

Item No.	Application and Parish No.	Statutory Target Date	Proposal, Location, Applicant
(2)	21/01868/FULD Hungerford Town Council	07 th October 2021*	Demolition of former care home and 4 garages and erection of 8 new dwellings. Hungerford Old Peoples Home Chestnut Walk Coldharbour Road Hungerford Homes For West Berkshire LLP
*Extension of time agreed until 16 December 2021			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01868/FULD>

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 15th March 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 Dennis Benneyworth
Councillor James Cole
Councillor Claire Rowles

Reason for Committee determination:

Call in by Ward Member: if application recommended for approval, for the committee to decide whether the climate change and sustainability measures in the application were compliant with WBC's climate change policy.

Committee Site Visit:

09th December 2021

Contact Officer Details

Name: Masie Masiwa
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1. Introduction

- 1.1 This application seeks full planning permission for the demolition of the existing former care home and garages, and the construction of 8 new residential units.
- 1.2 The proposal put forward will deliver the following housing mix:
- 6 x 2 bedroom houses
 - 2 x 3 bedroom houses
- 1.3 As part of the application scheme, it is proposed that all of the dwellings will be delivered as affordable housing and in accordance with policy CS6 of the Core Strategy. The applicant submits there is a strong demand for these unit types in the area.
- 1.4 Red multi brick is proposed for the development and the street elevations will feature parking and front gardens. The fenestration will include openings with a contemporary frame designed as grey uPVC.
- 1.5 The sizes of the proposed dwellings will exceed Nationally Space Standards with the 3 bedroom 5 person units delivering 99.2 square metres of floorspace compared with a 93 square metres requirement and the 2 bedroom 4 person dwellings delivering 80 square metres. The maximum height of the dwellings will be set at approximately 7.4 metres.
- 1.6 Parking is provided within the site area and garden amenity will be provided to the rear of the properties. Associated soft and hard landscaping is also provided with the development.
- 1.7 The site comprises a former care home owned by West Berkshire District Council, which has been vacant for some time and 4 x Sovereign owned garages. The site is located within the defined settlement boundary of Hungerford in West Berkshire, situated within North Wessex Downs Area of Outstanding Natural Beauty.
- 1.8 The site is located in a predominantly residential area, within walking distance to Hungerford town centre. The area itself is well established, with many amenities and services (including shops, restaurants, sports clubs, schools and the train station).

2. Relevant Planning History

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

Application	Proposal	Decision / Date
03/00194/HOUSE	Conservatory	Approved April 2003

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. An EIA screening exercise has been completed. The proposed development does not exceed the threshold in column 2 of Schedule 2 (number of dwellings and the site area does not exceed 5 hectares). It is concluded that an EIA statement is not required in terms of the EIA Regulations.
- 3.2 A site notice was displayed on 22nd September 2021 and the deadline for representations expired on 13th October 2021.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development. The development is CIL liable and chargeable as residential development.
- 3.4 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.

Hungerford Parish Council:	Objection: with regard to the affordable housing mix, the lack of parking provision and the lack of detail on environmental energy standards.
WBC Highway Authority:	No objection, subject to conditions
WBC Ecology Officer	No comments received
WBC Tree Officer	No objection, subject to condition
WBC Local Lead Flood Authority	No comments received
WBC Environmental Health	No objection, subject to conditions
WBC Housing Development	No comments received
Royal Berkshire Fire and Rescue Service	No objection, subject to Building Regulations

Natural England	No comment response received
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Public representations

4.2 Representations have been received from 1 contributor in objection and 3 impartial contributors.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

- Please consider additional planting of additional shrubs and trees
- Car and van regularly park opposite the junction access to Chestnut Walk
- Football match days cars park along the Chestnut Walk junction
- The flats at the end of chestnut walk {sovereign owned} have limited parking available
- All new build homes in the UK are supposed to be carbon zero by 2025
- The new homes in Coldharbour Road need to be produced with solar panels, high level insulation and non-fossil fuel heating systems
- Object to the construction of the 8 dwellings if they are not built carbon zero
- Opportunity for West Berkshire Council to demonstrate their commitment to the declaration of a 'Climate Emergency'
- Demonstrate their commitment to reducing the county's carbon emissions
- Objecting to this development on the basis of its lack of environmental credentials
- Considerably higher than the existing buildings
- Would overlook neighbours and remove privacy
- Removal of existing trees that provide screening
- Distance dimensions are incorrect, as it is closer than stated

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, ADPP5, CS1, CS4, CS5, CS6, 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)
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB Position Statement: Housing (October 2012)
- 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 Council Landscape Character Assessment 2019
- 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
- Affordable housing
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- On-site amenity and facilities
- Highways safety and Waste Management
- Trees and Landscaping
- Flooding and drainage
- Biodiversity
- Sustainability
- Permitted Development
- Objections and representations

Principle of development

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land.

6.3 According to Policy ADPP5, the North Wessex Downs AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. During the Core Strategy period provision will be made for the delivery of up to 2,000 dwellings. New housing allocations will be focused on the rural service centres and service villages within the North Wessex Downs AONB, such as Hungerford.

6.4 According to Policy CS1, new homes will be primarily developed on land allocated for residential development in subsequent Development Plan Documents. According to

Policy C1, there is a presumption in favour of development and redevelopment within the settlement boundary of Hungerford.

- 6.5 The housing mix includes 2 and 3 bedroom dwellings which reflect the Berkshire Strategic Housing Market Assessment (SMHA) 2015. The housing mix ensures an appropriate mix with smaller units appropriate for the local housing market assessment and reflecting the settlement pattern, character and density. The final housing mix is considered acceptable.

Affordable housing

- 6.6 Policy CS6 of the WBCS is concerned with the provision of affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development.
- 6.7 The proposed development will provide all the dwellings as affordable housing. West Berkshire District Council and Sovereign Housing Association are working in partnership and have formed a Joint Venture Company named Homes for West Berkshire LLP, in order to bring forward sites to deliver affordable housing. Homes for West Berkshire LLP are the applicant on the application before Members.
- 6.8 The need for affordable housing in the Hungerford, and District generally, is evident. The submission outlines that the Council's updated Housing Needs Evidence (May 2020) concludes entry-level housing costs in the district are 10.4 times the earnings of younger households, which is significantly higher than the national average. The affordable housing need in the district between 2018-2036 equates to approximately 319 affordable homes per annum.
- 6.9 Sovereign has secured a grant allocation from Homes England as part of the Housing Infrastructure Fund to deliver 1,450 new affordable homes within Sovereign's operating areas. Accordingly, this grant funding could be used by Sovereign in any of the 31 Local Authority areas in which they operate, which includes West Berkshire.
- 6.10 The applicant has submitted that the Homes England grant is available to deliver additional affordable homes over and above those secured via Section 106 Legal Agreement and Policy CS6 of the West Berkshire Core Strategy.
- 6.11 Where a scheme is able to deliver the remaining units that are outside of the Section 106 Legal Agreement as affordable then Homes England rules enable that the grant funding can be leveraged across the whole scheme, including the affordable housing units secured under a Section 106 Legal Agreement element. The applicant has therefore submitted that it is essential that the additional units on the scheme are not bound by the Section 106 Agreement so that Sovereign can make best use of the grant funding available and maximise the net increase of affordable housing delivery.
- 6.12 The applicant has therefore proposed that 25% (2No units) of the new dwellings are secured by Section 106 Legal Agreement in accordance with the provisions of Policy CS6 of the Core Strategy. Following completion of a Section 106 Legal Agreement with no restrictions that preclude the use of grant funding across the units, grant funding can be applied for to assist with the delivery of the development as a 100%

affordable housing scheme. The applicant indicates that this approach is in accordance with the conditions for utilising the Homes England grant funding.

- 6.13 Officers consider that the evidence of the need for affordable housing is up to date and officers consider that the submitted proposal and approach will comply with Policy CS6 of the Core Strategy and is acceptable. Policy CS6 allows for 20% provision of affordable housing on sites of 5 – 9 dwellings. The applicant is proposing 25% (2No units) which is policy compliant. The Council's priority and starting expectation will be for affordable housing to be provided on-site in line with Government policy. The proposal includes onsite provision of affordable housing which is also compliant with the provisions of Policy CS6.

First Homes are a new specific kind of discounted market sale housing that should be considered to meet the definition of affordable housing for planning purposes. The new Affordable Housing criteria was outlined within the Government's Affordable Housing Update in the Written Ministerial Statement published on 24 May 2021. The applicant has indicated within the submitted Affordable Housing Statement Addendum, that they are not incorporating First Homes in this scheme. This is acceptable in accordance with the transitional arrangements for First Homes.

The proposal therefore complies with Policy CS6 of the WBCS which requires 20% affordable housing provision on sites of 5 – 9 dwellings. The applicant is proposing 25% of the dwellings to be provided in accordance with Policy CS6. This provision must be secured through a Section 106 planning obligation, which would be completed prior to the issue of a planning permission. As indicated above Sovereign intend to leverage capital and Homes England grant funding to deliver all 8 units as affordable housing.

- 6.14 In conclusion, the principle of development is acceptable in accordance with the policies discussed above. The wider development plan policies and other material planning considerations are further considered below.

Design, function, character and appearance of the area

- 6.15 The site is located within the AONB, as such the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any from the proposed development.
- 6.16 The dwellings have been designed such that their layout, size and scale does not appear out of context in relation to the adjacent properties to the north, west, east and south. The proposed facades/architectural detailing and heights of the dwellings is in keeping with the height of the nearest dwellings along Chestnut Walk, Coldharbour Road and Priory Avenue. The proposed dwellings will merge well with the existing dwellings. The layout and gaps between buildings and plot sizes are also considered to be in keeping with the local area. The majority of the adjacent dwellings are semi-detached two storey dwellings similar to those proposed, with the exception of the blocks of flats to the south on Chestnut Walk.
- 6.17 Officers consider that the development sufficiently respects the character and appearance of the site and this part of the AONB area.

6.18 The proposal therefore complies with Policies ADPP1, ADPP5, 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

6.19 Planning Policy CS14 of the West Berkshire Core Strategy is of importance with regard to the potential impact upon neighbouring amenity.

Statement of community involvement

6.20 The applicant submits that a public consultation exercise took place in January 2021 in the form of a leaflet drop to all surrounding residents. The leaflet directed members of the public to a development website where they could view plans and submit comments. It is submitted by the applicant that representatives from Homes for West Berkshire LLP, Sovereign and West Berkshire District Council attended a Hungerford Town Council meeting in February 2021 to present the proposal.

6.21 The nearest dwellings are located along Chestnut Walk to the south, Coldharbour Road to the east and Priory Avenue to the west.

Properties on Chestnut Walk

6.22 The existing properties located on Chestnut Walk are 3No blocks of flats located to the south of the proposed development. The nearest of these buildings is No 1 - 4 Chestnut Walk, which will be approximately 6 metres from Plot 1 of the proposed development with a side on relationship. There are no proposed windows on the southern side elevation for Plot 1. Due to the side on relationship it is considered that there will be no adverse impact on these existing residential properties to the south in terms of overlooking, overshadowing and overbearing.

Dwellings on Priory Avenue

6.23 It is considered that there is a sufficient distance between the proposed dwellings and the rear elevations of the dwellings along Priory Avenue to the west. The proposed dwellings will be set in a back to back arrangement with a distance of more than 21 metres between the dwellings. The minimum distance from wall to wall or window to window will be approximately 25 metres, which is considered acceptable in accordance with the Council's guidance which sets a distance of approximately 21 metres as acceptable between residential dwellings.

6.24 Within the development, the position of the side elevation windows would ensure no overlooking occurs onto neighbouring amenity. The dwellings within the site will have a side on relationship which is considered good design to limit neighbouring amenity impacts.

6.25 The boundary treatment is proposed as a 1.8 metres high close boarded timber fence. This type of fence will be in keeping with the character of the area, and safeguard neighbouring amenity.

- 6.26 Given the existing residential context to the north, south, east and west, the proposal is not considered to have a sufficient detrimental impact upon the residential amenity of existing neighbouring properties in terms of noise and disturbance. Noise and disturbance will only be limited to the demolition and construction phase of the development. The Environmental Health Officer has no objection subject to conditions that require the submission of a demolition and construction method statement for approval. In the event that the site is contaminated, the development will proceed in accordance with the submitted Ground Investigation Report. The Environmental Health Officer has indicated that there is no requirement for additional investigations into ground contamination.
- 6.27 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 CS14 and the SPD on Quality Design.

On-site amenity and facilities for future occupiers

- 6.28 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 100 square metres for houses with 3 or more bedrooms and 70 square metres for houses with 2 bedrooms.
- 6.29 The minimum garden size for the 2 bedroom units is approximately 59 square metres and the minimum garden size for the 3 bedroom units is approximately 81 square metres. Although the proposed garden sizes are below the minimum levels, within "Quality Design" Part 2, the guidance document does state that a garden should be large enough to accommodate such features as garden shed, washing lines and other domestic features and should allow for opportunities for sitting outside in comfort and reasonable privacy and, in family dwellings, for children's play. All the proposed gardens will be a good quality size and shape, such that they will accommodate garden furniture and allow for opportunities for sitting outside in comfort, reasonable privacy and children's play as required by "Quality Design" Part 2.
- 6.30 The proposal is therefore considered to comply with policy CS14 and the SPD on Quality Design.

Highway safety

- 6.31 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.
- 6.32 The development would provide off street parking in accordance with Policy P1 of the Housing Site Allocations DPD. The 2 and 3 bedroom houses would be provided with the required car parking spaces. Electric Vehicle Charging Points will be required and will be secured by condition. The Council's Street Lighting Team have confirmed that the relocation of the street lighting columns as identified on the proposed plans is acceptable, however they would prefer that the Council's contractors carry out the works which would be undertaken at the applicant's expense. An informative is attached for the applicant to make direct arrangements with the Council's Street Lighting Team. The Highway Officer has no objections on the final proposed development.

Waste Management

- 6.33 Bin collection for refuse and recycling will be presented to the front of the properties.
- 6.34 Overall, it is considered that 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.

Trees and Landscaping

- 6.35 Policy CS19 of the Core Strategy concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Particular regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.36 The proposal will result in the loss of a small number of trees that are considered low category by the Tree Office. New planting is proposed and this has been considered acceptable.
- 6.37 Overall the Tree Officer considered that the loss of trees on the site would be acceptable in this location and the loss will not impact on the character of the area. It is therefore considered that the proposed development would comply with the advice contained within the NPPF, and Policy CS19 of the Core Strategy.

Flooding and drainage

- 6.38 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.39 The application site is located within Flood Zone 1, which has the lowest probability of flooding and is considered suitable for new residential development.
- 6.40 The Lead Local Flood Authority (LLFA) has not commented on this application. A drainage and water search has been submitted and indicates that there is existing infrastructure within the area. A condition will be attached to ensure the applicant submits further details of how surface water drainage will be managed for the development and confirmation that the existing infrastructure has capacity to incorporate the new dwellings.
- 6.41 It is considered that the proposal could comply with the National Planning Policy Framework and Policy CS16 of the WBCS.

Biodiversity

- 6.42 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.

- 6.43 The application is accompanied by a Preliminary Ecological Appraisal by Abricon Ltd, which recommended additional surveys to establish if protected species would be affected. The additional surveys document also by Abricon Ltd concluded that no further works are considered necessary as the buildings and garages do not currently appear to be used by protected species. The development will be required to proceed in accordance with the ecology appraisal reports and this will be secured by condition.
- 6.44 It is therefore considered that the proposed development would comply with Policy CS17 of the WBCS.

Sustainability

- 6.45 Policy CS15 does not provide a requirement for energy and sustainability provisions for residential developments. The assessment of energy and sustainability matters was moved to Building Regulations when the Code for Sustainable Homes was withdrawn from planning policy by the Written Ministerial Statement dated 22 April 2015.
- 6.46 The energy policies in the National Planning Policy Framework limitedly encourage renewable and low carbon energy generation. The consideration of this application therefore requires wider consideration of more recent Government energy and climate change policies and the Council's Environment Policy and Climate Emergency declaration.
- 6.47 The applicant has submitted an energy and sustainability statement which sets out the proposed measures to address the sustainability of the proposed dwellings. Each dwelling will be provided with solar panels installed on the roof slopes. Additional measures are incorporated through building design and orientation. The development will also incorporate a low carbon heating system in the form of direct electric heating supplemented by onsite solar generation through the solar panels. Direct electric heating will be provided through panel, convector and radiant heaters and hot water immersion.
- 6.48 The energy and sustainability statement outlines that the development will include high performance double glazing and high levels of insulation to floors, walls and roofs to reduce energy demands. Lighting will be based on energy efficient fittings. It is submitted that the proposed solar panels on each roof will provide a minimum of 10% of each property's energy requirements.
- 6.49 The proposed energy measures will achieve improvements to the energy gains normally secured under Part L (Energy) of the Building Regulations. The submitted energy and sustainability statement estimates that the design measures will achieve a minimum of 70% reduction in emissions to those secured under Part L, whilst the proposed electric heating will achieve a minimum of 58% reduction in emissions to those secured under Part L. Electric Vehicle Charging points for each dwelling will also be secured by a condition. Officers consider that these measures are above and beyond what is currently required by the development plan, as such the proposals are acceptable.
- 6.50 Fire safety provision will be addressed through Building Regulations.
- 6.51 In principle, it is therefore considered that the proposed development is in general accordance with the Government and Council's environment policies and the NPPF.

Permitted Development

- 6.52 According to the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. The proposed development has been maximised on the site and as a result the rear amenity areas are at the minimum required sizes. If further extensions or outbuildings are allowed the design, size, scale and massing of the dwellings may present a detrimental impact upon the character of the area and present an overdevelopment of the individual plots. A condition restricting permitted development rights is considered reasonable and necessary.

Objections and representations

- 6.53 Hungerford Parish Council raised concerns with regard to the affordable housing mix, the lack of parking provision and the lack of detail on environmental energy standards. Concerns have also been raised by residents regarding parking, sustainability credentials and impacts on neighbouring amenity. Some of the comments were also provided on an impartial basis with support for the development. The relevant planning related points raised in support and in objection have all been acknowledged and fully considered in this report and were considered using expert advice from the relevant consultees.

7. Planning Balance and Conclusion

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will make a contribution to the wider economic dimension of sustainable development and will support provision of new housing. There are benefits arising from the development of the whole site as affordable housing. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed as outlined in this report. Officers consider that the proposed development sufficiently preserves and enhances the existing natural and built environment. The proposal will also make a significant contribution to the wider social dimension of sustainable development through the provision of affordable housing. Officers therefore consider that the proposed development is supported by the presumption in favour of sustainable development.
- 7.2 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.
- 7.3 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

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

by 15th March 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

1.	<p>Affordable housing</p> <ul style="list-style-type: none"> • To provide 25% affordable housing on site in the form of 2 Units (one 3 bedroom unit and one two bedroom unit). • Transfer to Registered Housing Provider. • Of the two affordable housing units, one unit being social rented tenure, one unit being an intermediate or shared ownership form of affordable housing. • Detailed requirements and specifications in accordance with the Planning Obligations SPD.
2	<p>Council's Costs</p> <ul style="list-style-type: none"> • 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

8.3 Schedule of Conditions

1.	<p>Time Limit for commencement</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>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>Received on 14 July 2021:</p> <ul style="list-style-type: none"> • Affordable Housing Statement • Highways search • Site solutions • Drainage and Water search • Utilities Search • Ground Investigation Report • Ground Investigation <p>Received on 11 August 2021:</p>

	<ul style="list-style-type: none"> • Plots 1 and 2 - Proposed elevations and floor plans drawing No D111 Revision E • Plots 3 and 4 - Proposed elevations and floor plans drawing No D112 • Plots 5, 6, 7 and 8 - Proposed elevations and floor plans drawing No D110 Revision D • Bat Survey Report <ul style="list-style-type: none"> • Preliminary Ecology Appraisal received on 29 July 2021 • Applicant response to Highways received on 16 September 2021 • Amended roof plan drawing No D09 Revision A received on 27 September 2021 • Amended Arboriculture Report received on 27 September 2021 • Amended site plan drawing No D06 Revision K received on 29 September 2021 • Amended proposed street elevation drawing No D200 Revision F received on 06 October 2021 • Amended proposed landscape plan drawing No D900 Revision A received on 11 October 2021 • Amended design and access statement received on 02 November 2021 • Affordable housing statement addendum received on 04 November 2021 • Amended energy and sustainability statement received on 12 November 2021 • Amended boundary treatment drawing No D07 Revision D received on 03 December 2021 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>External Materials</p> <p>Prior to above foundation level works commencing, details of external facing materials and any hard surfacing for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and the Quality Design SPD (June 2006).</p>
4	<p>Updated Ecological Appraisal</p> <p>In the event that development has not commenced 3 years from the date of this permission, no development shall take place until an updated Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.</p> <p>Reason: If the development has not been commenced by July 2024 the ecological appraisal should be updated. This is because the latest ecology assessment report was dated July 2021 and many of the species considered during the current survey are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework,</p>

	and Policy CS17 of the West Berkshire Core Strategy (2006-2026).
5	<p>Ecological reports</p> <p>The development hereby approved shall be implemented fully in accordance with the Preliminary Ecological Appraisal dated June 2021 received on 29 July 2021 and Bat Activity Surveys dated July 2021 received on 11 August 2021 both produced by Abricon Ltd and thereafter all recommendations shall be retained.</p> <p>Reason: To ensure the protection of species which are subject to statutory protection. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
6	<p>Sustainable Drainage Measures</p> <p>No above ground 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.</p> <p>The sustainable drainage measures shall include details of an acceptable SuDS design and maintenance plan.</p> <p>The details shall also consider the management of waste water drainage and if any surface and waste water drainage is proposed to be connected to the Thames Water system, then the developer shall contact Thames Water to establish whether there is capacity on the network and whether there needs to be any additional infrastructure upgrade. As a discharge of condition application, the developer shall submit confirmation in writing from Thames Water on the capacity of the network and the acceptability of connection to the network.</p> <p>Reason: To ensure that surface water and waste water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, amenity and ensure future maintenance of any proposed 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, Policies CS5, CS16 and CS17 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (2018).</p>
7	<p>Electric Charging Point</p> <p>No development shall take place until details of an electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall thereafter be retained and kept available for the use of electric vehicles.</p> <p>Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

8	<p>Construction method statement (Highways)</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities (f) Measures to control the emission of dust and dirt during construction (g) A scheme for recycling/disposing of waste resulting from demolition and construction works (h) A site set-up plan during the works <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
9	<p>Footway resurfacing</p> <p>No dwelling shall be occupied until the 2 metre wide footway fronting the site has been resurfaced following the completion of works, including relocating the street lighting columns.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
10	<p>Parking in accordance with plans</p> <p>The dwellings shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>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 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).</p>
11	<p>Cycle parking</p> <p>The dwellings shall not be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in</p>

	<p>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).</p>
12	<p>Hours of work (demolition and construction)</p> <p>No demolition and construction works shall take place outside the following hours:</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>
13	<p>Construction Management Plan (Environmental)</p> <p>No development shall take place until details of a scheme (Demolition and Construction Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-</p> <ul style="list-style-type: none"> (i) the control of noise (ii) the control of dust, smell and other effluvia (iii) the control of rats and other vermin (iii) the control of surface water run-off (iv) the proposed method of piling for foundations (if any) (v) proposed construction and demolition working hours (vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site. <p>The development shall be carried out in accordance with the approved scheme.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers. The approval of this information is required at this stage because insufficient information has been submitted with the application. The approval of this information is required before development commences because insufficient information accompanies the application and the Construction Management Plan must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 of the West Berkshire Core Strategy (2006 -2026), and Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).</p>
14	<p>Planting and landscape works</p> <p>All tree planting and landscape works shall be completed in accordance with the submitted plans, reference drawing numbers Landscape Plan ref: D900 Revision A received on 11 October 2021.</p> <p>The approved tree and landscaping plan shall be implemented within the first planting season following completion of development or prior to first occupation of any of the dwellings.</p> <p>Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this</p>

	<p>development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping. This condition is applied in accordance with the NPPF and Policies ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
15	<p>Permitted development restriction (extensions/outbuildings)</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding 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 the Quality Design SPD (June 2006).</p>

Informatives

1.	<p>Approach of the LPA</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>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from the Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>

3.	<p>Legal agreements - Section 106</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>
4	<p>Access construction</p> <p>The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagment@westberks.gov.uk 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.</p>
5	<p>Damage to footways, cycleways and verges</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>
6	<p>Damage to the carriageway</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>
7	<p>Excavation in close proximity to the highway</p> <p>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. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or highwaymaintenance@westberks.gov.uk</p>
8	<p>Official Postal Address</p> <p>Please complete an 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.</p>
9	<p>Street Lighting</p> <p>The Council's Street Lighting Team have confirmed that the relocation of the street lighting columns as identified on the proposed plans is acceptable, however they would prefer that the Council's contractors carry out the works which would be undertaken at the applicant's expense. An informative is attached for the applicant to make direct arrangements with the Council's Street Lighting Team.</p>

8.4 Refusal reason

If the legal agreement is not completed by the by 15th March 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) Affordable housing provision in accordance with Policy CS6, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.