result in elevated noise levels. A noise survey and acoustic mitigation proposals will be required to demonstrate that the recommended internal and external noise levels can be achieved. An hours of work and dust conditions are required in order to reduce the impact to nearby residential properties during the construction phase.
Royal Berkshire Fire and Rescue:	No response 28/04/2022
Berkshire, Buckinghamshire And Oxfordshire Wildlife Trust:	No objections in principle will submit condition suggested wording
Environment Agency:	No objections
Natural England:	No comment
WBC Transport Policy:	No response 28/04/2022
WBC Lead Local Flood Authority:	No objections subject to conditions
WBC Waste Management:	Comments made and condition suggested.
CLH Fisher German Pipeline:	No objections

Public representations

4.2 Representations have been received from 39 contributors, all of which object to the proposal. 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:

- There is no need for any more houses to be built in the village as there has already been 4 houses building in the village in the last year.
- The junction they are proposing will be very dangerous as there are numerous junctions coming onto the A4.
- Affordable housing that is being proposed locals could not afford these prices in their own village.
- The planning application was refused once why has it been put in again.

- Peoples views will be no longer looking at open fields just windows or rooftops.
- The village of Woolhampton is already in danger of losing its charm and character with the developments in place - the houses being built beside Midgham station and the large new estate on the A4.
- The amount of cars and extra traffic would not only be a major disruption but also very dangerous on an already extremely dangerous road.
- On street parking in the area is an issue.
- This paddock forms part of the defined rural landscape on approach to the village from the west creating clear definition between the village and open countryside to develop this area would detract from the small village feel.
- The site is a Greenfield site and borders ancient woodland and to develop this site can only have a negative impact on the local wildlife and their habitat regardless of any mitigating efforts of the development.
- Adding in so many houses and people would have a negative effect on local facilities and amenities.
- Noise and light pollution will significantly rise in this area due to the development. This would also negatively affect the adjoining paddock.
- It is a greenfield site.
- The development will impede natural drainage in the event of heavy rain.
- The sewerage works in station road are at full capacity with no initiation of enhancement from Thames Water.
- The junction is dangerous, turning right from the A4 is extremely precarious at the moment. It is clearly a dangerous road due to the need for speed cameras.
- The site has been rejected once.
- Deer and other wildlife has been known to graze on the land.
- This is basically the same application as the one already refused and should not be considered further.
- The developer states they did a mail drop about the application but nothing has been received by the objector.
- Planning applications have an adverse effect on people mental health and general feeling of wellbeing in the village.
- The land selected is greenbelt land, and as such should not be being considered for domestic development.
- It was always discussed that it was reed gardens or new road hill, never both developments coming forwards.
- The MOD oil pipeline runs through the development site, any new development runs the risk of causing a major incident to the pipeline.
- Water is already seen running down the roads from New Road Hill and Woolhampton by building more homes this could increase the risk of flooding.
- The field is important area for protect birds and foraging ground animals.
- The development falls within the Kennet School catchment area and this school is already oversubscribed. The development would put yet more pressure and compound this issue further.
- The area of land in question is on a very steep gradient which floods regularly with surface water running down New Road Hill. More concrete and housing will reduce natural infiltration and cause more danger to passing traffics on Bath Rd.
- The local primary school is at maximum capacity and would need significant investment and new buildings in order to offer places to a greater number of children.
- More houses will mean more congestion and more issues and busy times on the roads around Woolhampton.
- The south side of the A4 flooded in previous years and this along with other development could exacerbate this issue.
- There will be noise and disruption during construction.
- There will be a loss of the village feel to Woolhampton.

- Wildlife and protected species are often seen in the proposed development site.
- Views from existing house's adjacent to the site will be negatively impacted.
- There is no need for more housing in Woolhampton.
- The A4 is a very busy road and sometimes has limited viability due to the lack of lighting at the junction which could be dangerous.
- There is concern that more development towards Thatcham could exacerbate the issues raised in regards to this application.
- To allow this application would turn the village into a town losing its character.
- It is not considered this application is sufficiently different from the previous application to warrant any other decision than refusal.
- Concern is raised over the steepness of the site and the stability of the ground.
- The timing of this new application being proposed during lockdown suggests lack of transparency.

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, ADPP6, CS1, CS4, CS5, CS6, CS8, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS 1, OVS.5, OVS6, RL.1, RL.2 and RL.3 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)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- West Berkshire Landscape Character Assessment (2019)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Housing mix and infrastructure
- Affordable housing
- AWE
- Landscape and visual impact
- Residential amenity
- Highways matters
- Flooding and sustainable drainage

- Sustainable construction and energy efficiency
- Ecology and trees

Principle of development

6.2 The application site is located to the west of Woolhampton. It lies adjacent to, but outside of, the Woolhampton settlement boundary, and in policy terms is located in open countryside. The site is proposed as a residential allocation in the draft emerging West Berkshire Local Plan Review to 2037. The existing development plan and emerging policies are considered below with respect to the principle of development.

Development Plan

6.3 The most important development plan policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP6 and CS1 of the Core Strategy, and Policy C1 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS1 and C1 relate specifically to housing.

6.4 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings.

6.5 Woolhampton is classified as a "service village" in the District Settlement Hierarchy of Policy ADPP1, which is a third tier settlement designated for having a more limited range of services and some limited development potential.

6.6 Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.7 The application site is located within the East Kennet Valley, the name given to the rural south-east of the district that lies east of Thatcham and outside of the AONB. Distinct features of this area are the Kennet and Avon Canal and River Kennet which both run from west to east across the breadth of this area, parallel to the Newbury – Reading train line and the A4. The East Kennet Valley is also characterised by a number of villages along the route of the canal/river and others dispersed across farmland and some woodland. The Atomic Weapons Establishment (AWE) has two bases in this area, at Aldermaston and Burghfield, which has implications for the future level of development in this area.

6.8 Policy ADPP6 is the spatial strategy for the East Kennet Valley. The policy identifies that the area will accommodate approximately 800 new homes over the plan period. The two identified rural service centres of Burghfield Common and Mortimer will be the focus of development, together with the more modest development of the identified service village of Woolhampton. According to the policy, the character of all the settlements in this area will be conserved and enhanced by ensuring that any development responds positively to the local context. Development in the open countryside will be strictly controlled.

6.9 According to Policy CS1, new homes will be located in accordance with the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily located on

suitable land within settlement boundaries, and other land allocated for development within the Local Plan.

- 6.10 In this context, Policy C1 of the HSA DPD gives a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy.
- 6.11 The HSA DPD was prepared within the framework of the adopted Core Strategy and allocated smaller scale housing sites to boost the supply of housing in a plan-led manner, while taking the opportunity to update selected housing policies.
- 6.12 This particular site (ref: WOOL001) was not allocated within the HSA DPD. The site was submitted and assessed as part of the Strategic Housing Land Availability Assessment process as potentially developable. The site was then considered through the HSA DPD process, and was one of two sites presented as alternatives at the Preferred Options stage. Following consultation and further sustainability appraisal the site to the north of the A4 to the east of the village was selected for allocation rather than this site. Site works have commenced on the allocated site which will deliver 35 homes, including 14 affordable homes. This is now believed to have been built out (April 2022).
- 6.13 This proposed development does not meet the exceptions listed in Policy C1, and therefore the policy presumption against new residential development applies. The proposed development is considered to be contrary to the current development plan.

West Berkshire Local Plan Review to 2037 (LPR)

- 6.14 The current Local Plan (which comprises of the Core Strategy, Housing Site Allocations DPD, and the saved policies of the West Berkshire District Local Plan 1991-2006) sets out the district's planning policies up to 2026. A review of the Local Plan is now underway to cover the period up to 2037.
- 6.15 Various evidence documents have been produced to underpin the policies within the LPR, and one such document is the Housing and Economic Land Availability Assessment (HELAA). The application was promoted to the Council and has been assessed as part of the HELAA, last updated in December 2020 (<https://info.westberks.gov.uk/helaa>). Comments were sought from internal and external consultees, and represented an assessment based on the information provided at that time.
- 6.16 The HELAA concluded that the site is available within the next 1-5 years; that development is achievable (i.e. no known legal, ownership, market, or cost issues that could constrain the development); and the suitability was unknown. It was assessed that the site is potentially developable in part due to the need for a buffer between development and the ancient woodland which adjoins the site. The other sites in Woolhampton promoted for consideration in the HELAA (refs MID2 and MID3) were assessed as 'not developable within the next 15 years'.
- 6.17 The LPR is in an early stage of development, and an emerging draft was subject to public consultation (Regulation 18 stage) between December 2020 and February 2021. Policy RSA20 allocates the application site for residential development.
- 6.18 Paragraph 48 of the NPPF allows Local Planning Authorities to 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).
- 6.19 The preparation of the LPR has been delayed, given the changes outlined in the July 2021 NPPF and the need to undertake 30-year visioning work.
- 6.20 Through the Regulation 18 consultation, six representations were received in respect of the site, and these can be viewed on the Council's Local Plan Consultation Portal: <https://consult.westberks.gov.uk/kse/event/35924/peoplesubmissions/section/ID-5735616-6?consultation=ID-5735616-SITE-20>.
- 6.21 Of the six representations, two were in support (this included the site promoter), there was one objection (Midgham Parish Council), and three which recommended typographical changes or criteria for inclusion in the policy.
- 6.22 Officers consider that the matters raised in the representations are not of a significance that they would warrant the removal of the site as an allocation. Officers advise Members on the basis of evidence. Officers recommended this site be included as a proposed allocation in the emerging draft LPR and Members agreed that the plan could be consulted on. Members will need to agree that the proposed submission version of the plan (Regulation 19) can be consulted upon.
- 6.23 Having regard to paragraph 48 of the NPPF, the consultation draft of the LPR is considered to be consistent with the NPPF. The relatively early stage of preparation is such that normally limited weight can be given to the emerging policies. However, careful consideration has been given to the specific circumstances of this site.
- 6.24 As part of the LPR it is proposed to merge the Eastern Area and East Kennet Valley spatial areas into a new single spatial area. The LPR also proposes to retain a District Settlement Hierarchy that will direct appropriate levels of growth to the settlements across the district.
- 6.25 Woolhampton is designated as a 'service village' and no changes are anticipated to take place to that classification through the LPR, meaning that the settlement will continue to be regarded as suitable for this scale of development through the LPR. It is also recognised that a large area within the proposed Eastern Spatial Area has been constrained by the emergency planning zones surrounding the two AWE sites.
- 6.26 The application site has been promoted again as part of the LPR. Of the three sites adjacent to the village this is the only site that has not been discounted through the HELAA, and it is the only proposed allocation in the village.
- 6.27 Planning Policy has confirmed that the matters raised in the Regulation 18 are not of a significance to warrant not pursuing the allocation, and therefore it is considered that there are not any unresolved technical objections. The matters raised in the HELAA (such as the relationship to ancient woodland) have been considered as part of this application and found to be acceptable.
- 6.28 Taking all these points into consideration, it is considered that the application site is highly likely to progress as an allocation in the LPR, and therefore greater weight can be applied to the emerging policies in accordance with paragraph 48 of the NPPF.

- 6.29 Consideration has been given to whether the granting of planning permission now would be premature to the adoption of the Local Plan Review. The NPPF provides Government policy on this issue of prematurity in paragraph 50. It states:

“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”

- 6.30 As the LPR has not been submitted for examination, national policy is clear that planning permission cannot be refused on grounds of prematurity in this case.
- 6.31 Overall it is considered, in the particular circumstances of this case, that the principle of development is acceptable.

Housing mix and infrastructure

- 6.32 In terms of efficient use of land, policy CS4 allows for lower density developments below 30 dwellings per hectare in certain areas of the district where areas are sensitive to intensification. The housing density has been calculated as approximately 19.7 dwellings per hectare. The location of the site, sensitivity to change and character of the area are such that a lower density is justifiable. Additionally the constraints of the sites in the form of buffers and pipeline easement must be factored in. This consideration relates solely to land use density, not the precise impact of the development.
- 6.33 Policy CS5 of the Core Strategy relates to infrastructure provision and services for new development. The scale of the development is such that community infrastructure levy receipts would go towards mitigating impacts on the majority of local infrastructure including schools and health services.

Affordable housing

- 6.34 Core Strategy policy CS6 provides that for site of more than 0.5 hectares or development of 15 dwellings or more on greenfield land shall provide 40% affordable housing. The tenure split sought by the Council is 70% social rented and 30% intermediate housing to meet identified local need. As the developers are proposing 16 dwellings, and as this is a greenfield site of over 0.5 hectares 40% of all dwellings are required for affordable housing provision, which equates to 6 units (rounded up). The development proposal would provide 6 units equating to 40% of the site as affordable housing.
- 6.35 However, the development will need to comply with the Government’s introduction of First Homes. This therefore needs to be factored into the housing mix.
- 6.36 With regard to the unit mix factoring in First Homes, in the light of sales values, it would not be feasible in this location for a 3-bed home to meet the First Homes criterion regarding a maximum 30% discount on market value. Therefore the following unit mix was proposed and agreed with the Council’s Housing Officer.

First Homes

- 2 x no.2 bed

Social Rent

- 2 x no.1 beds
- 1 x no.2 beds
- 1 x no.3 beds

6.37 The applicant has provided a policy compliant level of affordable units. Both affordable housing and the provision and transfer of public open space would need to be secured by a planning obligation. The development is considered in accordance with policy in this regard subject to agreement of planning obligations.

AWE

6.38 The application site is located outside the Detailed Emergency Planning Zone of both AWE sites. No objections have been received from the Office of Nuclear Regulation or Emergency Planning, and no comments have been submitted by AWE. The proposal is considered to comply with Policy CS8.

Landscape and visual impacts

6.39 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings, and Policy ADPP6 that the character of the settlements conserved and enhanced.

6.40 Policy C1 of the Housing Site Allocations DPD states that, planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB, or where development would have an adverse cumulative impact on the environment.

6.41 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.

6.42 Policy CS19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policy CS19 states that proposals for development should be informed by and respond to the distinctive character areas and key characteristics identified in relevant landscape character assessments. The West Berkshire LCA was published in August 2019.

6.43 The application included an indicative layout and landscaping plan, as well as a Landscape Visual Impact Assessment (LVIA). This documents comments that the site is well contained in views from the adjoining landscape and townscape by the adjoining well-treed and wooded landscape, as well as the existing built form. Where the new homes are visible, they will be seen within the context of the existing residential development along New Road Hill and Bath Road, and will not appear out of character. The LVIA concludes that "overall, the proposed development, in line with the Indicative Site Layout Plan, Illustrative Landscape Strategy Plan and the principles set out in Section 5.2, will complement the character of the surrounding area, and will not have any significant effects on the surrounding landscape or townscape character."

- 6.44 The West Berkshire Landscape Character Assessment defines the site in *WH4: Cold Ash Woodland and Heathland Mosaic*, the site is right in the southern border of this area. One of the identified ongoing detractors in the area is the increase in sub urbanisation of the area. It notes modern housing along main routes and on adjacent cul-de-sacs, together with street lighting and pavements, has introduced suburban characteristics to some places, particularly where there is less tree cover to mask changes. It goes on to comment that the loss of small pasture fields adjacent to settlements have been vulnerable to development however these sites adjacent to settlement boundaries contribute to the rural character as they act as transitions between settlements and countryside that contributes positively to the landscape character. The proposed development leads to the loss of the paddock land, which makes a contribution to the rural setting of the village. The loss of this paddock detracts from the landscape character identified in the assessment degrading the character of the area through the loss of transitioning space between settlement and countryside.
- 6.45 The applicant has sought to justify this by identifying the degree of screening the site benefits from and the woodland to which marks, in their opinion, the edge of the settlement boundary. The applicant notes that the open field plays little part in the setting of Woolhampton.
- 6.46 The proposed development would have an adverse impact in terms of the loss of the open paddock, which makes a contribution to the rural setting of the village. The presence of housing would be conspicuous in public views immediately adjacent to the site. Whilst it is considered that there is landscape and visual harm (having regard to the LCA), it is considered to be localised to the immediate vicinity of the site whereby the development would be viewed in the context of existing built form, and views of the development would be filtered to varying degrees.
- 6.47 Overall, it is concluded that there would be some localised harm, but that when balanced against the principle of development it is considered that the site is acceptable in this respect.

Residential amenity

- 6.48 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.49 Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties. Developments should also provide a good quality environment for future occupants of the development, including the above considerations, noise, and private outdoor amenity space.
- 6.50 The application is made in outline therefore the detailed design is subject to change; however an indicate site layout has been provided to show one way in which the site could be developed.
- 6.51 It is considered that the indicative site layout submitted would give due consideration to the neighbours of the application site. The dwelling to the north of the site known as Mariner Lodge would benefit from the pipeline easement area of open space to which is an adequate buffer between the sites proposed dwellings and neighbouring dwellings. The distances between plots 14 and 15 and those dwellings to the east of the site are

considered adequate. It is considered that the illustrative layout submitted would not have a detrimental impact on neighbouring amenity from issues such as overlooking, overbearing, and overshadowing or from a loss of sunlight.

- 6.52 The garden spaces provided to each individual dwelling are considered acceptable. Some of the plots fall below the thresholds required by the SPD but others exceed, so there would be sufficient flexibility at reserved matters stage. Given the site plan is also indicative this is something that may be subject to change. The development is considered capable of complying with the above policies in terms of neighbouring amenity.

Highway matters

- 6.53 The Highway Authority has reviewed the plans, letters from the public, and the Transport Statement (TS) prepared by i-Transport. This proposal is similar to and follows on from planning application 19/01942/OUTMAJ.

Site layout

- 6.54 Whilst it is appreciated that the indicative site layout is only illustrative at this stage, the layout appears to be generally acceptable. The layout will need to comply with parking standards set in the Housing Site Allocations DPD Policy P1 2017 and Cycle and Motorcycle Advice and Standards for New Development 2014. This can be considered further at any reserved matters stage.

- 6.55 It must be noted that within West Berkshire, all roads serving more than five houses must be built to an adoptable standard. Highway officers will strongly encourage the roads and other infrastructure to be adopted under Section 38 of the Highways Act 1980 and will take measures accordingly.

Access

- 6.56 As shown on drawing ITB14436-GA-005 Rev E, the vehicular access onto the A4 is proposed to a width of 5.0 metres with 2.0 metre wide footways on both sides. As stated within the TS, to determine the required sight lines, speed surveys were undertaken between the February 5th and the 11th 2019. 85th percentile recorded speeds were found to be 66 kph (41.0 mph) eastbound and 57.5 kph (35.7 mph) westbound. Sight lines, are therefore being provided of 2.4 x 120.0 and 61.0 respectively. This complies with standards set within the Government's Manual for Streets (MfS) and the Design Manual for Roads and Bridges (DRMB).
- 6.57 For the proposed access, Highway officers are content with the proposed turn right lane and ghost island within the A4, as it generally complies with the DRMB TD42/95.
- 6.58 The provision of additional accesses onto major roads such as the A4 is not normally supported by highway officers, and in some respects it may have been preferable to have had an access serving the site onto New Road Hill. However, in this instance having the development accessing and fronting onto the A4 would assist in providing an 'active frontage' in line with the Government's Manual for Streets. The indicative layout does show dwellings fronting onto the A4.
- 6.59 An independent Stage One Road Safety Audit (RSA) was undertaken for both the proposed site access junction. The RSA did not raise any particular highway safety issues with the proposed design.

Traffic generation

- 6.60 Traffic generation for the development has been projected using the Trip Rate Information Computer System (TRICS) which is an Ireland and UK database of traffic surveys from many different uses including residential. This is a very standard methodology to project traffic levels. The following has been obtained from TRICS

Trip rate...	AM peak 08.00 to 09.00			PM peak 17.00 to 18.00		
	Arrive	Depart	Total	Arrive	Depart	Total
Per dwelling	0.128	0.448	0.576	0.383	0.180	0.563
For proposal	2	7	9	6	3	9

Projected traffic generation

- 6.61 It needs to be highlighted that the above trip rates do not include all of the traffic that will leave the site during the morning and that return during the PM peak etc. It is only during the particular peak hours. The Highway Officer considers this to be sufficiently robust. With the above figures, Officers have no objection on traffic grounds.
- 6.62 Personal Injury Accident (PIAs) data for the Woolhampton area has been viewed for five years up to the end of 2021. In total, there were four PIAs recorded in the study period, two of which were recorded as slight in nature and two which resulted in serious injury. Every PIA is regrettable, however the number of PIA's are not unusual and do not identify any specific road safety problems in the local area that would be increased by what is a relatively small development
- 6.63 Overall, the Highway Authority raises no objection to this proposal. Should the proposal be approved conditions will be needed.

Flooding and sustainable drainage

- 6.64 The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As major development, a Flood Risk Assessment (FRA) has nevertheless been provided in accordance with Policy CS16. There are no objections to the development on grounds of flood risk.
- 6.65 Notwithstanding the absence of any flood risk objections, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The Council has adopted a Sustainable Drainage SPD which supports this policy, and provides examples of measures that can be incorporated into even minor developments.
- 6.66 The Lead Local Flood Authority has reviewed the submitted FRA and Drainage Strategy and are content with the principles proposed. Subject to a condition the LLFA raised no objection to the application. A condition is necessary to secure the prior approval of a detailed sustainable drainage scheme and its subsequent implementation, in order to comply with Policy CS16.

Sustainable construction and energy efficiency

- 6.67 Policy CS15 requires residential development to comply with the Code for Sustainable Homes; however this scheme no longer exists and so this part of Policy CS15 can no longer be applied.
- 6.68 Policy CS15 further stipulates that major development shall achieve minimum reductions in total CO₂ emissions from renewable energy or low/zero carbon energy generation on site, 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 Code for Sustainable Homes has been applied (however, the baseline will be Building Regulations following the cancellation of CSH). From 2019 the policy seeks zero carbon.
- 6.69 The applicant has submitted an Energy Statement which summaries that there will be a total reduction in emissions from energy efficiency, low-carbon and renewable technologies are calculated as; 12,813 kg CO₂ per year, which equates to a reduction of 57.90% (% of TER). Whilst not achieving full zero carbon, this is considered to be a meaningful reduction in carbon emissions.

Ecology and trees

- 6.70 Policy CS17 of the Core Strategy requires biodiversity assets to be conserved and enhanced. It states that harm to habitats or species of principal importance for the purpose of conserving biodiversity will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided. All development shall maximise opportunities for net gains in biodiversity.
- 6.71 The site is within 500m of approximately two ancient and semi natural woodland and an ancient replanted woodland, and 500m of both the Woolhampton Reed Beds and River Kennet Site of Special Scientific Interest (SSSI). There is evidence of European Protected Species (including 6 different bat species) and Priority Species. It is also within a Biodiversity Opportunity Area.
- 6.72 The site comprises a single grass paddock with hedgerows (containing a number of standard trees) on the east and south boundaries. Off-site hedgerows are present on the northern boundary associated with residential gardens. The edge of Great Mounts Copse Local Wildlife Site (LWS) is adjacent to the western boundary.
- 6.73 The majority of the field comprises species poor semi-improved grassland, although a small area with comparatively greater species diversity is present in the southeast corner. This area of grassland, the hedgerows and the off-site woodland are considered to form important ecological features. Small sections of the hedgerow at the southern boundary will be removed to facilitate access and the majority of the grassland will likely be removed. This will be compensated by new, native hedgerow and scrub planting and the creation of new flower-rich grassland. The off-site woodland will be retained, buffered and protected during construction, and measures are incorporated into the scheme to prevent public access.
- 6.74 In regards to Dormice the Council's Ecologist is satisfied that an appropriate level of effort survey effort has been undertaken with regard to establishing the presence/likely absence of dormice in and around the site, as stated in 4.2 of the submitted ecology Technical Briefing Note. The Construction Ecological Management Plan for the site will still need to make sure that methodology safeguards are in place for the clearance of

any vegetation onsite and that any ecological planting aids the housing and feeding of notable/protected species of mammals and birds.

- 6.75 In regards to bats, the Council's Ecologist is satisfied that an appropriate level of effort survey effort has been undertaken with regard to establishing the level of commuting and foraging onsite by bats. The only concern is with regard to the lighting plan shown on the ecology Technical Briefing Note, the levels of lighting protruding into the vegetation is not acceptable currently to but this can be resolved by an appropriately worded condition that includes an updated bat survey (as the surveys only last 3 years).
- 6.76 The Council's Ecologist is satisfied that an appropriate level of mitigation has been put forward with regard to protecting the adjacent Morris Copse and Great Mounts Copse.
- 6.77 Biodiversity Net Gain Best Practice (endorsed by CIEEM AND Natural England) is generally considered to be that a minimum of 10% Net Gain for Biodiversity which this development meets with a percentage increase, with the Biodiversity Impact Assessment finds that the outline layout is capable of delivering a quantifiable net gain for biodiversity in relation to habitats, which at 25.44% for habitats and 3.9% in relation to linear habitats is significantly in excess of the 10% contained in the environment act 2021 but will not be enacted until 2023.
- 6.78 A point raised in the submitted ecology Technical Briefing Note (5.4) with regard to water quality; Biodiversity Net Gain does not take water quality into account but it should account for things such as culverts being put in place and so far the Ecologist is not confident that this has been fully demonstrated (as the calculations themselves have not been submitted) and considered by the applicant. The Ecologist is confident that the new development's proposals will not significantly adversely affect water volumes leaving the site but the same cannot be said for water quality due to the changes in land use with increases in hydro carbons derived from motor vehicles likely to negatively affect dissolved oxygen in the water body and elements such as heavy metals also found within motor vehicle fuel would also negatively affect aquatic life. To mitigate for the impacts on water quality and the partial culverting of the water body the Ecologist proposes that the size (surface area and overall volume) of the SuDS be increased and to be a 2 staged with a grate system and then a fen/reed bed being placed inline just before the stream goes into the proposed culvert. This can be secured through the drainage planning condition.
- 6.79 The Tree Officer has raised no objections subject to conditions. An adequate buffer will be retained and protected to the adjacent woodland.
- 6.80 The development is therefore considered to comply with Policies CS17 and CS18.

7. Planning Balance and Conclusion

- 7.1 The proposed development engages the presumption against new residential development in Policy C1 of the HSA DPD, and is therefore not in accordance with the current development plan. However, the site is proposed as a housing site allocation in draft Local Plan Review. Careful consideration has been given to the specific merits of this case in accordance with paragraph 48 of the NPPF, which allows local planning authorities to give weight to policies in emerging plans. Whilst the LPR is in a relatively early stage of preparation, the specific circumstances relating to Woolhampton and the proposed Eastern Spatial Area are such that it is considered that the application site is highly likely to progress as an allocation in the LPR, and therefore greater weight be can applied to the emerging policies in accordance with paragraph 48 of the NPPF.

- 7.2 The proposed development would result in some localised landscape and visual harm to the immediate vicinity; however, it is considered that this harm is outweighed by the benefit of housing in this location in accordance with the emerging policies. All other technical considerations are considered to be acceptable.
- 7.3 Balancing all of the considerations in this application it is concluded that benefits of the proposal outweigh the adverse effects, and therefore the application is recommended for approval subject to the completion of a Section 106 legal agreement.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 11th August 2022 (or such longer period that may be authorised by the Service Director of Development and Regulation, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1. **Approval of reserved matters**

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development 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).

2. **Time limit for reserved matters**

Application(s) 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).

3. **Commencement of development (outline)**

The development 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.

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).

4. **Approved plans**

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

Location Plan 112 E
Context plan 100.111D
Design and Access Statement JIA-100 Rev B

For information the following plan was considered

Indicative Site Layout Plan 100.110E

Indicative Sections 100.113.

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

5. **Schedule of materials (prior approval)**

The construction of the dwellings shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials respect the character and appearance of the area. 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 Supplementary Planning Document Quality Design (June 2006).

6. **Construction method statement**

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall 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) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) Hours of construction and demolition work;
- (k) Hours of deliveries and preferred haulage routes;

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 and CS14 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.

7. **Protection from external noise (prior approval)**

The construction of the dwellings shall not take place until details of external noise mitigation measures for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The details shall be informed by an appropriately detailed investigation to address the noise impacts on the proposed dwellings, gardens and external amenity area of the approved development from traffic noise from the A4. Thereafter the development shall be carried out in accordance with the approved details and no dwelling shall be first occupied until such measures have been completed.

Reason: To protect future occupants from the adverse effects of excessive noise levels that may be generated by the adjacent A4 and any other noise sources in the area. 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.

8. **Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

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

No dwelling shall be occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) 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).

10. **Tree Protection (scheme submitted)**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing numbered plan JPP22230-03 Rev A of 18/12/20. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

11. **Tree Protection – Construction Precautions**

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and works may be required to be undertaken

throughout the construction phase and so it is necessary to approve these details before any development takes place.

12. Arboricultural supervision condition

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

13. Arboricultural Programme of Works

No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

14. Electric vehicle charging points (prior approval)

No dwelling shall be first occupied until electric vehicle charging points have been provided for that dwelling/unit in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points 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.

15. Highways Construction Details

No development shall take place until details of the highway construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the roads, footways and other highway infrastructure within the site are designed to an adoptable standard. The submitted details shall include all items ensuring compliance with the Council's Standard Highway Details including gradients. Unless otherwise agreed in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the approved details. Access should also be available for Council highway engineers to inspect works when appropriate.

Reason: In the interest of road safety, future maintenance, residential amenity and to ensure waste collection over adoptable infrastructure. This condition is imposed in accordance with the National Planning Policy Framework, 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). A pre commencement condition is needed as the details may need influence the construction of the site.

16. Gradient of private drive

The gradient of private drives shall not exceed 1 in 12.

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).

17. Visibility splays (provision)

No dwelling shall be first occupied until the visibility splays at the proposed access onto the A4 have been provided in accordance with drawing number ITB14436-GA-005 received on December 21st 2020. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

18. Parking (prior approval before occupation)

No dwelling shall be first occupied until vehicle parking and turning spaces for that dwelling (including any surfacing arrangements and marking out) have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. 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.

19. Access construction before remainder of development

The first development to take place shall be the construction of the access onto the A4. Unless otherwise agreed in writing by the Local Planning Authority, no other development shall take place until the access has been constructed in accordance with the approved details.

Reason: To ensure that safe access to the highway is constructed before any further development in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

20. Highway works

No development shall take place until engineering details the vehicular and footway access onto the A4 Bath Road, with a turn right lane and ghost island, has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. This condition applies irrespective of the details in this application

Reason: To encourage sustainable travel, in the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre commencement condition is needed as the details may need influence the construction of the site.

21. Cycle parking/storage (prior approval before occupation)

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).

22. Sustainable drainage

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Any soakage testing should be undertaken in accordance with BRE365 methodology;
- c) 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;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change and an additional 10% increase of paved areas over the lifetime of the development (Urban Creep);
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- i) Apply for an Ordinary Watercourse Consent in case of surface water discharge into and other works on or adjacent to a watercourse (i.e stream, ditch etc);
- j) 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;

- k) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- l) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any 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.

Thereafter the development shall be carried out in accordance with the approved details.

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-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

23. Lighting design strategy for light sensitive biodiversity

No dwelling shall be first occupied until a lighting design strategy for biodiversity for the development has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Include an appropriately updated bat survey so the above design strategy reacts to the current biodiversity constraints of the site.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

24. Construction Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall 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.
- (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 construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

25. Landscape and Ecological Management Plan (LEMP)

No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

26. **Biodiversity measures (prior approval)**

No development shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling shall be occupied until the measures related to that dwelling have been installed/constructed in accordance with the approved detail.

Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

A pre commencement condition is needed as the details will need to be agreed as part of the reserved matters and possibly implement throughout the construction of the development

27. **Site levels**

No development on any dwelling shall take place until details of the finished floor levels of that dwelling in relation to existing and proposed ground levels of adjoining dwellings 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 levels.

Reason: Insufficient information on levels has been provided as part of the application. This information is required to ensure satisfactory relationships between properties in order to safeguard residential amenity, and to ensure the levels/heights respect the character and appearance of the area. This information is needed at this stage because of the site-wide implications of levels of the layout of the development in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

28. **Spoil**

No development 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. 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.

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. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5,

CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

29. **Habitat Management Plan**

No development shall take place until a Habitat Management Plan for the site for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The Plan shall ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure. No dwelling shall be first occupied until the approved plan has been implemented, and thereafter adhered to for the lifetime of the plan.

Reason: To ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure post-development, in accordance with the recommendations of the submitted ecological report. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

30. **Restrictions during bird breeding season**

No demolition, or site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.

Reason: To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

31. **Biodiversity enhancements**

No dwelling shall be first occupied until details of biodiversity enhancement plan have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The enhancements plan shall follow the principles set out within the supporting ecological appraisal of this application. Thereafter, the biodiversity enhancement measures shall be maintained in their approved condition for the lifetime of the development.

Reason: To achieve net gains in biodiversity, and to mitigate the impact on bat species. A pre-condition is required because insufficient details accompany the application. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

32. **Broadband**

The construction of the dwellings shall not take place until a Superfast Broadband Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a statement shall set out how superfast broadband is to be provided to each phase of the development, including a schedule for connection. Thereafter no phase of the development shall be occupied until superfast broadband infrastructure has been provided in accordance with the approved details.

Reason: To ensure that the site is provided with high speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the NPPF, Policies CS5 and CS14 of the West Berkshire Core Strategy (2006-2026).

33. **Waste water infrastructure**

No development shall take place until either:

- (a) Confirmation has been submitted to and approved in writing by the Local Planning Authority that the Fowl Water Drainage capacity exists off site to serve the development, or
- (b) A development and infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water).

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or when all wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may 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. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

34. **Water supply infrastructure**

No development shall be take place until either:

- (a) Confirmation has been submitted to and approved in writing by the Local Planning Authority that the water network infrastructure capacity exists off site to serve the development, or
- (b) A development and infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water).

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure 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.

Informatives

1. **S106 Legal Agreement**

This decision notice should be read in conjunction with the associated s106 legal agreement. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.

2. **Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

3. **Pre-conditions**

This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

4. **Compliance with approved drawings**

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

5. **Proactive actions of the LPA**

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

6. **Building Regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

7. **Foul drainage**

The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

8. **Access construction**

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application

should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

9. **Damage to footways, cycleways and verges**

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

10. **Damage to the carriageway**

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

11. **Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

12. **Incidental works affecting the highway**

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

13. **Developer Coordination Requirements**

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

14. **Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

15. **Advanced Payment Code**

The Local Highway Authority will serve notice under Section 220 of the Highways Act 1980. This is to ensure that all roads serving more than five houses are built to an adoptable standard, and that the developer be encouraged to enter into a Section 38 of the Highway Act 1980 to have the roads adopted as public highway