

Item No.	Application and Parish	No.	Statutory Target Date	Proposal, Location, Applicant
(1)	22/00493/FUL  Newbury Town Council		26 <sup>th</sup> April 2022*	New link road connecting Hectors Way to Kings Road through the Sterling Estate Development with associated retaining walls.  Sterling Gardens, Hectors Way, Newbury  Nelson Land Limited
*Extension of time agreed until 09 <sup>th</sup> June 2022.				

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00493/FUL>

**Recommendation Summary:**

To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.3 of the report) and the completion of a Section 106 legal agreement.

OR

If the legal agreement is not completed by the 09<sup>th</sup> September 2022, to **DELEGATE** to the Service Director, Development and Regulation to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8.4 of the report or to extend the period for completion if it is considered expedient to do so.

**Ward Members:**

Councillor Phil Barnett  
Councillor Billy Drummond  
Councillor Erik Pattenden

**Reason for Committee determination:**

Referred to Western Area Planning Committee by the Ward Member to ensure members assess the new link road which will have wider implications to residents in local roads. Furthermore, most committee members would not have been involved when the original application was discussed.

**Committee Site Visit:**

06<sup>th</sup> June 2022

**Contact Officer Details**

**Name:** Masie Masiwa  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Masie.Masiwa@westberks.gov.uk](mailto:Masie.Masiwa@westberks.gov.uk)

## 1. Introduction

- 1.1 This application seeks full planning permission for the construction of a new link road connecting Hectors Way to Kings Road through the Sterling Estate Development with associated retaining walls and other highway infrastructure including associated drainage and landscaping.

### ***Proposal background:***

- 1.2 Members may recall that the application for the redevelopment of Sterling Cables Industrial Estate was approved by the Western Area Planning Committee (WAP) on 18 March 2015. The application was subsequently referred to the District Planning Committee (DPC), where it was approved on 25<sup>th</sup> March 2015. The application had been referred to the DPC as it comprised a departure from the Development Plan Policy CS9 (Protected Employment Area) in the Core Strategy 2006 to 2026.
- 1.3 The approved development was presented to the two Committees under application reference 15/00319/FULEXT (***Proposal:*** Demolition of all buildings on site, site remediation, new link road, and the erection of 167 flats, car parking and landscaping).
- 1.4 Numerous discharge of condition applications and minor amendment applications were approved by the Local Planning Authority as outlined at Section 2 of the report.
- 1.5 Approved application 19/02546/FULEXT sought planning permission to vary condition 1 of the original planning permission. This application was approved under Section 73A of the Town and Country Planning Act 1990 due to the demolition, decontamination and remediation works having already been undertaken on the site. These amendments were concerned with the building design.
- 1.6 Members are also reminded that the approved development is being progressed in phases. The applicant has stated that no contractor has been appointed for phase two, it is therefore accepted that some of the details will be provided when the relevant phase two is being implemented.
- 1.7 The proposed new link road is generally the same as the previously permitted link road under application 15/00319/FULEXT. The difference is centred on an increase in the site levels during the construction process. This has resulted in an increase in the proposed ground level within the development. The increase in the ground levels is set at approximately 0.9 metres (1 metre in places) and has resulted in the provision of a retaining wall along the southern boundary with the railway land.
- 1.8 The details of the proposed road layout and the retaining walls have been submitted as part of this application before members. In summary the proposal will include the following elements:
- A new link road connecting Hectors Way to Kings Road
  - Changes in proposed ground levels from the approved linked, which has raised the proposed link road by up to one metre in places.
  - Provision of a new retaining wall (0.45 – 1.40 metres in height), a palisade fence above (1.8 metres) and access gate for maintenance.
  - A 2 metre wide maintenance access to the south of the retaining wall.
  - New link road loading bay for refuse vehicles
  - Provision of an acoustic barrier fence south of Gordon Road
  - Provision of road markings, signage and street lighting

- Proposed future access provision to the northern unit and Piper Autos (to be agreed with landowners)
- The replacement of the proposed footway along the southern side of the east to west section of the link road with a surface water infiltration trench. A 2 metre wide footway will still be provided on the northern side.
- A pedestrian crossing facility comprising of dropped kerbs and tactile paving is provided fronting the phase one building to connect the building to the footway on the northern side
- The provision of a mini roundabout junction of the new link road onto Kings Road.
- The section of Kings Road from the proposed mini roundabout to Boundary Road is no longer being widened as previously approved. However a 2 metre wide footway is still being provided on the southern side of the road fronting the site.
- The proposed traffic signal junction at the Kings Road / Hambridge Road / Boundary Road crossroads is no longer included in the scheme. The existing pedestrian crossing from the London Apprentice Public House will be retained.
- Additional crossing points consisting of dropped kerbs and tactile paving on both the Boundary Road arms will be provided.
- The realignment of the Boundary Road between Hambridge Road and the railway bridge with provision of a footway along the eastern side of Boundary Road.
- The new link road, footpaths and associated infrastructure will be adopted by the Council under Section 38 of the Highway Act.
- The new mini roundabout, footpaths and associated infrastructure along Boundary Road / Hambridge Road / Kings Road will be adopted by the Council under Section 278 of the Highway Act.

- 1.9 The existing ground to the underside of the proposed retaining wall may be variable, to address this and strengthen the retaining wall the applicant proposes to excavate down to competent strata and backfill with imported quality material, compacted in layers to a maximum 200mm thickness.
- 1.10 The acoustic barrier fence is proposed as Jakoustic Reflective Acoustic Fence. The acoustic fence has been positioned 500mm from the back of the footpath edge so that foundations for the fence posts do not impact the footpath edging.
- 1.11 The Low level retaining wall along the slope to Gordon Road that coincided with the acoustic barrier is not required and has been removed from the scheme.
- 1.12 The proposed link road, retaining wall and acoustic fence will be maintained by the Highway Authority. The applicant has confirmed in writing that they will arrange the relevant permits/agreements with Network Rail for West Berkshire Highway Authority to inspect and maintain the retaining wall structure and that all third party costs will be covered by the applicant. The permits/agreement will ensure that the Council's Highway Engineers and contractors will have rights of access to supervise construction and access for future inspection and maintenance after the development is complete. These terms including the costs will be secured by a legal agreement under the Heads of Terms at Section 8.2 of the report.
- 1.13 As approved under application 15/00319/FULEXT and under Section 38 of the 1980 Highways Act, the developer would construct the link road and associated footways through the site using funding from the Berkshire Local Transport Board (BLTB), West Berkshire Council Section 106 funding and funding from Homes England.
- 1.14 Under Section 278 of the 1980 Highways Act, the developer is to provide the new mini roundabout, realignment of Boundary Road, road markings, footpaths and other

infrastructure along the Boundary Road / Hambridge Road / Kings Road using funding from the BLTB, West Berkshire Council and the developers own funding from Section 106 of the Town and Country Planning Act 1990.

- 1.15 The site is located on the south eastern edge of Newbury town centre, on the junction of Kings Road and Boundary Road with the railway line on its southern boundary. The Newbury Railway Station is located to the west. The Sterling Industrial Estate was formerly used in the manufacture of steel cables and was home to a number of industrial processes.
- 1.16 The approved development is under construction and will deliver a total of 167 flats with associated underground car parking and the site is being delivered in two phases - phase one and phase two.
- 1.17 The approved residential development consists of a courtyard centred group of buildings (maximum height of 9 storeys) which step down from the rail way line towards Kings Road. Phase two of the development consists of two medium sized buildings in the middle of the site between phase one and Gordon Road. The proposed amendments will retain the principles of the approved buildings.

## 2. Relevant Planning History

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

Application	Proposal	Decision / Date
22/00039/NONMAT	Non material amendment to approved 19/02546/FULEXT - Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping. Amendments - adjustments to building levels, floor plans and 'perforated' brick pattern detail.	Pending Consideration
22/00511/COND2	Application for approval of details reserved by Condition 14 (Acoustic barrier) of planning permission 19/02546/FULEXT - Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Pending Consideration
21/00869/ADV	Development signage board to be fixed on aluminium posts and sit just above perimeter site hoarding	Approved

20/02328/FULEXT	Section 73A: Variation/Removal of condition 1 (Approved Plans); condition 3 (Finished Floor Levels); condition 7 (Construction Management Plan); condition 10 (Sewer system improvements), condition 11 (Drainage strategy) and condition 13 (SuDS) of approved application 19/02546/FULEXT: Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Withdrawn application
20/00168/COND5	Application for approval of details reserved by Conditions (8) cmp, (9) dust suppression, (12) sewerage system imps, (13) drainage strategy, 17 (SuDS) and (18) acoustic barrier of approved 15/00319/FULEXT - Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Split Decision
19/02546/FULEXT	Section 73A: Variation of Condition 2 (Approved Plans) of previously approved application (15/00319/FULEXT): Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Approved
19/01738/COND4	Discharge of Condition 10. Factual Completion and Validation report for final part of Condition 10 for approved application for the erection of 167 apartments, a new link road, car parking and landscaping.	Approved
19/01002/COND3	Application for approval of details reserved by conditions (2) materials (3) finish floor levels (6) north/south corridor (7) ecology (11) noise (15) landscaping (18) acoustic barrier (22) vehicle parking and (24) obscure glazing of approved application 15/00319/FULEXT - Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Split Decision

18/01612/COND2	Approval of details reserved by Conditions 10: Contamination of approved application 15/00319/FULEXT - Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Approved
16/02092/COND1	Application for approval of details reserved by Conditions 16 and 19 of approved application 15/00319/FULEXT- Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Approved
15/00319/FULEXT	Application for full planning permission for the demolition of existing buildings and structures, site remediation and the erection of 167 apartments, a new link road, car parking and landscaping.	Approved
11/02329/FULEXT	Comprehensive redevelopment of Sterling Industrial Estate into 166 dwellings with associated access from Kings Road, car parking, landscaping and decontamination works.	Refuse

### 3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (f) (Urban development projects – Construction of roads not included in Schedule 1) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The Local Planning Authority (LPA) has taken into account the selection criteria in Schedule 3 of the 2017 EIA Regulations. An EIA screening exercise has been completed in accordance with the Regulations, which concluded that the proposed development is not “EIA development” according to the 2017 EIA Regulations and an Environmental Statement is not required.
- 3.2 A site notice was displayed on 21<sup>st</sup> March 2022 and the deadline for representations expired on 11<sup>th</sup> April 2022.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development. The development is not CIL liable.
- 3.4 More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### Statutory and non-statutory consultation

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

<b>Newbury Town Council:</b>	Objection concerns: Newbury Town Council stated that the application should be brought to the Western Area Planning Committee for consideration. In addition, concerns were raised about the effect on parking, on highways, and on flooding issues. The justification for this development was to close King's road to through traffic, this should also be considered.
<b>WBC Highway Authority:</b>	No objection, subject to conditions
<b>WBC Local Lead Flood Authority</b>	No objection subject to additional information
<b>WBC Environmental Health</b>	No objection, subject to conditions
<b>Network Rail</b>	No objection, subject to informatives.

### *Public representations*

Total: 12      Support: 0      Impartial: 1      Object: 11

- 4.2 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 planning related points have been raised:

- Loss of permit controlled parking space as a result of the proposals.
- No provision is being made to residents of Kings Road for loss of parking
- Developer has not consulted with residents before submitting parking proposals for consideration.
- Concerns with regard to HGVs using the new link road to access Hambridge road from south of Newbury and the town centre.
- Concerns with regard to air and noise pollution caused by traffic
- Safety of residents entering and exiting their homes due to cyclists using the footpaths.
- Increased number of children, pedestrians and cyclists sharing the space
- Concerns with regard to the safety of the unmarked crossings.
- Increased use of the affected roads by HGVs and Lorries.

- Safety concerns with regard to crossing the road at the Kings Road / Boundary Road junction.

## **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 NPPF, ADPP1, ADPP2, CS5, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy P1 of the Housing Site Allocations Development Plan Document (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2018)
- Planning Obligations SPD (2015)
- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- Highway safety
- Flooding and drainage
- Objections and representations

### **Principle of development**



- 6.2 Policy ADPP1 sets the overall spatial strategy for development in West Berkshire. It seeks to focus the majority of development within the defined settlements and on previously developed land. Policy ADPP1 states that West Berkshire's main urban areas will be the focus for most development.
- 6.3 As outlined to members at Section 1 of the report, planning application 15/00319/FULEXT was approved by the District Planning Committee and the planning permission includes the provision of a new link road, car parking and landscaping. The principle of the new link road is therefore well established by the approval of planning application 15/00319/FULEXT.
- 6.4 The need for the new link road development is established through the approved residential development, now under construction. In summary it is considered that the identified need for adequate access provisions for the Sterling Cables residential development is appropriate development in the context of Policy ADPP1.
- 6.5 Core Strategy Policy ADPP2 sets the spatial strategy for development in Newbury and outlines that Newbury will accommodate approximately 5,400 new homes over the Core Strategy plan period, contributing to its role and function as the largest urban area in West Berkshire. In addition the policy indicates that a range of transport measures, to minimise congestion, improve safety and enhance connectivity will be implemented. It is therefore considered that the proposed development does not conflict with this policy in principle, but appropriate weight must be given to environmental considerations in the determination of the application.
- 6.6 Core Strategy Policy CS5 states "the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision ... and will seek to co-ordinate infrastructure delivery, whilst protecting local amenities and environmental quality." Whilst the new link road is not included within the Council's Infrastructure Delivery Plan, it is considered that Policy CS5 supports the principle of providing infrastructure for which there is a demonstrable need.
- 6.7 Core Strategy Policy CS13 states "development that generates a transport impact will be required to: improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities (amongst others)." Road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, and other vulnerable road users. The identified need for the proposed development derives from public safety considerations and the proposed highway infrastructure is focused on a safe environment for all road users within the area. It is considered that the proposed development complies with this policy in principle.
- 6.8 Overall, it is considered that the relevant policies of the Development Plan are generally supportive of the principle of development. The Development Plan does, however, provide a clear framework for balancing the relevant considerations (e.g. infrastructure delivery and environmental protection). Having due regard to the presumption in favour of sustainable development, it is considered that the principle of the proposed development is acceptable. The wider development plan policies and other material planning considerations are further considered below.

## **Design, function, character and appearance of the area**

- 6.9 Core Strategy Policy CS14 requires all new development to respect and enhance the character and appearance of the area.
- 6.10 Core Strategy Policy CS19 sets the framework for assessing the impact on the character of the area. It states that particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.11 The proposed link road will be visible mainly from the elevated Kings Road street scene and junction. The link road and acoustic fence will also be visible from the properties along Gordon Road. The proposed materials are synonymous with highway development and the proposed fence is designed as a timber structure which is acceptable within a residential area. The proposed fence height is approximately 2 metres which is a scale that is acceptable within residential areas.
- 6.12 In relation to hard landscaping, a mix of asphalt concrete carriageway and footpaths, grass verges and tactile paving slabs is proposed. The tactile paving slabs are proposed as a buff colour, which is common on highways and footpaths. The use of palisade fencing above the retaining wall along the boundary with the railway line is also acceptable for this use.
- 6.13 Officers consider that the development sufficiently respects the character and appearance of the site and the area. The proposal therefore complies with Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design.

## **Impact on neighbouring amenity and quality of life**

- 6.14 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework.
- 6.15 Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire. Policy CS14 is of importance with regard to the potential impact upon neighbouring amenity.
- 6.16 The dwellings along Gordon Road to the north of the proposed link road are located approximately 24 metres from the proposed acoustic barrier fence. The proposed acoustic fence and retaining wall are both located a sufficient distance away from residential amenity. It is considered that there will be no adverse impact on daylight and sunlight on residential amenity.
- 6.17 The overbearing character of a proposal is capable of being a material planning consideration. Given that the proposed acoustic fence is located at the bottom of an embankment with Gordon Road properties located on the elevated ground will not be

impacted in terms of overbearing impacts. An individual's view over neighbouring land of some distance is not a material consideration, unless the view in question coincides with a public view. There are no public views from public land that will be impacted by the development. The proposed type of acoustic fence will be in keeping with the character of the area, and will also functionally safeguard neighbouring amenity

- 6.18 Officers consider that given the location of the structures, there are no impacts on neighbouring amenity from the retaining wall and palisade fence due to the location of these structures.
- 6.19 A noise assessment report has been submitted and includes an assessment of the potential noise from the proposed link road. A noise survey was undertaken from five different locations and the daytime and night-time noise levels were determined in the noise report.
- 6.20 The noise assessment recommends the installation of a 2 metre high acoustic barrier to the south west of the development site and along the north of the new link road, adjoining Gordon Road. The proposed acoustic barrier must be imperforate (i.e. solid, with no gaps, and sealed at the base), and have a surface density of an accepted standard for sites adjoining busy roads.
- 6.21 The Environmental Health Officer has reviewed the noise assessment and has raised no objections. The Environmental Health Officer considers that the proposed glazing, balcony balustrades and vent schemes for each type of room in each block of flats will protect future occupiers from any noise from the proposed link road. In addition the proposed acoustic noise barrier will be effective in protecting the existing residential amenity along Gordon Road.
- 6.22 Overall the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal accords with the NPPF, Policy CS14 and the SPD on Quality Design.

### **Highway Safety**

- 6.23 The NPPF states that all plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- 6.24 As outlined to members at Section 1 of the report, planning application 15/00319/FULEXT was previously approved by the District Planning Committee and the approved development included a new link road, car parking and landscaping.

- 6.25 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.26 In order to avoid any loss of detail, the full comments of the highways officer are repeated below and the Highway comments address the highway safety concerns submitted through representations.
- 6.27 The purpose of the link road through the site is to reduce traffic along most of Kings Road and Mill Lane to the north by diverting traffic along the B3421 from these roads to the new link road. These roads are increasingly considered to be unsuitable for the current volumes and types of traffic, and with the link road these could be made into quieter residential streets. The link road would also enable the provision of improved pedestrian and cycle routes through this area of Newbury, especially following approval of the housing development at Newbury Racecourse. Furthermore traffic leaving the Kings Road area and Sainsbury when wishing to travel east must 'U – turn' around the A339 / Bear Lane roundabout to travel along Mill Lane to travel eastwards. There will therefore be a small reduction in traffic on the roundabout with the removal of these 'U – turning' traffic movements. It is also considered that the new link road will provide an economic benefit through an improvement for HGV access to the industrial area as there is a restriction on Mill Lane.
- 6.28 Following completion of this link road, future plans for Kings Road and Mill Lane will need to be devised by this Council in consultation with local residents and other local stakeholders.
- 6.29 The original planning application 15/00319/FULEXT was approved during March 2015 at the District Planning Committee. With regards to highways the following works secured by legal agreement were included:
- 1) Under Section 38 of the 1980 Highways Act, the developer to construct the link road and associated footways on both sides through the site using funding from the Berkshire Local Transport Board (BLTB) and West Berkshire Council Section 106 funding.
  - 2) Under Section 278 of the 1980 Highways Act, the developer is to provide the following using funding from the BLTB, WBC S106 and the developers own funding from Section 106 of the Town & Country Planning Act 1990.
    - a) The provision of a mini roundabout onto Kings Road along with the widening of Kings Road from the mini roundabout to Boundary Road with associated footways fronting the site.
    - b) Provision of the Boundary Road / Hambridge Road / Kings Road traffic signal junction
    - c) Realignment of Boundary Road between Hambridge Road and the railway bridge, with the provision of a footway along the western side of Boundary Road
- 6.30 Under Section 106, the developer to fund measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.

6.31 Development of this site was always going to be challenging and expensive owing to significant contamination levels within the site. In this regard, further funding was later also obtained from Homes England to assist in providing the link road and developing the site. All of the above was later all encompassed within a Road Funding Agreement signed with the developer.

6.32 There have also been other challenges in providing the above highway works:

- Cables, pipes etc. within verges and footways around the Kings Road / Hambridge Road / Boundary Road crossroads being prohibitively expensive to relocate to allow the provision of a traffic signal junction and associated road widening on the south east corner of the crossroads
- Difficulties in providing surface water drainage within the site that then required the provision of an infiltration trench on the southern side of the proposed link road, instead of a footway.
- Unauthorised land level and geometry changes that have affected the overall design of the above proposed highway works.

6.33 From the original planning application 15/00319/FULEXT, the following main changes are now proposed with the design:

- The replacement of the proposed footway along the southern side of the east to west section of link road with a surface water infiltration trench. A 2.0 metre wide footway will still be provided on the northern side. A pedestrian crossing facility comprising of dropped kerbs and tactile paving is provided fronting the phase one building to connect the building to the footway on the northern side.
- The section of Kings Road from the proposed mini roundabout to Boundary Road is no longer being widened, but a 2.0 metre wide footway is still being provided on the southern side of the road fronting the site
- Changes in levels that have raised much of the proposed link road by one metre in places. This has resulted in the requirement for a retaining wall structure along some sections between the road and the railway. An acceptable design for the retaining wall has been submitted. Network Rail are also content with the structure.
- The deletion of the traffic signal junction at the Kings Road / Hambridge Road / Boundary Road crossroads. While this is regrettable, the existing controlled (Zebra) pedestrian crossing from the London Apprentice PH will be retained. Additional crossing points consisting of dropped kerbs and tactile paving will be provided on Boundary Road north arm and a new zebra crossing will be provided on Boundary Road south. The provision of a traffic signal junction and a non-signalised junction were modelled using appropriate modelling software. No significant difference was found in the overall modelling results.

- 6.34 It should be noted that the proposed widening of Boundary Road with an additional footway on the western side is unchanged. The existing traffic signals on the railway bridge are temporary and will be removed upon completion of the widening.
- 6.35 The east to west section of the link road also includes a loading layby that can be used by refuse vehicles and other large vehicles for serving phase one
- 6.36 Members are therefore being requested to approve the submitted plans that are covered by the following amended terms of highway works
- 1) Under Section 38 of the 1980 Highways Act, the developer to construct the link road with footways on both sides within the north to south section and a footway on the northern side of the east to west section. This is using funding from the Berkshire Local Transport Board (BLTB), West Berkshire Council Section 106 funding and funding from Homes England.
  - 2) Under Section 278 of the 1980 Highways Act, the developer is to provide the following using funding from the BLTB, WBC, and the developers own funding from Section 106 of the Town & Country Planning Act 1990.
    - a) The provision of a mini roundabout onto Kings Road along with associated footways fronting the site alongside Kings Road.
    - b) Provision of improvements to the Boundary Road / Hambridge Road / Kings Road crossroads.
    - c) Realignment of Boundary Road between Hambridge Road and the railway bridge, with the provision of a footway along the western side of Boundary Road
  - 3) Under Section 106 of the Town & Country Planning Act 1990, funding (level of funding to be advised) for measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.
- 6.37 The provision of the above Section 278 highway works will result in the loss of some eight on street car parking spaces within Kings Road that serve mainly numbers 132 to 146. It has always been the aim of the Council to allow these residents to park within the development. This has so far not been agreed by the developer. However highway and planning officers will aim to secure this by condition as part of non-material amendment application 22/00039/NONMAT that is currently being considered regarding alterations to the proposed phase one building and level car parking layout.
- 6.38 On site car parking levels of 127 spaces in phase one are being retained within the proposal and will be covered by the non-material amendment 22/00039/NONMAT. 42 car parking spaces are proposed in phase two.
- 6.39 In conclusion, highway officers recommend approval of this planning application, subject to a revised Section 106 Agreement and conditions. A Section 38 and Section 278, separate or combined agreements will also need to be provided.
- 6.40 With regard to construction disruption, the applicant states that all construction operatives who use their vehicles to visit the construction site are allowed to park on

site in the parking area made available. Operators are also encouraged to use public transport where possible.

- 6.41 Overall, on the basis of these comments it is considered that the proposed development is acceptable in respect of highway safety and other highway considerations, and therefore the proposal complies with Core Strategy Policy CS13. It should be noted that the management of the road closures required to facilitate the works, and other consents such as the legal process of stopping up the public highway, are governed by separate legislation; it is not the purpose of the planning system to duplicate these controls.
- 6.42 In accordance with Core Strategy Policy CS13, development that generates a traffic impact will be required to reduce the need to travel, improve and promote opportunities for healthy and safe travel, improve travel choice and facilitate sustainable travel, and mitigate the impact on the local transport network and the strategic road network. The main transport and highway issues relating to this application are the duration of works, impact on local highway network, access for construction phase works, and trip generation.
- 6.43 Amendments to the original Section 106 legal agreement will be necessary to reflect the changes to the link road and the stage of the development. It is expected that an appropriate deed of variation to the legal agreement will be secured in accordance with the Heads of Terms included at Section 8.2 of this report.
- 6.44 Overall, it is considered that the principle of the new link road is established by the previous planning permission and the proposed development will not present a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan. The Highway Authority raises no objection on the proposed development in principle, although negotiations on the detail are ongoing and nearing completion at the time of this report's publication. Any additional comments on the highway matters will be provided on the Update Report to the committee.

### **Flooding and drainage**

- 6.45 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.46 The application site is located within Flood Zone 1, which has the lowest probability of flooding and is considered suitable for new residential development. The management of surface water runoff is of paramount importance in accordance with Policy CS16.
- 6.47 The Lead Local Flood Authority (LLFA) has no overall objection on the application. The Drainage Strategy highlights that the development would incorporate sustainable drainage solutions to dispose of surface water runoff from the proposed link road. The proposed drainage scheme relies on discharging water via underground twin pipes that are channelled through cross connections to an infiltration drain that runs parallel to the link road to the south. The LLFA consider that the discharge into the infiltration drain would be uneven with the east end infiltration only receiving water in heavy storm

events. Despite this point and a request for additional information, the LLFA raises no objection on the proposed drainage measures in principle, although negotiations on the final detail are ongoing and nearing completion at the of this report's publication. Any detailed comments on the sustainable drainage measures will be provided on the Update Report to the committee.

- 6.48 It is considered that the proposal could comply with the National Planning Policy Framework and Policy CS16 of the WBCS.

### ***Objections and representations***

- 6.49 Concerns have been raised by Newbury Town Council and residents regarding parking, highways safety, and flooding issues. Some of the comments were also provided on an impartial basis. The relevant planning related points raised in objection have all been acknowledged and fully considered in this report and were considered using expert advice from the relevant consultees.
- 6.50 In the interests of public safety and neighbouring amenity, it is appropriate for the planning system to impose controls over the construction process, provided that doing so does not duplicate other the controls imposed by other legislation. The Highway Authority has requested conditions for the development as outlined in Section 8.3 of the report.
- 6.51 Network Rail have no objections in principle to the application. Any works on railway land will need to be undertaken following engagement with Network Rail's Asset Protection to determine the interface with Network Rail assets.
- 6.52 The applicant has confirmed in writing that Network Rail have agreed that there will be a gate access through the palisade fence. Access arrangements to the retaining walls will be secured through the section 106 legal agreement.
- 6.53 Road closures and associated matters will be controlled by consents given by the Local Highways Authority, and therefore should not be duplicated by the planning permission. Accessibility and emergency access to nearby properties will be considered as part of these separate consents.
- 6.54 The occupation of the development will be possible only when safe access and egress has been achieved to the individual block entrances. Safe access will also be approved through Building Control.

## **7. Planning Balance and Conclusion**

- 7.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.
- 7.2 The site is located in a sustainable location. The proposal will continue to deliver short and long term economic benefits, creating jobs during the construction phase of the



development and in the long term provide suitable access to the Industrial Estate by HGVs. This weighs in favour of the proposal.

- 7.3 In assessing sustainable development, the social considerations overlap the environmental considerations and include any potential impacts on the character of the area, impact on residential amenity and flooding. These matters have been fully considered in this report. It is considered that the development sufficiently protects the social and environmental dimensions of sustainable development within the area. This weighs in favour of the proposal.
- 7.4 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is acceptable and is recommended to members for approval.

## **8. Full Recommendation**

- 8.1 **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the completion of a Section 106 legal agreement Deed of Variation by 09<sup>th</sup> September 2022 (or such other date to be agreed in writing by the Service Director – Development and Regulation in consultation with the Chairman of the Western Area Planning Committee) and in accordance with the schedule of conditions (Section 8.3).

### **8.2 Heads of Terms for the Section 106 Agreement Deed of Variation for the application.**

1.	<p><b>Summary of amendments to Highway Works section of the Section 106 Legal Agreement dated 31 March 2015.</b></p> <ol style="list-style-type: none"><li>1) Add the “retaining wall and acoustic barrier fence” to the definition of “the Access Road” in the definitions Section 1.1</li><li>2) Add this application reference “22/00493/FUL” to the definition of “the Application” in the definitions Section 1.1</li></ol> <p><b>First Schedule</b></p> <ol style="list-style-type: none"><li>3) Amend the wording in clause (5) from “Not to commence the development until they have entered into an agreement with the Council pursuant to Section 278 of the Highways Act”, such that the clause states “Not to occupy the development”</li><li>4) Amend the Clause (5) sub sections 5.1, 5.2 and 5.3 respectively as follows:<ol style="list-style-type: none"><li>a) The provision of a mini roundabout onto Kings Road along with associated footways fronting the site alongside Kings Road.</li><li>b) Provision of improvements to the Boundary Road / Hambridge Road / Kings Road crossroads.</li><li>c) Realignment of Boundary Road between Hambridge Road and the</li></ol></li></ol>
----	---

	<p>railway bridge, with the provision of a footway along the western side of Boundary Road</p> <p>5) Amend the wording in clause (6) from “Not to commence the development until they have entered into an agreement with the Council pursuant to Section 38 of the Highways Act”, such that the clause states “Not to occupy the development”</p> <p>6) Amend the wording in clause (7) from “Not to commence the development” such that it states “Not to occupy the development until the Access road, acoustic barrier fence, retaining wall and access rights for inspection and maintenance have been completed and adopted by the Council as public highway maintainable at the public expense.”</p> <p><b>Second Schedule: “Infrastructure Contribution”</b></p> <p>7) Add a Clause to the Second Schedule which states that the applicant will provide and pay for all the permits/agreements and all costs (including third party costs) with Network Rail for West Berkshire Highway Authority to inspect and maintain the retaining wall structure. The sum of contribution will be finalised and included in the Second Schedule.</p> <p>8) Add to the Second Schedule, a sum of funding (level to be advised by Highway Authority) for measures to deliver the Travel Plan and encourage sustainable travel choices to be made by residents of the development.</p> <p>Amend as necessary, any other associated clauses in association with the above Heads of Terms and proposed development as advised by the Council’s Legal Service.</p>
2	<p><b>Council’s Costs</b></p> <ul style="list-style-type: none"> <li>To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee.</li> </ul>

### 8.3 Schedule of Conditions

1.	<p><b>Time Limit for commencement</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>Received on 24 February 2022</p>

- Jakoustic reflective fence details
- Noise assessment
- Application form

Received on 28 February 2022

- Location plan
- Highway construction details
- Section 38 long sections
- Section 38 swept path analysis bus
- Section 38 setting out plan
- Amended Section 278 cross sections

Received on 08 March 2022

- Drainage strategy, SUDS and sewer system improvements part 1
- Drainage strategy, SUDS and sewer system improvements part 2
- Drainage strategy, SUDS and sewer system improvements part 3
- Construction management plan logistics plan

Received on 15 March 2022

- Amended Section 278 site clearance
- Amended Section 278 contours and levels
- Amended Section 278 pavement finishes and kerb types
- Amended Section 278 road markings and signage
- Amended Section 278 plan
- Amended Section 278 proposed street lighting sheet 1
- Amended Section 278 proposed street lighting sheet 2
- Amended Section 278 swept path analysis rigid bus
- Amended Section 278 boundary road railway bridge proposals
- Amended Section 278 scheme layout
- Amended Section 278 proposed drainage
- Amended Section 278 swept path analysis refuse vehicle sheet 1
- Amended Section 278 swept path analysis refuse vehicle sheet 2
- Amended Section 278 new routes temporary signing plan

Received on 05 May 2022

- Applicant response regarding acoustic fence

Received on 06 May 2022

- Jackure fence 25 year guarantee
- Fencing due diligence statement
- Section 278 comments
- Amended construction management plan statement
- Amended section 38 proposed phasing and drainage plan
- Amended Newbury remaining construction method schedule
- Amended section 38 retaining walls

	<ul style="list-style-type: none"> <li>• Amended section 38 scheme layout</li> <li>• Amended section 38 proposed levels</li> <li>• Amended section 38 pavement finishes and kerbs</li> <li>• Amended section 38 road markings and signage</li> <li>• Amended section 38 adaptable highway infrastructure plan</li> <li>• Amended section 38 cross sections</li> <li>• Amended section 38 proposed street lighting</li> <li>• Amended section 38 swept path analysis refuse vehicles</li> <li>• Cable ducting plan</li> <li>• Amended drainage construction details</li> </ul> <p>Received 24 May 2022</p> <ul style="list-style-type: none"> <li>• Amended section 38 proposed drainage</li> </ul> <p>Received 26 May 2022</p> <ul style="list-style-type: none"> <li>• Amended acoustic fence details plan</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>External Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and documents. The development shall be carried out in accordance with the approved materials.</p> <p>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).</p>
4	<p><b>Sustainable drainage measures</b></p> <p>Irrespective of the submitted details, the development hereby approved shall not be first used or open to traffic until details of the full sustainable drainage measures to manage surface water runoff within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The sustainable drainage measures shall be implemented in accordance with the approved details before the link road hereby permitted is open to traffic, in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of the West Berkshire Supplementary Planning Document Quality Design (June 2006).</p>

5	<p><b>Surface water ground infiltration</b></p> <p>No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance any submitted details that are approved.</p> <p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
6	<p><b>Piling and Groundwater</b></p> <p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with any submitted details that are approved.</p> <p>Reason: To protect local groundwater. This condition is applied in accordance with the requirements of the NPPF and Policies CS14 and CS16 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>
7	<p><b>Construction Method Statement</b></p> <p>The development shall be carried out in accordance with the approved Construction Method Statement and site set-up plan.</p> <p>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).</p>
8	<p><b>Construction hours</b></p> <p>No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>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.</p>

9	<p><b>Link road completion prior to Phase one occupation</b></p> <p>No dwelling within phase one shall be occupied until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements are provided and maintained before the dwellings are occupied, 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).</p>
10	<p><b>Link road completion prior to Phase two development</b></p> <p>No development shall take place within phase two until the B3421 link road from Hectors Way to Boundary Road is completed and open to traffic along with all off site highway works along Kings Road and Boundary Road have all been constructed in accordance with the approved drawing(s).</p> <p>Reason: To ensure that safe access arrangements and the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
11	<p><b>Retaining wall structure</b></p> <p>No dwelling within phase one shall be occupied until all retaining structures, barriers and fencing along the railway line have been constructed in accordance with the approved drawings.</p> <p>Reason: To ensure that safe access arrangements and the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
12	<p><b>Gordon Road Vehicle Restraint System</b></p> <p>No dwelling within phase one shall be occupied until a Risk Assessment covering the need for a vehicle retaining barrier at the top of the embankment alongside Gordon Road has been submitted in writing and approved by the Local Planning Authority, all appropriate recommendations provided, with the system then being constructed in accordance with the approved drawing(s).</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>

13	<p><b>Acoustic barrier</b></p> <p>The development hereby permitted shall be implemented in accordance with the Noise Impact Assessment Ref P17-450-R01v1 by Hepworth Acoustics Ltd dated January 2019, Jakoustic reflective fence details received on 24 February 2022, Applicant response regarding acoustic fence received on 5 May 2020, Jackure fence 25 year guarantee details, the fencing due diligence statement received on 06 May 2022 and the amended acoustic fence details plan received on 26 May 2022.</p> <p>The completed acoustic fence shall be coated with anti-graffiti application as detailed on the amended acoustic fence details plan received on 26 May 2022.</p> <p>No dwelling within phase one shall be occupied until the approved Acoustic Barrier details have been approved as part of being adopted as Highway by the West Berkshire Highway Authority.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers of properties along Gordon Road, 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).</p>
----	--

### ***Informatives***

1.	<p><b>Approach of the LPA</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>Legal agreements - Section 106</b></p> <p>This Decision Notice must be read in conjunction with the terms of the Legal Agreement of the *. You are advised to ensure that you have all the necessary documents before development starts on site.</p>
3	<p><b>Consent to enter land</b></p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.</p>
4	<p><b>Damage to footways, cycleways and verges</b></p> <p>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.</p>

5	<p><b>Damage to the carriageway</b></p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
6	<p><b>Network Rail Assets protection</b></p> <p>Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact <a href="mailto:assetprotectionwestern@networkrail.co.uk">assetprotectionwestern@networkrail.co.uk</a>.</p>
7	<p><b>Drainage</b></p> <p>Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.</p>
8	<p><b>Ground Levels</b></p> <p>The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.</p>
9	<p><b>Ground Disturbance</b></p> <p>The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.</p>
10	<p><b>Piling</b></p> <p>Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.</p>

#### 8.4 Refusal reason

If the legal agreement is not completed by the 09<sup>th</sup> September 2022 (or such other date to be agreed in writing by the Service Director – Development and Regulation in consultation with the Chairman of the Western Area Planning Committee), to



**DELEGATE** to the Service Director, Development and Regulation to **REFUSE PLANNING PERMISSION**, or to extend the period for completion if it is considered expedient to do so.

### **S106 Planning Obligation Refusal Reason**

The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

(a) Highway safety in accordance with Policy CS13 and TRANS.1 without which the proposal would be contrary to the NPPF, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Planning Obligations SPD.