

Notice of Meeting



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Western Area Planning Committee Wednesday 15 December 2021 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

The Council will be live streaming its meetings.

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 14 December 2021, if they wish to attend the Planning Committee.

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

Members Interests

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

Date of despatch of Agenda: Tuesday, 7 December 2021

Further information for members of the public

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

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



**Agenda - Western Area Planning Committee to be held on Wednesday, 15 December
2021 (continued)**

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

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

Agenda - Western Area Planning Committee to be held on Wednesday, 15 December 2021 (continued)

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

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

Agenda

Part I

Page No.

- 1. Apologies**
To receive apologies for inability to attend the meeting (if any).
- 2. Minutes** 7 - 42
To approve as a correct record the Minutes of the meeting of this Committee held on 13 October 2021.
Minutes of the meeting held on 3 November 2021 will be available for the next meeting of this Committee.
- 3. Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
- 4. Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).



Agenda - Western Area Planning Committee to be held on Wednesday, 15 December 2021 (continued)

- (1) **Application No. and Parish: 21/02173/COMIND, Newbury Rugby Football Club, Monks Lane, Newbury and Greenham** 43 - 76

Proposal: The proposed development is for a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial turf pitch, F2(C). The proposed artificial turf pitch forms part of this application and includes fencing, storage, spectator seating and artificial lighting. The building will provide approximately 400m² of internal floor space of use class F2(B).

Location: Newbury Rugby Football Club, Monks Lane, Newbury, West Berkshire.

Applicant: Alliance Leisure Services

Recommendation: To DELEGATE to the Service Director - Development and Regulation to GRANT PLANNING PERMISSION subject to the schedule of conditions at Section 8.2 of the report.

- (2) **Application No. and Parish: 21/01868/FULD, Hungerford Old Peoples Home, Chestnut Walk, Coldharbour Road, Hungerford** 77 - 98

Proposal: Demolition of former care home and 4 garages and erection of 8 new dwellings.

Location: Hungerford Old Peoples Home
Chestnut Walk
Coldharbour Road
Hungerford.

Applicant: Homes For West Berkshire LLP

Recommendation: 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.

Agenda - Western Area Planning Committee to be held on Wednesday, 15 December 2021 (continued)

- (3) **Application No. and Parish: 20/01336/OUTMAJ, Institute For Animal Health, High Street, Compton** 99 - 156

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

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

Applicant: Homes England.

Recommendation: Delegated to the Service Director for Development & Regulation to GRANT planning permission subject to conditions and the completion of a S106 legal agreement.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke

Service Director (Strategy and Governance)

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

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 OCTOBER 2021

Councillors Present: Adrian Abbs, Phil Barnett, Dennis Benneyworth (Chairman), Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker, Andy Moore (Substitute) (In place of Tony Vickers) and Howard Woollaston

Also Present: Paul Goddard (Team Leader - Highways Development Control), Jack Karimi (Democratic Services Officer), Cheyanne Kirby (Planning Officer), Kim Maher, Masie Masiwa (Senior Planning Officer), Gordon Oliver (Principal Policy Officer) and Simon Till (Principal Planning Officer (Team Leader))

Apologies for inability to attend the meeting: Councillor Tony Vickers

PART I

In the absence of Councillor Tony Vickers, a temporary Vice Chairman was appointed for the duration of the meeting under Rule 7.6.2.

The Chairman proposed that Councillor Hilary Cole be elected as Vice Chairman. This was seconded by Councillor Clive Hooker, and approved.

20. Minutes

The Chairman noted that Councillor Lynne Doherty was not present at the meeting on 1 September 2021 but had been marked present. The amendment was accepted.

Subject to this amendment, the Minutes of the meeting held on 1 September 2021 and the Minutes of the meeting held on 22 September 2021 were approved as true and correct records and signed by the Chairman.

21. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2). As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

22. Schedule of Planning Applications

(1) Application No. and Parish: 21/01519/FUL, Land West Of Pumping Station, Enborne Row, Wash Water, Enborne

(The Chairman declared that he had been lobbied on Agenda Item 4(1))

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/01519/FUL in respect of Land West of Pumping Station, Enborne Row, Wash Water, Enborne. Approval was sought for: 1. Construction of stabling and hard standing; 2. Change of use from agricultural to a mixed agricultural/equestrian use; 3. Soft landscaping scheme.

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- Miss Cheyanne Kirby, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion, the report detailed that the proposal was acceptable in planning terms and officers recommended that Subject to the receipt of satisfactory amended drainage information to delegate to the Service Director, Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below OR, in the event that satisfactory additional information on drainage is not provided within 3 months of the date of this meeting (or such longer period as to be agreed in writing by the Development control Manager in consultation with the Chairman of the Committee) to refuse the application for the following reason:

“The application is not accompanied by sufficient information to determine that drainage and flood risk on the site can be addressed through implementation of an adequate strategy of onsite drainage measures. Therefore the application fails to meet with the requirements of the National Planning Policy Framework, Policy CS16 of the West Berkshire local Plan Core Strategy 2006-2026, which requires development to be safe and not increase flood risk elsewhere and to manage surface water in a sustainable manner through the implementation of SuDS, and the recommendations of the West Berkshire Sustainable Drainage Systems (SuDS) Supplementary Planning Document (2018).”

- The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard noted that the application had been refused previously on Highways grounds, and that there was concern over vehicle speeds on the road. However, as the sight lines on the road were very good, there were no Highways concerns on this occasion.
- In accordance with the Council’s Constitution, Mr Sam Eachus, agent, addressed the Committee on this application. The Chairman noted that a representative of the Parish Council had wanted to address the committee on this application, but had missed the notification deadline. Also, he also noted that Ward Member, Councillor James Cole, was unable to attend the meeting.

Agent Representation

- Mr Sam Eachus in addressing the Committee raised the following points:
 - Mr Eachus was present on behalf of the applicant, Mr David Wood.
 - In regards to grazing needs, the guidelines were for horses, not for ponies, and were only guidelines. The size and health of the horse were factors, and the two ponies could get their nutritional needs on the land. Mr Eachus believed
 - In regards to highways, Mr Eachus noted the lack of objections, and that sightlines were very good. The Highway Code does not prohibit children from riding animals on B-roads, and drivers could safely navigate around them. Children would be wearing helmets, in high-visibility clothing, and in the presence of an adult.
 - The road in question was regularly used by equestrians, and it was not uncommon in rural areas.
 - Mr Eachus noted the visual quality of the land after it had been purchased by the applicant, and that the applicant was interested in keeping it visually attractive.

Member Questions to the Agent

- Councillor Andy Moore asked whether the applicant would be willing to accept a condition that limited them to solely keeping ponies on the land. Mr Eachus

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responded that he believed the land was large enough to manage grazing needs for horses as well as ponies, and so such a condition was unnecessary.

Ward Member Representation

7. The Chairman in addressing the Committee as Ward Member raised the following points:
 - The previous application was refused for reasons of overdevelopment of the site, but this had been adequately addressed by virtue of the application being for a larger area of land, and for grazing that was not year-round.
 - Highway safety remained an issue, with vehicles passing the site at speeds of up to the national speed limit, and as the ponies kept would be for children. It remained a primary concern.

Member Questions to the Ward Member

8. Councillor Phil Barnett recalled occasions where the River Enborne had risen to the highest point of the bank, and asked whether it had gone any higher in the vicinity of this site. The Chairman responded that he did not know. He noted that the Highways Drainage Officer had commented and the matter was mentioned in the update sheet.

Member Questions to Officers

9. Councillor Adrian Abbs noted mention of Policy CS15, but he did not know if there was any lighting on the development that would have carbon implications, and that he had not heard anything about biodiversity on the site. Mr Simon Till responded that the proposed development was not liable for BREEAM nor Zero Carbon under the policy. If the applicant was to propose sustainable energy generation then they would be accepted, but they could not be compelled to provide them. Councillor Abbs asked whether the application presented a shortcoming in Policy CS15, to which Mr Till agreed, noting that the policy was written in 2012, and there had been changes in national policy in the period since its adoption. He suggested that this could be addressed within the new Local Plan. Ms Cheyanne Kirby confirmed that Ecology had been consulted, but did not reply on this application. She did not feel that there was not enough in the application to warrant seeking significant biodiversity net gain, and clearing the site of rubbish was considered a benefit. She noted that there was a condition regarding external lighting due to its position on the edge of the AONB and its potential effect on bats.
10. Councillor Phil Barnett noted that the speed limit near to the development was 60 mph, and asked whether there were plans to change it. Mr Goddard confirmed that the national speed limit was in place past the site and had sight lines of 215 metres. He noted that a short distance to the east, the speed limit reduced to 30 mph. He was not aware of any planned changes.
11. Councillor Carlyne Culver asked if there were any concerns related to horse waste, and any arrangement or condition relating to dealing with it, citing concerns about nitrates in watercourses. Mr Till responded that there was a recommended condition in the update sheet relating to storage and disposal of horse waste.
12. Councillor Jeff Cant asked whether the Highways concern related to the safety of the site access rather than safety of riding on the road. Mr Goddard responded that Highways looked at both aspects and considered safety requirements to be met due to the good sight lines.

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13. Councillor Moore asked whether a condition limiting the site to ponies would be feasible. Mr Simon Till responded that he did not believe it was in the remit of Planning to limit which type of animal was kept, and would not be judged reasonable.

Debate

14. Councillor Adrian Abbs opened the debate by noting that Policy CS15 must be taken to account, and that all non-residential developments were required to achieve BREEAM 'Excellent' and be Zero Carbon. Councillor Abbs also questioned whether tidying up the land was beneficial for biodiversity, since undisturbed land brought benefits for wildlife. Mr Till stated that BREEAM did not apply to this building, since it was not designed to accommodate people.
15. Councillor Jeff Cant noted that this was a small rural business wishing to introduce a small change to its business model. He did not believe there was any reason to refuse the application.
16. Councillor Hilary Cole noted that her animal welfare concerns from the previous applications had been addressed by a doubling of the size of the site. She was satisfied with the explanations in relation to BREEAM. She felt that it would be an unreasonable condition to say that only ponies could be kept on the site. She was also content with the explanation from Highways on sight lines and felt that motorists needed to be cognisant of horses.
17. Councillor Phil Barnett agreed that previous concerns relating to animal welfare and the site access had been addressed.
18. Councillor Clive Hooker noted from the site visit that there had been a considerable improvement in the quality of the grass in the original paddock, and he felt that the larger site would be capable of taking two ponies, so his concerns had been addressed. Councillor Hooker noted that there had been a gate at the bottom of the field, which was closer to the bridleway to the west of the site, but Highways had asked for this to be closed off.
19. Councillor Jeff Cant proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Hilary Cole.
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director - Development and Regulation be authorised to grant planning permission subject to the following conditions:

Conditions

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Approved plans (updated)

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

Design and Access Statement dated May 2021 received 1st June 2021;

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Block Plan 2515/18 received on 12th July 2021;
Proposed Elevations and Floor Plan 2515/2 received 1st June 2021;
Fencing Details 2515/4 received 28th June 2021;
Location Plan 2515/6 received 22nd June 2021;
Section/Level 2515/5 received 1st June 2021;
Soft Landscaping 2515/38 received 12th July 2021;
Proposed Access Details 2515/7 received 5th August 2021;
Justification Statement KCC3134/pg received 30th September 2021;
Flood Risk Assessment and Drainage Strategy Issue 3 7751 Dated April 2021 received 1st June 2021 [to be updated to reflect additional drainage information once approved by drainage engineer].
Reason: For the avoidance of doubt and in the interest of proper planning

3. Materials as Specified

The materials to be used in the development hereby permitted shall be as specified on the application form.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).

4. Parking/turning in accord with plans

The use shall not commence until the vehicle parking have been surfaced, and provided in accordance with the approved plan(s). The parking shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is 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).

5. Access Closure with reinstatement

The existing western vehicular access at the site shall be stopped up and abandoned immediately after the eastern access hereby approved has been brought into use.

The verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

6 Environment Agency

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for

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such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

7. SUDS (Updated)

The development shall not be brought into use until drainage measures have been implemented in accordance with the details shown on drawing numbers [to be agreed by the drainage engineer prior to approval being granted]. The drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CC1, CC2 and NRM4 of the South East Plan (May 2009), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

8. Landscaping

All landscape works shall be completed in accordance with the submitted plans, ref: Soft landscaping –planting schedule ref: 2515/38 received on 12th July 2021. The approved landscaping plan shall be implemented within the first planting season following completion of development.

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 development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Required 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 in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

9. Private equestrian use only

Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), the application site area permitted shall only be used for private recreational equestrian purposes and shall not be used for any other purpose including commercial riding, breeding, training or liveryes.

Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Supplementary Planning Document Quality Design (June 2006).

10. Number of horses

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No more than 2 horses shall be stabled on the site at any one time and additional horses shall not be bought onto the site at any one time.

Reason: To limit the level of activity on the site as a means to protect the rural character of the area due to the limit amount of land available. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. Use of stables

No trade, business or commercial use of any kind shall be carried out from the stables and parking area permitted in this scheme.

Reason: In the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Manure/waste skip (Additional)

The waste skip shall be kept covered at all times except to allow loading in order to prevent rainwater ingress so as to reduce risk of contaminated liquid leaking out.

Reason: To ensure that no contaminated liquid escapes in order to prevent pollution into the ground and nearby river. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1 and CS16 and CS17 of the West Berkshire Core Strategy 2006-2026, and Sustainable Drainage Systems SPD (2018).

Informatives

1. DEC3 - 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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. HI 3 - 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.
3. HI 4 - The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

(2) Application No. and Parish: 21/01038/HOUSE, 1 Croft Road, Newbury Wash Common

(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(2) by virtue of the fact that it was situated within his ward. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of the Planning and Highways Committee on Newbury Town Council. As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

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(Councillors Adrian Abbs, Phil Barnett, Jeff Cant and Carlyne Culver declared that they had been lobbied on Agenda Item 4(2).)

21. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01038/HOUSE in respect of 1 Croft Road, Newbury Wash Common. Approval was sought for a two storey extension to the side and a single storey extension to the rear.
22. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
23. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that Highways were satisfied that the three car parking spaces in front of the property would be maintained.
24. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, Mr Graham Coldman and Mr Colin Gillah, objectors, Mr Jonathan Jarman, agent, and Mrs Karen Redford, applicant, addressed the Committee on this application.

Town Council Representation

25. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
 - The application had come before the Town Council's Planning and Highways Committee on 1 June 2021. On that occasion, the Town Council did not comment on the application due to the conflicting information from the applicants and the neighbours, and felt that it should be decided by the Planning Officers, acknowledging the real concerns of neighbours.
 - He had attended the site visit on 7 October 2021. The main concern with the site was the topography. The properties at 37 and 39 Wendan Road were considerably lower than the property at 1 Croft Road.
 - The architect's model shown at the site visit had been useful in getting an impression of the mono-pitch roof.
 - The view of the Town Council was that the Planning Officers should decide. He noted that Officers had no objections, subject to the implementation of the stated conditions. However, Mr Foot believed that the proposed roof was too high, and should be reduced.

Member Questions to the Town Council

26. Councillor Adrian Abbs asked why the Town Council believed the roof was too high. Mr Foot responded that it was his perception from the site visit that it was too high, and that the light survey had not indicated cause for concern. He was particularly concerned about the view from 39 Wendan Road.
27. Councillor Hilary Cole noted that Mr Foot had expressed his personal views rather than those of the Town Council in relation to the height of the roof. Councillor Abbs responded that Mr Foot was present to express an opinion on behalf of the Town Council, and that was what he had said.

Objector Representation

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28. Mr Graham Coldman in addressing the Committee raised the following points:

- Mr Coldman had no objection to the owners of 1 Croft Road extending their home to meet their needs. However, he objected to the design of the proposed extension, which he believed did not follow the guidelines set out in the Supplementary Planning Guidance, and would adversely affect the lives of those in neighbouring properties.
- The rear extension was over seven metres long and he did not believe that it was not subservient to the main house, and it would unnecessarily endanger a mature tree at 39 Wendan Road.
- The mono-pitched roof was effectively a first floor extension, and was 4.8 metres tall with an effective height of 6m relative to his living room. It would project above the fence and would be overbearing on neighbouring properties.
- Proposed west-facing windows were far less than the 21 metres distance from neighbouring rear-facing windows, and may be over the fence line.
- He felt that amending the design to meet the SPG would not greatly hinder the provision of improved access on the ground floor as sought by the applicant.

29. Mr Colin Gillah in addressing the Committee raised the following points:

- He was a Fellow of the Royal Institution of Chartered Surveyors and had been practising in the area for over 25 years.
- The owners of 3 Croft Road were the closest neighbours, and would be most greatly affected by the development. He called on the Committee to refuse the application.
- The extension was over seven metres long, and was described as single-storey, but the design included a five metre long continuous glazing at first-floor level, facing 3 Croft Road. The extension height rose to 4.8m and the flat roof section was 2.8m high and just over 1m from the boundary fence with windows projecting above the fence. In the space between the extension and the boundary, a new window was proposed in the rear wall of the house, which would also be higher than the fence. The glazing would reduce privacy and add to light pollution, impacting on the residential amenity of the neighbours, as evidenced at the site meeting.
- The Supplementary Planning Guidance on house extensions appeared to have been ignored, specifically in relation to the effect on neighbouring properties and the lack of sunlight and daylight. A single storey extension should not project beyond a line drawn 60° from the middle of the neighbour's nearest ground floor window, but this extended to 70°. Due to the glazing at first floor level, the extension should be considered as two-storey, which would limit its projection to 45°, but the proposal extended to 48°. This meant that if failed to satisfy the requirements of the SPG on both ground and first floor levels.
- The applicant relied on a specialist's report, which argues there will be no significant loss of sunlight, but this report stated that there would be an 18% loss of sunlight, 20% in the winter. He considered this to be a significant figure, making the living room of the neighbouring property darker.
- The proposal to extend the fencing represented an increase of 20 inches, which would affect the residential amenity of the neighbouring property.

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- He also had other reservations about the design of the proposal and its dominating nature, and expressed concern about incorrect dimensions.
- He urged Members to refuse the application.

Member Questions to the Objectors

30. Councillor Abbs noted Mr Gillah's concerns about the height of the proposed extension and asked whether he would reach the same conclusion if there was a flat roof. Mr Gillah responded that the projection of the building, the proximity of the boundary and the height of the windows would still be very close to his client's property and would be dominating.

Applicant and Agent Representation

31. Mrs Karen Redford, applicant, in addressing the Committee raised the following points:
- Mrs Redford explained that she had suffered from rheumatoid arthritis for 25 years and had undergone joint replacement surgery and had periods of wheelchair use.
 - When her family had moved into the house 6 years ago, they had noted that a number of extensions had been built on properties in the area, including the immediate neighbour. They had believed that if they needed an extension, it would be relatively simple since a precedent existed for a single-storey extension next-door.
 - She was now suffering with heart failure and needed to reorganise the ground floor of the property and create an accessible bathroom, since she found it extremely difficult to get upstairs to use the first floor bathroom.
 - She did not feel that they were asking for anything extraordinary or that had not already been done. She was simply seeking extra space to accommodate her current needs and improve her quality of life, as well as future-proofing the property to meet her anticipated health needs.
32. Mr Jonathan Jarman, agent, in addressing the Committee raised the following points:
- The proposed extension was a necessary improvement and was needed to secure Mrs Redford's health, safety and comfort.
 - No objection had been made to the principle of development and officers recommended approval.
 - Concerns had been raised in respect of design and amenity impacts.
 - The design of the proposed side-extension was similar to that of the adjoining house, it was in keeping with the local form, and benefitted the pair of semi-detached houses.
 - The proposed rear extension was less conventional due to its proposed roof form, but that was not the same as harm. It would project 7m from the back of the house and 6m from the rear of the kitchen. It would only be 1.7 metres beyond the neighbouring extension. It was stepped in from the shared boundary and at its closest point measured 2.8m in height, As such, it was only partially visible above the fence line and not to the extent that it would be harmful.
 - Concern had been raised about light-spill and overlooking from the side element of the roof towards 3 Croft Road, but the windows were above head height and could not reasonably be considered to have an impact.

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- Windows on the side elevation facing properties on Wendan Road were also stepped in from the boundary and the height of the windows would be 1.7m, so would be below the fence line. There was also separation between the property and 39 Wendan Road via the 10m garden.
- A professional report into impacts on daylight and sunlight amenity had been commissioned and concluded that there would be sufficient safeguarding of daylight and sunlight for neighbouring properties.
- In conclusion, the proposal would have an acceptable impact on the character of the area and would not have a significant adverse impact on residential amenity of neighbouring properties. Therefore, he urged the Committee to accept Officers' recommendation.

Member Questions to the Applicant and Agent

33. Councillor Howard Woollaston asked why the application had been made with such a high roof. He believed that the side extension itself would not raise objections and noted that it mirrored that of the neighbouring extension. He also felt that the rear extension was similar to others in the local area, but the height of the mono-pitch roof concerned him. Mrs Redford responded that the designer had been tasked with proposing something that was aesthetically beautiful, and that sunlight was needed in the extension, which would be difficult without the mono-pitch roof due to proximity of other windows to the boundary fence.
34. Councillor Abbs asked if the numbers in the light report were based on the present application. Mr Jarman responded that they were.

Ward Member Representation

35. Councillor David Marsh in addressing the Committee raised the following points:
- Councillor Marsh was supportive of the application.
 - He had visited nearby properties and listened to the concerns of neighbours, but, taking everything into account, believed that the application had adequately addressed the concerns raised.
 - He believed the design to be attractive, as well as addressing the long-term needs of the Redford family.
 - The proposal would lead to an improvement to the front aspect of the property, matching the extension of No. 3, while still retaining the required parking.
 - The rear extension was a subjective matter. Objectors did not like the design, but Councillor Marsh did like it and considered it an improvement on the existing garage. Windows that currently overlooked adjacent properties would be lost as part of the development. He did not consider it intrusive.
 - In terms of loss of sunlight and daylight, there would be a minimal effect on neighbouring properties.
 - Most of the features of the proposal had been designed to meet the needs of Mrs Redford and her family, including wheelchair access and an upgraded ceiling structure to enable a hoist to be installed.
 - Councillor Marsh believed that the Council should be proud to support such an imaginative design that would transform the lives of the Redford family, without having a significant adverse impact on amenity for adjacent properties.

Member Questions to the Ward Member

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36. Members did not have any questions of clarification.

Member Questions to Officers

37. Councillor Jeff Cant agreed that the principle of the extension was fine, but the roof was unusual in design and a matter of taste. He asked if there was any specific Planning grounds to refuse planning permission based on the design of the roof. Mr Masie Masiwa responded that the design was contemporary, but not unusual, and that it was functional in terms of allowing light into the space. The mono-pitch roof was considered better than an expansive flat roof extension. The maximum height of the roof would be 4.2m and the roof sloped away from the boundary with the properties on Wendan Road, so Planning did not consider there to be a significant adverse impact on the neighbouring properties that would warrant refusal of planning permission.
38. Councillor Carolyn Culver asked whether the foundations of the proposed extension would impact on the neighbouring fencing. Mr Simon Till responded that this was not a material planning consideration and was a matter that was covered by Party Wall Act and Building Regulations and so was outside of the remit of Planning.
39. Councillor Andy Moore asked if the fence to the west was part of the planning application, and if so was the fence height covered in the conditions. Mr Masie Masiwa responded that it was not part of the application, although there was a proposal to partly replace the fence to the east, and the applicant had proposed a new fence on their side of the boundary. Councillor Moore asked if maintenance of the fence between the property and neighbouring properties on Wendan Road could be the subject of a condition. Mr Masiwa confirmed that there would be no issue with overlooking so long as the fence was maintained and there was no reason to believe that the fence would be removed. Mr Simon Till responded that the owner of the neighbouring properties would have every right to maintain the boundary of their property.

Debate

40. Councillor Abbs opened the debate by stating that the Committee fully sympathised with Mrs Redford's position, but he was also mindful that there were concerns expressed by neighbours. He noted that one reason for the height of the roof was to let light into the extension, but suggested that there were other ways to achieve this, without introducing challenges for neighbours. He indicated that the style of the proposal was not in keeping with the area and there were other flat-roofed extensions in the area. He suggested that it was challenging to accept the application.
41. Councillor Hilary Cole stated that the design of the application could not be changed 'on the fly'. She stated that the Committee was being asked to arbitrate in a neighbour dispute, and that this could have been determined by officers. She liked the design, but acknowledged that this was subjective. From the front, she felt that the side extension would balance the properties. She considered that the issue of fencing was not relevant and owners could plant trees and shrubs that would grow higher than 2m.
42. Councillor Clive Hooker had no issue with the side extension. He acknowledged that the wall would be on the property boundary, but that was not a planning matter. He had some sympathy with the concerns of neighbours at No. 3 Croft Road regarding the roof and glazing. He also sympathised with the neighbour at No. 39 Wendan Road, which was much lower, and the roof of the proposed extension would cover most of their garden. He believed that it was an unnecessary elevation, and that it would cause harm to the neighbouring properties. He considered that options such

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as roof lanterns or setting the wall back from the boundary would help to address concerns. He felt that it would cause harm to neighbours at NO. 29 Wendan Road.

43. Councillor Phil Barnett noted that the second site meeting had allowed consideration of the impact of the proposed development on neighbouring properties, which put a different complexion on the application. Councillor Barnett believed that the neighbouring properties on Wendan Road would be affected by the closeness of the boundary and the sunlight impact. He did not consider there would be significant sunlight impacts on No. 3 Croft Road, but there would still be a visual impact. However, he also noted that there was a necessity for the application with clear benefits for the residents. He indicated that his vote was very much in the balance.
44. The Chairman appreciated that it was a subjective issue. He acknowledged the impact on neighbouring properties, but felt that the slope of the roof would reduce this.
45. Councillor Howard Woollaston did not believe this was the right place for modern architecture, and felt that the design had been proposed on a whim. He appreciated the applicant's medical issues and had no problem with the proposed footprint of the extensions, but he considered the roof to be unacceptable.
46. Councillor Jeff Cant reiterated the point made by Mr Masiwa, that officers saw no valid planning grounds to reject the application on design grounds. Councillor Cant asked that if the application was refused, valid planning reasons needed to be given.
47. Mr Till clarified that officers had given a view that the development would meet the requirements of the SPG and Policy CS14 in terms of quality design. If the Committee took an alternative view from the officers on this matter, design could be a material planning consideration for doing so.
48. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Jeff Cant to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director - Development and Regulation be authorised to grant planning permission subject to the following conditions:

Conditions

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Approved Plans

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

Drawing numbers: 12; 13; 16; 18 received 14th April 2021

Amended Drawing numbers: 2A; 11; 14; 15; 17; received 30th July 2021

Plan with Fence Details received 14th April 2021

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

3. Materials

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The materials to be used in the development hereby permitted shall be as specified on the plans and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

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, Policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

4. No further openings on western elevation

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, reenacting or modifying that Order with or without modification), no windows or dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and C of that Order shall be constructed above ground floor level on the western elevation of the extension hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of the neighbouring dwellings on Wendan Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

5. Use of flat roof

The flat roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: To prevent the overlooking of the neighbouring property at 3 Croft Road, in the interests of safeguarding the privacy of the occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

6. Hours of work

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

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

8:30am to 1:00pm Saturdays;

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

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

Informatives

1. 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 secured

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- and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. - To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
 - In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
 - Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
 - To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
 - If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil.
 - If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
 - If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.
 3. You are reminded of your duties under the Party Wall Act 1996. You are legally required to tell your neighbour if you want to: (1) build on or at the boundary of your two properties, (2) work on an existing party wall or party structure, or (3) dig below and near to the foundation level of their property. Your neighbours can't stop you from making changes to your property that are within the law, but they can affect how and when your works are carried out. Procedures under this Act are separate from the need for planning permission and for building regulations approval. Further guidance is available at: <https://www.gov.uk/party-walls-building-works/work-tellyour-neighbour-about>

(3) Application No. and Parish: 20/01264/FULMAJ, Fognam Farm, Upper Lambourn

(The Chairman and Councillor Howard Woollaston declared that they had been lobbied on Agenda Item 4(3).)

49. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/01264/FULMAJ in respect of Fognam Farm, Upper Lambourn. Approval was sought for Equine pre-training, rest, rehabilitation and recuperation facility for racehorses, including removal of existing building, erection of new three bedroom managers house, garage store building with overnight/temporary accommodation above, conversion of existing building to form 28no. stables, new horse walker, new lunge pen, all weather turn out and canter track and associated parking and landscaping.
50. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development

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and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

51. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the access was sufficiently wide, and sight lines on to the B-road were satisfactory. Speed surveys near the site access found that travel to the east required 126 metres of sight, and 123 were provided, and travel to the west required 118 metres of sight, and 110 were provided. This is considered insufficient, but not significant enough to cause an issue. Also, traffic generation was not considered significant enough to cause an issue.
52. In accordance with the Council's Constitution, Ms Vicky Rieunier, Hungerford Town Council, Mr Charles Lochrane, objector, and Mr James Fraser, agent, addressed the Committee on this application.

Parish Council Representation

53. Ms Vicky Rieunier, Lambourn Parish Council, in addressing the Committee raised the following points:
 - Lambourn Parish Council was objecting on the basis that there were not adequate protections in place for the North Wessex Downs AONB and the Fognam Chalk Quarry SSSI, and there was a lack of information regarding the site (e.g transport survey and design and access statements).
 - Natural England's consultation response stated that the AONB partnership or conservation board should be consulted. However, the document provided to the Committee did not contain any such consultation response, although she was aware that the AONB had had responded and raised concerns that had not been addressed.
 - The NPPF stated that great weight should be given to conserving landscape and scenic beauty in AONBs, and also that the Committee were required not only weigh all material considerations in a balanced manner, but to refuse an application unless there were exceptional circumstances and it can be demonstrated that despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development was in the public interest.
 - The application should be considered a major development, and the, Parish Council believed that the policy tests relating to exceptional circumstances had not been satisfied, including assessment of alternative circumstances. Additionally, it had not been demonstrated that the development was in the public interest.
 - Substantial rationale should be provided in the event that the application was approved for development.
 - A previous application had been agreed, but was not developed. The Parish Council requested that a similar condition be imposed regarding temporary accommodation for staff and managers for a maximum of three years. The Parish Council asked that a similar condition be applied to this application in the event that it was approved.
 - A statement justifying the use of outdoor lighting for the intended purpose, and steps taken to reduce impact, should be provided considering the proposal of outdoor lighting in a Dark Skies area.
 - The Parish Council had a major concern in relation to the significant increase in traffic. This would be an issue due to poor visibility and blind bends, and large

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horse transporters would need to come almost to a stop to make the turn. Drivers take these bends quickly, and there was the potential for serious accidents.

- A pre-training yard was not for horses that were actively racing, but was designed to get young horses used to being saddled. It would not need access to specialist facilities, such as gallops, and so it could be located anywhere. There were no extenuating circumstances requiring it to be placed at this site in the AONB next to the SSSI.
- The Parish Council considered the development to be unsuitable and the harm done to the AONB was not outweighed by other considerations. They urged Members to reject the application.

Member Questions to the Parish Council

54. Councillor Hilary Cole noted that the Parish Council had put a lot of emphasis on the AONB and SSSI, but asked whether they had given consideration to Policy CS12. Ms Rieunier confirmed that they had.
55. Councillor Hilary Cole then asked whether the Parish Council was more supportive of the AONB than the horse racing industry. Ms Rieunier responded that the Parish Council had, and had taken a balanced approach. They felt in this case that the AONB should be an important consideration.
56. Councillor Hilary Cole indicated that she would be very surprised if the Planning Officers had neglected to report comments by the AONB, and it was not unusual for them not to comment on planning applications.

Objector Representation

57. Mr Charles Lochrane in addressing the Committee raised the following points:
 - Mr Lochrane explained that he was a Fellow of the Royal Institution of Chartered Surveyors specialising in commercial development for over 40 years.
 - He had highlighted many errors relating to the technical reports for this proposal.
 - The Transport Statement and Access Design were particularly concerning and Mr Lochrane regarded them to be dangerous. The document used 40 year old traffic movement assumptions, and traffic data from the middle of winter three years ago when speeds would be reduced. It produced an access design acknowledged to be inadequate, but was accepted by Highways due to the small number of traffic movements. This ignored the fact that, a significant number of these traffic movements would be slow-moving horse transports.
 - Visibility displays in the designs were acknowledged as inadequate, but had been accepted due to the flawed traffic data.
 - Compliance with Condition 17 relating to traffic would be impossible due to the fact that roads mentioned are either public highways or not under the ownership of the applicant.
 - The Transport Statement denied that Fognam Corner was a blind bend when it clearly was.
 - The agent's justification report had been redacted, and required a Freedom of Information request in order to extract the information. The pre-application advice had been that the application needed to be supported by a strong business case, demonstrating need, financial viability and justifying any accommodation. No strong business case had been made. The agent had made a strong equine

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management case but had failed to provide a justification for such a specialist equine management facility two miles outside of the village, when there were alternatives on the market within the village.

- The business projections were based on an assumption of 100% occupancy, and estimated a net profit of £35,000. However, there was no provision for cost of capital, site costs or an equity return, and it significantly underestimated the business rates and rental costs. These changes would eliminate any potential profits and would result in a substantial loss.
- Mr Lochrane had presented his own financial appraisal of the business case to Planning Officers. He estimated the cost of developing the facility to be £1.9 million. Taking the applicant's forecast at face value, the business would make a loss of £100,000 before any return on equity. Therefore the application had failed to provide a robust business case.
- He also highlighted errors and omissions in the Officer's recommendation. The report stated that that no comment had been received from the North Wessex Downs AONB, but they had confirmed that concerns had been raised by their team in relation to the position of the canter track, the level of the external lighting and the size of the manager's house. The report indicated that the house had been reduced in size as part of the redesign, but it had actually increased in size from 1,800 sq.ft to 2,200 sq.ft.
- Moving staff accommodation to the permanent flat over the garage had increased residential accommodation by over 45% and there was no mention of the existing asbestos issues and there were legal duties around its management and disposal. Existing conditions were inadequate in this respect and he proposed a separate condition to cover this.
- He suggested that Conditions 4 and 5 must be covered by a S106 Agreement.
- He noted that the applicant had indicated that all technical and design issues had been addressed sufficiently to satisfy policies, but many significant deficiencies remained and neighbours did not share Officers' confidence. Other objectors were concerned about an unwarranted and unjustified incursion into the AONB and the precedent this would set. There was no support for this application from the community.
- He suggested that Planning needed to balance economic desirability with other factors and planning policy was there to guide rather than regulate.

Member Questions to the Objector

58. Members did not have any questions of clarification.

Agent Representation

59. Mr James Fraser in addressing the Committee raised the following points:

- The application was a result of detailed discussions with Planning Officers, and significant work had been undertaken to address concerns that had been raised, resulting in significant changes from the original pre-application submission.
- Changes to the house design had been made to reflect comments and reduce impact on the North Wessex Downs AONB.
- Changes to the staff accommodation had been made, reducing the number of units on the site.

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- The canter track had been reoriented.
- A number of ecological and landscape improvements had been proposed to ensure a biodiversity net gain, including tree and hedgerow planting, bat and bird nesting boxes, and a wild meadow planting. This provided a one hectare buffer between the site and the SSSI.
- A detailed external lighting design had been provided to ensure compliance with the Dark Skies policies and retain dark corridors for wildlife. No lighting was proposed for the canter track.
- A revised surface water drainage scheme and strategy had been proposed to address concerns regarding ground water flooding and ensure that a robust SuDS scheme was provided.
- All aspects of the scheme had been reviewed by representatives of the Council, AONB, Natural England, Environment Agency and Thames Water. Following the changes, all consultees found the application acceptable.
- The number of local residents who had raised objections had reduced, with one direct neighbour withdrawing their objection.
- The proposal was supported by the Jockey Club and the Lambourn Racehorse Trainers' Association, since it supported the local racehorse industry in line with Policy CS12.
- Officers had proposed a significant number of conditions, which was not uncommon and provided the Council with necessary reassurance and control to ensure the scheme would be delivered as intended.
- During the site visit, a number of points had been made regarding ecology and sustainability. Working with the Council's Ecologist, a scope for ecology, landscape and habitat improvements that met or exceeded policy requirements. The development was not covered by existing Council policies on sustainability but the residential elements would be comply with the latest building standards to control energy consumption and generation. Elsewhere, an existing barn would be reused and this could potentially accommodate solar panels.
- The revised proposal was felt to be a better, more integrated scheme than the original.

Member Questions to the Agent

60. Councillor Adrian Abbs asked whether Policy CS15 had been addressed within the application. Mr Fraser responded that the commercial element did not fall within the scope of Policy CS15, but the residential element would comply with Policy CS15, and that they would be willing to achieve a Zero Carbon standard. Mr Simon Till noted that there is an absence of national policy requiring sustainable energy for minor residential development, and that the request made by Councillor Abbs went further than Policy CS15's requirements. Councillor Abbs accepted that, noting that he had merely asked the agent whether they were aware and willing to follow the intent of Policy CS15.

Ward Member Representation

61. Councillor Howard Woollaston in addressing the Committee raised the following points:

- He felt it to be a finely balanced decision.

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- He had been lobbied heavily by the applicant and local objectors, and sought to set out the advantages and disadvantages for the Committee.
- On advantages, Lambourn was the second most important racecourse training area in the UK, with 1,800 horses under training. It provided £25 million to the local economy, and was the ward's most significant employer. The existing semi-derelict barn was considered to be an eyesore, and the proposed development would improve its appearance. The access proposed would be greatly improved, and protected the SSSI.
- On disadvantages, there was not a proven business case, noting that the location of the development was some distance from the main training grounds. There would be a significant noise and appearance impact on local residents, and a danger of increased light pollution in a Dark Skies area and it was within the AONB.
- North Wessex Downs AONB Team was seriously under-resourced, and so the lack of a formal objection should not lead to the conclusion that there were no concerns.
- He was concerned about the sight line issue, noting that there were two blind bends in the road with high traffic speeds. A horse box turning in or out of the site could be extremely dangerous.
- The applicant had gone to great effort to address issues that have been raised with the application (e.g. run-off, odours, removal of horse dung and access issues).
- He expressed doubt about the business case and suggested that it may be a Trojan horse for residential development in the AONB. If the application was approved, he advocated stringent conditions to ensure the residential development was tied to the equestrian use, such that if the equestrian use cease, so should the residential use.
- He expressed his disappointment that set operating hours could not be secured.
- He concluded by noting that it was a highly controversial application.

Member Questions to the Ward Member

62. Members did not have any questions of clarification.

Member Questions to Officers

63. Councillor Carolyne Culver noted that economic benefits of planning applications would be considered, and asked whether officers were convinced that there was a proven business case and clear need for the facility. Mr Masiwa responded that they were convinced by the business case. The Jockey Club had been consulted and Lambourn Trainers' Association had written a letter of support. The applicant had agreed to publishing details of the business case, which justified the application and demonstrated the need for the facility. Officers had to consider the application in accordance with the Development Plan - the racehorse industry was covered by three policies. These indicated that this was an acceptable use within the AONB and Policy CS12 stated that Planning Officers should consider favourably any application that would support the industry.
64. The Chairman asked if the application stopped the land from being used as a working farm. Mr Masiwa responded that the farm could continue to be used, and noted that previous applications for equine uses had been approved, but had not

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been implemented. He also noted that Highways Officers were not concerned about the impacts of movements to and from the site, since existing uses and numbers of trips were similar.

65. Councillor Hilary Cole asked whether any AONB representation had been received. Mr Masiwa responded that no formal representation had been received. Correspondence had been received from objecting residents, who had been in contact with the AONB Team. These suggested that the AONB Team had concerns, but a request for formal representation had not been answered.
66. Councillor Clive Hooker noted that applications to redevelop redundant farm land had conditions to maintain the barns, and asked why the proposal to knock down a barn on this site was being supported by Officers. Mr Till responded that there was a specific policy regarding re-use of redundant agricultural buildings, but there was a separate policy regarding delivery of horse riding, livery and facilities for the horseracing industry. As it was not solely a residential application, different considerations applied.
67. Councillor Phil Barnett asked if proper signage denoting the possibility of horse boxes or HGVs could be part of the conditions to address highway safety issue. Mr Paul Goddard responded that it was his view that signage was unnecessary, and advice would need to be taken from Traffic Management. He suggested that they would not be required because few vehicles were expected to turn in and out of the site, the site had previously been a farm which would potentially have had more associated movements, and the access to the site would be widened by the development. Councillor Barnett accepted Mr Goddard's recommendation.
68. Councillor Adrian Abbs asked if the residential portion of the development was larger or smaller than in the previous application. Mr Masiwa responded that it was smaller than when the application was originally submitted. Concern had been raised about the size of the original dwelling, and it had since been reduced.
69. Councillor Adrian Abbs asked if flood zone sequential testing was necessary. Mr Masiwa responded that it was in Flood Zone 1, and so sequential testing was not required - sites in Flood Zones 2 or 3 that were considered more vulnerable would be subject to sequential tests.
70. Councillor Adrian Abbs referred back to Policy CS15. He noted that the Code for Sustainable Homes had been abolished, but noted that the policy referred to an 'equivalent method' for ensuring that Zero Carbon was achieved. Mr Till responded that the advice for the Policy Officer was that the request could not be made for a single residential unit. Councillor Abbs responded that the proposal contained additional accommodation, and so should not be considered a single residential unit. Mr Till responded that it was not permanent residential accommodation, and so did not qualify.

Debate

71. Councillor Jeff Cant opened the debate by stating that it was a finely balanced report. He felt that a development which would improve the appearance of the area would not cause an issue with the AONB. He also believed that applications which improved the horse racing industry should be considered favourably. He considered that it was not for the Committee to judge a business case if the applicant was willing to put up money to deliver their business plan. He also did not believe it was a 'Trojan horse' for additional development, since there were sufficient constraints that would prevent the developer from using the accommodation for anyone other than an employee. As such, he was inclined to support the application.

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72. Councillor Adrian Abbs stated that the presentation from the Parish Council was very persuasive and showed clear understanding of the Council's policies. He also felt that the Objector had made a strong case. Councillor Abbs additionally believed that Policy CS15 was not being applied to the application due to a technicality, and that it should be tested at appeal. He noted that the applicant was unwilling to follow the spirit of Policy CS15. Councillor Abbs accepted the argument in terms of supporting jobs, but noted that there were alternative sites available. As a result, he was not prepared to support the application.
73. Councillor Carlyne Culver, noted the condition preventing construction of the accommodation until after the equestrian facilities were completed. However, she pointed out that accommodation was required for staff to care for the horses and asked if the condition was reasonable.
74. Councillor Hilary Cole indicated that she appreciated Councillor Abbs' commitment to Policy CS15, and accepted that applicants were encouraged to do their best in the spirit of the policy. However, applications could not be judged on policies that did not exist, and that the loss of the Code for Sustainable Homes made it untenable to use Policy CS15. She noted that additional weight was being given to social, economic and environmental considerations, and that a strong steer had been given to Officers to give more weight to economic aspects of developments to support recovery from Covid. She felt that this application addressed this point. She expressed surprise that Lambourn Parish Council opposed this development, since they had previously been supportive of the horse racing sector.
75. Councillor Abbs clarified that he was pushing for Policy CS15 because it still applied, as had been argued at the Sandford Inquiry. If officers were arguing on its behalf then the Committee had to do the same. Mr Till responded that arguments made on behalf of Policy CS15 for major residential developments did not similarly apply to minor residential developments in an unsustainable areas such as this one, and an appeal against a refusal on Policy CS15 grounds would be very different to that for Sandford. Mr Till did not believe Policy CS15 was viable as grounds for refusal. Councillor Adrian Abbs responded that this application had been categorised as a major development.
76. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeff Cant, seconded by Councillor Hilary Cole to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director - Development and Regulation be authorised to grant planning permission subject to the following conditions:

Conditions

1. Time Limit for commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

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

- Heritage Statement received on 04 June 2020
- Applicant justification of uses received on 10 August 2020

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- Amended proposed main barn plans and elevations Received on 12 March 2021

Received on 28 July 2020:

- Applicant - Fognam Farm Instruction - Highways Automatic Traffic Counter
- Applicants Highway Technical note response to objections
- Phase 1 Land Contamination Assessment
- Applicant - Lynchets Instruction - Highways Automatic Traffic Counter
- Lynchets Automatic traffic counter Location
- Frognam Farm Automatic traffic counter Location

Received on 09 December 2020

Amended preliminary ecological assessment

- Amended Landscape and Visual Appraisal
- Amended drainage statement
- Amended Arboriculture Statement
- Amended Transport Statement
- Amended Enterprise Justification report
- Amended land contamination report
- Amended site plan
- Amended proposed lunge pen
- Amended horse walker plan and elevations
- Amended managers dwelling
- Amended Lighting Assessment
- Amended Residential receptor locations plan
- Amended Assessed Scheme of Lighting sheet 1
- Amended Assessed Scheme of Lighting sheet 2
- Amended light spill assessment sheet 1
- Amended scheme of Lighting sheet 2
- Amended light spill assessment sheet 2
- Amended ATC data Appendix 1
- Amended sight line splays

Received on 19 July 2021:

- Applicant response to LLFA
- Amended Flood Risk Assessment dated July 2021
- FRA Appendix A - Correspondence with EA
- FRA Appendix B1- Thames Water Response Email 01042021
- FRA Appendix B2- Thames water email 18062021

Received on 05 January 2021

- Amended Design and Access Statement
- Amended Proposed Outbuilding
- Amended Field View of the site

Received on 12 August 2021:

- Applicant response to LLFA - 12.08.2021
- Amended Ground Water details

Received on 26 August 2021:

- Amended Drainage Calculations
- Amended combined drainage plan

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

3. Schedule of the materials

The construction of the buildings and hard surfaced areas shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and the Supplementary Planning Document Quality Design 2006.

4. Construction of the residential accommodation

The construction of the residential accommodation hereby permitted (Manager's Dwelling and temporary overnight accommodation) shall not commence until the rest of the equestrian yard facilities have been completed as the first phase of development. Thereafter the residential accommodation shall be used in the operation of the pre-training, rest and recuperation establishment for racehorses at Fognam Farm, Upper Lambourn, Hungerford.

Reason: To ensure the accommodation is constructed once the equestrian yard has been constructed. To protect against an isolated dwelling. The dwelling shall then be used in association with the needs of the pre-training, rest, rehabilitation recuperation yard for race horses. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

5. Dwelling occupation

The occupation of the dwellings hereby permitted (Managers Dwelling and temporary overnight accommodation) shall be limited to a person solely or mainly working (or retired through old age or ill health) in the operation of a pre-training, rest, rehabilitation and recuperation facility for racehorses at Fognam Farm, Upper Lambourn, Hungerford, or a widow or widower of such a person and to any resident dependants.

Reason: A dwelling in this location is only acceptable because it provides essential accommodation for a rural worker in the locality. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS1 and CS12 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.

6. Site use

The whole site known as Fognam Farm, Upper Lambourn, Hungerford, including all buildings hereby permitted shall remain for use as a pre-training, rest, rehabilitation and recuperation facility in conjunction with the racehorse industry. The buildings shall not be used as a separate residential unit, offices or any other uses within Use Class E (Use Class Order 2020), sold/leased/rented or used as a separate unit or commercial yard, and no separate curtilage shall be created other than permitted in this approval shall be created.

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Reason: Any other use may not be acceptable on the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007 and Supplementary Planning Document Quality Design 2006.

7. Restriction on externally stored equestrian paraphernalia

No materials, goods, plant, machinery, equipment, storage containers, waste containers or other items of equestrian paraphernalia shall be stored, processed, repaired, operated or displayed in the open land on the site.

Reason: To ensure the scale and intensity of the development is appropriate to its location in the interests of visual amenity in AONB and highways safety. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Scheme for the protection of trees

No development shall take place (including site clearance and other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a detailed plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

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

9. Scheme of landscaping

No development shall take place (including site clearance and other preparatory works) until a detailed scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation program and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscaping scheme within the first planting season following completion of development.

b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

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Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

10. Boundary treatments details

No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatments to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the use hereby permitted is commenced. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters.

This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

11. Sustainable drainage measures

The use hereby permitted shall not commence until the sustainable drainage measures have been implemented in accordance with the details identified in the following documents:

Received on 19 July 2021:

- Applicant response to LLFA
- Amended Flood Risk Assessment dated July 2021
- FRA Appendix A - Correspondence with EA
- FRA Appendix B1- Thames Water Response Email 01042021
- FRA Appendix B2- Thames water email 18062021

Received on 12 August 2021:

- Applicant response to LLFA - 12.08.2021
- Amended Ground Water details

Received on 26 August 2021:

- Amended Drainage Calculations
- Amended combined drainage plan

The sustainable drainage measures shall be implemented in full, maintained, retained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner in accordance with the details approved by the Local Lead Flood Authority. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

12 Infiltration testing and groundwater monitoring

No development shall take place until details of infiltration testing and groundwater monitoring undertaken throughout the winter months in the location of the proposed SuDS features have been submitted and approved in writing with the Local Planning

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Authority. Thereafter the sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. Insufficient details have been submitted with regard to infiltration testing and groundwater monitoring. 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 Supplementary Planning Document Quality Design 2006.

13 Unforeseen Contamination and remediation (water pollution)

If unforeseen contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy 2006-2026, Part 4 of Supplementary Planning Document Quality Design 2006 and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Spoil management

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

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

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

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the AONB area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

15. Method of manure removal

The development shall not be first brought into use until full details of the method of storage of manure and its removal has been submitted to and approved in writing by the Local Planning Authority. Thereafter the methods of storage of manure shall be implemented in accordance with the approved details.

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Reason: To prevent the proliferation of manure which would detract from the quality of the AONB and in the interests of amenity and to avoid any possible water/land contamination. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy OVS5 of the West Berkshire District Local Plan 2007.

16. Plant, machinery and equipment

All plant, machinery and equipment installed or operated in connection with the carrying out of the development hereby approved shall be so enclosed and attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Reason: To protect the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

17. Access and visibility splays before occupation

The use shall not commence until the access has been provided and the visibility splays at the access have been provided in accordance with drawing number 01/20 dated 28/01/20. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests 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).

18. Parking and turning in accord with plans

The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is 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).

19. Construction Method Statement

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:

- (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

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- (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

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).

20. Electric Charging Point

The development shall not be first brought into use until details of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the electric vehicle charging point has been provided in accordance with the approved details. The charging point shall thereafter be retained and kept available for the charging of electric vehicles.

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).

21. Landscape and Ecological Management Plan

No development shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP should be based on the Ecological Assessments by Ethos Environmental Planning dated September 2020 received on 07 October 2020 and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:

- a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.
- b) Provision of features for protected and priority fauna as outlined within the Amended Ecological Assessment by John Wenman Ecological Consultancy dated November 2020 received on 19 December 2020 and deliver the recommendations of this Assessment to ensure the appropriate protection and conservation of protected habitats and species.
- c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, and ecological mitigation area.
- d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.
- e) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.

The approved LEMP shall be implemented in full upon commencement of development.

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Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. The detailed LEMP is required before commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

22 Construction Environmental Management Plan (CEMP)

No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;

- (a) A risk assessment of potentially damaging construction activities
- (b) Identification of biodiversity protection zones and a green phasing plan
- (c) Practical measures to avoid and reduce impacts during construction
- (d) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures
- (e) The times during construction when specialist ecologists need to be present on site to oversee works
- (f) Responsible persons and lines of communication
- (g) The role and responsibilities of the ecological clerk of works or similarly competent person
- (h) Use of protective fences, exclusion barriers and warning signs
- (i) Any temporary lighting that will be used during construction
- (j) A scheme of works or such other steps to minimise the effects of dust during construction
- (k) The implementation of these measures prior to the commencement of each phase.

The development shall not be constructed otherwise than in accordance with the approved CEMP.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

23. Updated Ecological Appraisal

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

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Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

Reason: If the development has not been commenced by November 2023 the ecological appraisal should be updated. This is because the latest ecology assessment report was dated November 2020 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, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

24. Biodiversity Monitoring construction and post works

The proposed development shall not be brought into use until a report has been submitted outlining progress made in achieving biodiversity establishment and management objectives as agreed within other conditions listed in this permission. Thereafter further monitoring reports by a licenced Ecologist must be provided at years 1, 3, 5, 10, 15, 20, 25, 30 of the management plan as per Biodiversity Net Gain (BNG) requirements.

Reason: To ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment and to ensure the net gains are achieved as projected in the long term. 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, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

25. Site of Special Scientific Interest (SSSI)

No development shall commence until a statement outlining the mitigation measures to protect the interest features of the Fognam Chalk Quarry Site of Special Scientific Interest (SSSI) during construction has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved SSSI mitigation measures. The mitigation measures shall include:

- 1) Protection from pollution, dust, disturbance and other impacts upon the site.
- 2) No materials, machinery or work should encroach onto the SSSI either before, during or after demolition, construction or ongoing use; and
- 3) No pollution from demolition or construction of the development must adversely affect the SSSI.

All works must then proceed in accordance with the approved statement with any future amendments agreed and approved in writing by the Local Planning Authority in consultation with Natural England.

Reason: The construction of the development so close to the SSSI boundary could cause pollution, dust, disturbance and other impacts upon the SSSI site. Measures are required to ensure the SSI features are protected. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

26. Habitats enhancements

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No development shall take place until details of habitat enhancements have been submitted to and approved in writing by the Local Planning Authority. The submitted details must include:

- 1) A barn owl nest cavity and bat bricks or tiles to be included within the new constructions.
- 2) Measures to ensure the SSSI experiences some controlled disturbance such as grazing, control of weeds, some scrub management and creation of bare chalk (e.g. where there are currently weeds or nettles).
- 3) Details of how the SSSI will be fenced off from horses as unregulated grazing could cause harm to the SSSI.

Reason: To ensure the protection and enhancement of protected species and their habitats. 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, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

27. External lighting

Irrespective of the submitted lighting details, no external lighting shall be installed until further details of the assessment and mitigation of potential lighting impacts on biodiversity and proposed biodiversity mitigation has been submitted to and approved in writing by the Local Planning Authority. The assessment and mitigation shall:

- (a) Identify those areas on the site that are particularly sensitive for identified protected species that are likely to cause disturbance.
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species from accessing commuting and foraging pathways.
- (c) Include an isolux diagram of the proposed lighting in relation to any biodiversity mitigation secured in the planning permission.
- (d) Demonstrate and ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed or discouraged from using their breeding and resting places, established flyways or foraging areas. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

28. Thames Water - Source Protection Strategy

No development shall take place until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been

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submitted to and approved by, the local planning authority in consultation with the water undertaker (Thames Water). Thereafter the development shall be constructed and implemented in accordance with the recommendations of the approved strategy.

Reason: To ensure that the groundwater resource is not detrimentally affected by the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS5 and CS16 of the West Berkshire Core Strategy 2006-2026, Part 4 of Supplementary Planning Document Quality Design 2006 and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

29. Programme of archaeological work

No demolition, site clearance or other development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. The condition is imposed in accordance with the National Planning Policy Framework and Policy CS19 of the West Berkshire Local Plan (2006-2026).

30. PD Removal – extensions, outbuildings

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development to the residential buildings hereby approved, 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.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding AONB area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

Informatives

1. Approval - Objections/Support received

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. Access construction

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

3. Damage to footways, cycleways and verges

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

4. Damage to the carriageway

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

5. Thames Water - discharging groundwater permit

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk.

Application forms should be completed on line via www.thameswater.co.uk.

Please refer to the Wholesale; Business customers; Groundwater discharges section.

6. Thames Water - discharge to a public sewer

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

7. Thames Water - existing water mains

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyourdevelopment/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

8. Thames Water - Water supply capacity

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Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Mains water for construction

If the developer is planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/building water](https://thameswater.co.uk/building-water).

9. Thames Water - Source Protection Zone

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-positionstatements>)

and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

10. Thames Water - easements and wayleaves

There are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. On the Map (previously sent with comments) yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

11. Environment Agency - Groundwater protection

The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at

<https://www.gov.uk/government/publications/groundwater-protection-positionstatements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

12. Environment Agency - Slurry and manure storage

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of

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structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility. Further guidance is available:

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

13. Construction noise

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health.

For more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit <http://info.westberks.gov.uk/environmentalhealth>.

14. Royal Berkshire Fire and Rescue Service

The development will need to be designed and built in accordance with the functional requirements of current Building Regulation requirements. Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation. For more information, the applicant is referred to the following web link:

<https://www.gov.uk/government/publications/fire-safety-approved-document-b>

(The meeting commenced at Time Not Specified and closed at Time Not Specified)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

| Item No. | Application No. and Parish | Statutory Date | Target | Proposal, Location, Applicant |
|----------|---|-------------------|--------|---|
| (1) | 21/02173/COMIND Newbury Town Council and Greenham Parish Council | 01 December 2021* | | The proposed development is for a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial turf pitch, F2(C). The proposed artificial turf pitch forms part of this application and includes fencing, storage, spectator seating and artificial lighting. The building will provide approximately 400m ² of internal floor space of use class F2(B). Newbury Rugby Football Club, Monks Lane, Newbury, West Berkshire. Alliance Leisure Services |

*Extension of time agreed until 16th 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=21/02173/COMIND>

Recommendation Summary:

To **DELEGATE** to the Service Director - Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions at Section 8.2 of the report.

Ward Members:

Councillor Adrian Abbs
Councillor David Marsh
Councillor Tony Vickers

Reason for Committee determination:

Called in by Ward Member: for Committee Members to review the parking allocation for the new use.

Committee Site Visit:

09th December 2021.

Contact Officer Details

Name: Masie Masiwa
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Masie.Masiwa@westberks.gov.uk

1. Introduction

- 1.1 This application seeks full planning permission for the construction of a single storey sports pavilion building and car park providing facilities and social space to support a proposed artificial grass pitch, under use class F2(C). The proposed artificial grass pitch includes fencing, storage, spectator seating and artificial lighting. The building will provide approximately 400 square metres of internal floor space under use class F2(B). the proposal is located at Newbury Rugby Football Club, Monks Lane, Newbury, West Berkshire.

Background

- 1.2 The application is submitted by Alliance Leisure on behalf of West Berkshire Council, as the Council seeks to deliver playing pitches in accordance with the West Berkshire Playing Pitch Strategy, which was approved in 2020. The Playing Pitch Strategy includes the specific objective of providing a replacement football facility for the Faraday Road Ground.
- 1.3 West Berkshire Council has engaged with Sport England prior to the submission of the application. West Berkshire Council and Sport England have submitted a joint statement which states that they are both jointly supporting the development proposals at Newbury Rugby Club as an enhanced replacement to meet the community's needs for a replacement facility for Faraday Road Stadium, in line with the Playing Pitch Strategy.
- 1.4 Officers note the two recent applications recently approved by the WAP Committee at Faraday Road for a football facility including a clubhouse, stand and pitches. Officers would advise Members that considerations on this application do not impact on the considerations on those two applications, which are for a separate and alternative scheme, and vice versa. It is therefore not material to the planning decision which of the two sites ends up being developed. Nor are the Local Planning Authority and Members of the Western Area Planning Committee being asked to express a preference between the two sites. The role of the Local Planning Authority is to consider each planning proposal independently on its own individual planning merits and in view of the relevant policy considerations applicable for that proposal and in that location. Ultimately in the event that the WAP Committee resolves to approve both schemes then it would not be a matter for the Local Planning Authority which development is to be implemented.

Proposed development

- 1.5 The proposed development seeks the construction of a new 3G Artificial Grass Pitch (AGP), a single storey sports pavilion with changing room facilities and community function room area. The proposal also includes the installation of floodlighting, construction of associated parking, fencing, storage areas and spectator seating. The new community facility will be available for rugby, football and other sports activities
- 1.6 The proposed pavilion building will consist of approximately 400 square metres of internal floor area. The building will measure approximately 34.5 metres in length, approximately 12.9 metres in width and approximately 4.4 metres in height to the roof ridge.
- 1.7 The proposed pavilion building will be designed to include:
- 4 changing rooms

- Medical room
- Officials rooms
- Plant room
- WCs
- Board room
- Kitchen servery
- Sitting area

- 1.8 It is submitted that the proposed kitchen and servery will be re-heat only, thus no large kitchen equipment will be installed. The building will be designed with a gable pitch roof, with exposed purlins to the eaves and the roof will be constructed of slate. Brick and grey timber effect boarding will be used to construct the walls. The windows are designed as a combination of high level windows to protect the privacy of the changing rooms and larger windows with views from the office, board room and medical room. The proposal includes a glazed entrance door facing the proposed parking area. Bi-fold doors are proposed on the eastern elevation looking out across the AGP.
- 1.9 The proposed AGP is located on the site of an existing grass pitch and is sited largely due to the constraining steep run off to the south of the site which leads to the main rugby pitch on the site. The AGP playing surface will comprise of a system with an underlying shock pad and a 3G AGP containing up to 60mm pile and partially in-filled with silica sand and granulate rubber. The proposed 3G AGP will operate for 51 weeks of the year with the following operating times proposed:
- Monday to Friday – 0900 to 2200
 - Saturday – 0900 to 1800
 - Sunday – 1000 to 1600
- 1.10 For the 51 weeks of opening, the facility will be used for 33 weeks at peak season (September to May) and 18 weeks at off-peak (June to August)
- 1.11 A spectator seating area is proposed to the north of the pitch with storage facilities proposed in the form of a shipping container located behind the spectator stand. The building and spectator stand have been located behind the hedgerow and tree line separating the site and Monks Lane and the residential properties beyond Monks Lane to the north. The proposed stand will accommodate approximately 268 spectators and will include disabled access areas. The seating stand will be constructed as a modular stand and will be finished in dark green paint to the roof and the northern rear will consist of a box section of steelwork and steel cladding.
- 1.12 The proposal also includes the construction of an open steel mesh ball stop fence and entrance gates around the entire pitch perimeter. The fencing will be constructed with a height of approximately 4.5 metres above ground level. Approximately 1.83 metres of the fence section will be covered to prevent the public viewing from outside of the ground. A 1.8 metre high close boarded wooden acoustic fencing is also proposed within sections of the northern boundary area.
- 1.13 The proposed floodlight system comprises 6No masts, (6No. floodlights in total), each column mounted with two LED luminaires at a height of approximately 15 metres.
- 1.14 It is submitted that the proposed facility will employ one full time member of staff, three assistant part time members of staff and one supporting member of staff. The submitted transport statement outlines that the proposal will be provided with 51 parking spaces, plus 2 disabled spaces and a cycle parking area. The cycle parking is proposed as 10No Sheffield hoops adjacent to the building which will supply

20No cycle parking spaces. A new bin store will be located to the west of the proposed pavilion.

- 1.15 No signage is proposed with the application.
- 1.16 The site is located to the south of Monks Lane and accessed from the eastern side of the access road which is currently the home of Newbury Rugby Football Club, a David Lloyd fitness centre, Wash Common Pharmacy, the Falkland Grange Care Home. The site lies on the edge just outside of the settlement boundary, within a critical drainage area and adjacent to a biodiversity opportunity area consisting of numerous designated ancient woodlands and local wildlife sites to the south and south east.
- 1.17 The site is currently a full sized senior rugby pitch with a hard standing overflow car park area located to the west. The wider site provides additional local rugby pitch provision to a large number of participants, including youth players.
- 1.18 Planning application 20/01238/OUTMAJ, for the construction of 1,000 dwellings, 80 extra care housing units, a new 2 form entry primary school and a new a local centre on an adjacent site is currently being considered at appeal by the Secretary of State. Another planning application 18/00828/OUTMAJ for the construction of 500 dwellings at the nearby Wash Common is also registered as under consideration by the Local Planning Authority.
- 1.19 The site falls within Flood Zones 1 according to Environment Agency Flood Mapping.

2. Relevant Planning History

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

| Application | Proposal | Decision / Date |
|-----------------|--|---------------------------|
| 13/02162/COMIND | Section 73A - Application for variation of Condition (2) - Duration and Condition (11) - Access of approved application 12/02156/COMIND - The importation of fill shall cease no later than 31 August 2014 and the access to Monks Lane shall be removed and restored by 30 September 2014 | Approved November 2013 |
| 12/02156/COMIND | Section 73: Variation of Condition 3 - The importation of waste materials shall cease not later than 18 months from the date upon which such works commence, of planning permission 09/02204/COMIND: To read 'The importation of waste materials shall cease no later than 31 August 2013'. | Approved November 2012 |
| 09/02204/COMIND | Construction of an all weather playing surface on appropriate foundations laid on recontoured land using imported inert fill to achieve the required levels together with ancillary landscaping of the adjacent land and the adjustment of the Under 15's practice area to more appropriate levels | Approved March 2010 |

| | | |
|--------------|--|---------------------------|
| 98/52637/FUL | Erection of turnstile | Approved June 1998 |
| 97/51209/FUL | Permission to retain two timber huts used as ticket collection/entrance control for rugby matches | Approved October 1997 |
| 97/50813/FUL | Erection of two advertisement/information boards. | Approved November 1997 |
| 97/50285/FUL | Relaxation of condition 19 of planning permission no 142801 to allow assembly and leisure uses within class d2 and use for crafts-antiques and collectors fairs. | Approved May 1997 |
| 93/42801/ADD | Construction of playing fields- clubhouse inc stewards flat- car parking- access road- landscaping. | Approved February 1996 |
| 89/35171/ADD | Construction of playing fields caretakers accommodation and facilities clubhouse and stand | Refused January 1993 |
| 89/33985/ADD | Relocation of Newbury Rugby Club playing fields caretakers accommodation facilities club house and stand | Refused April 1989 |

3. Procedural Matters

- 3.1 The latest proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects – sports stadium) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The Local Planning Authority 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 and a consideration of the existing use has been made. It is 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 10th September 2021 and the deadline for representations expired on 01st October 2021. Press notices were advertised in the Newbury Weekly News on 09th September 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 is only charged on residential and retail development. The proposed pavilion building may be CIL liable particularly with regard to the service area in which case the development would require a financial contribution to be made in respect of the Council’s Adopted CIL Charging Schedule. The Developer Contribution team will address this matter under separate cover.

3.4 More information on CIL 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.

| | |
|---------------------------------------|---|
| Newbury Town Council: | Objection: based on impact on residential amenity, impact on trees, transport impacts, not a like for like replacement for Faraday Road. No BREEAM rating, inaccuracies as development is within Newbury Settlement boundary. |
| Greenham Parish Council | Objection: based on inadequate parking, lack of biodiversity gain, no alternative energy scheme. |
| WBC Highways Officer: | No objection subject to conditions |
| WBC Drainage Officer: | No objection subject to condition |
| WBC Ecology Officer: | No objection subject to conditions |
| WBC Trees Officer: | No objection subject to conditions |
| WBC Archaeology: | No objection |
| WBC Environmental Health: | No objection subject to conditions |
| WBC Transport Policy | No objection subject to condition |
| WBC Minerals and Waste Officer | No comment response received |
| Sport England | No objection subject to conditions |
| Environment Agency: | No comment response received |
| Natural England | No objection |

Public representations

4.2 Representations have been received from 1 contributor in support of the application, 3 impartial contributions and 32 objections.

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:

- Proposal is not a replacement for the current Faraday Road Football Ground
- No full Ecological report has been submitted
- The Carbon footprint of the development is not clear
- The development is located too close to residential properties to the north
- The location of the proposed football club will be a nuisance to residents
- Impact on neighbouring residential properties will be extensive
- Concerns of spillage of vehicles parking on Monks Lane and Heather Gardens
- Floodlights will cause light pollution
- Stadium fails to offer an adequate football facility as it will clash with rugby provision
- There will be conflict between rugby and football usage
- Removing an existing rugby pitch
- Stadium will not be accessible on public transport
- Car parking is too small and inadequate for the initial step 6 football facility
- The transport statement considers only players and officials and takes no account of spectators
- Traffic is a concern along the adjacent roads at peak times
- Current Rugby Club car park is already inadequate on rugby match days
- Step 6 category G facility should have covered accommodation for 100 spectators of which 50 seated
- The proposed site has little room for growth of the club
- Plans currently under consideration for 2000 houses on an adjacent site.
- Proposal does not give an appearance and impression of a football ground
- People will be able to view the game from outside the ground
- Lack of relevant detail in the application
- Town's main football ground should be in town centre location
- Proposal is not financially sustainable
- Newbury Community Football Group do not support the proposal
- Proposal will prioritise rugby use over football
- Proposal creates an immediate cap on any football league progression
- Newbury should have a senior team with the quality to play in Step 2
- Newbury FC support the new facility at Monks Lane
- Newbury FC have been incorporated in the plans from the start
- Proposal is beneficial not just for Newbury FC but also Newbury community
- The ground will be a Step 4 facility in the future.
- Newbury FC state they currently compete at Step 7 after resigning from Step 5 in 2015.
- Proposal allows Newbury FC to play in a less financially demanding league

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, ADDP2, CS5, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, OVS.5 and OVS.6 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)
- Conservation of Habitats and Species Regulations 2017
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- West Berkshire Council Playing Pitch Strategy (2020)
- Newbury Vision 2026 and 2036
- Newbury Town Design Statement
- Sport England 'Playing fields policy and guidance' (2018)

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
- Highways safety
- Trees and Landscaping
- Flooding and drainage
- Biodiversity
- Representations
- Other matters
- Planning balance and conclusion

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 ADPP2, Newbury will continue to fulfil its key role as the administrative centre and major town centre for the District, with a wide range of retail,

employment, leisure and community services and facilities. The policy indicates that community infrastructure will be provided to meet the growth in population and existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors.

- 6.4 For the purposes of the Core Strategy and Policy CS18, the definition of green infrastructure includes all outdoor sports facilities. Policy CS18 states that all outdoor sports facilities will be protected and enhanced, new developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. It goes on to say, developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by. The proposal is considered to provide an equal or greater size and standard of playing pitch provision.
- 6.5 The supporting text to Policy CS18 recognises that the multi-functional nature of green infrastructure in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity, sport and recreation purposes and health and wellbeing.
- 6.6 The Newbury Vision 2026 and 2036 sets out the District. Town Councils and community aspirations for the future of Newbury. The document indicates support for the growth of recreational and sporting facilities within Newbury and the preservation and enhancement of the District's open spaces.
- 6.7 In 2020 the Council adopted its own Playing Pitch Strategy, which amongst other matters addresses the anticipated loss of the Faraday Road stadium site.
- 6.8 In addressing Sport England planning policy exception E1, the West Berkshire Council Playing Pitch Strategy (2020) at page 32 proposes:
- “Relocation of the single adult sized grass pitch at Faraday Road, together with changing accommodation and the other necessary league requirements to create a step 6 facility on a site which will be no more than 20 minutes’ drive time away, and upgrade the current grass pitch to a 3G pitch with the ability to develop it to a step 5 facility. This site will be available before any construction work starts at Faraday road. “*
- 6.9 It is considered that the proposed 3G pitch, together with changing accommodation and the other necessary football league requirements would create a step 6 facility that would comply with the Playing Pitch Strategy as set out above. According to the FA's National Ground Grading requirements, at Step 6 (Grade/Category G) level, a ground has no minimum capacity.
- 6.10 Sport England (SE), a statutory consultee, has no objection to the proposed development, subject to conditions. SE consulted with both the Football Association/Football Foundation (FA) and the Rugby Football Union (RFU) on the proposed development before arriving at their statutory position of no objection.
- 6.11 The development would result in the change of surface of an existing natural grass playing pitch (currently for rugby use) to a 3G artificial grass constructed pitch (AGP). It is proposed that the pitch would be constructed to meet FIFA Certification for football league matches and training. The AGP will also meet the World Rugby 22 certification to allow for rugby training provision.

- 6.12 The proposed AGP would not be the accepted or correct size to accommodate adult rugby matches, but will meet rugby training certification as above. Importantly, the size of the pitch as proposed has been agreed between Newbury RFC, the site owners, and West Berkshire Council based on the physical site restrictions. In addition, the existing natural grass rugby pitch to be lost was also below the required size for an RFU compliant adult match facility, as such there would be no justification for the proposed AGP to be at rugby match size. Officers consider that the loss of the grass pitch is therefore negligible given the replacement meets the same level of use. SE states that a natural grass pitch with a quality rating of 'good' has a capacity for 3 match equivalent football sessions per week for adults. Comparatively the proposed AGP can support at least 4 match equivalent football sessions just on a Saturday alone. In addition, the carrying capacity of the AGP can be even higher in respect of the lower age groups. As such officers consider that the creation of the AGP in this location would create potentially an increased capacity for far more football training and matches per week than the single natural grass pitch. Officers consider that this extended use capacity will provide increased community benefits.
- 6.13 The Council's Playing Pitch Strategy (PPS) indicates an existing shortage of AGP provision for rugby and football, including training capacity.
- 6.14 SE estimate a deficit of approximately 27.5 adult size natural grass pitches identified in the PPS and the Local Facility Football Plan points to there being a shortage of 8 AGPs. The proposed AGP is therefore compliant with the PPS
- 6.15 SE consider that the proposal would provide a fit for purpose resource for football match play and a fit for purpose training facility suitable for football and rugby. SE consider it necessary to impose a community use agreement condition to ensure that the AGP would contribute towards meeting the needs of football and rugby in the area. This would ensure the AGP contributes to mitigating the current pitch shortages. SE also consider that the proposal in its current form would deliver sufficient potential benefits to sport to outweigh the loss of the grass pitch, subject to a suitable community use agreement being secured. A condition requiring the submission of a community use agreement is recommended within this report.
- 6.16 Concerns were expressed by the FAFF about the design of the fenced enclosure and the potential for spectators to gain a view of matches without paying an admission fee. SE consider that this would not present a significant impact on the sports benefits that the proposal would deliver, nor compliance with the relevant policy requirements. Officers also consider that the application is submitted with a proposal for a covered fence to ensure only paid spectators can watch the matches. Further details can be submitted as part of the requirement to submit details of the means of enclosure for the development. These details are secured by a recommended condition within this report.
- 6.17 SE indicate that the RFU and FA highlighted some concerns regarding the design and business plan, however this was not sufficient to return an objection position as the matters can be resolved. The business plan shows a small loss each year (except year 1) and if the Council were to stop the proposed subsidy then the pitch would stand to make a loss. Following a formal response by the applicant to the above, SE were satisfied with the sustainability of business plan as presented. In response, the applicant confirmed that West Berkshire Council have allocated a sinking fund of £25,000 per annum for the lifetime of the lease. The applicant also added that this arrangement can be evidenced in a report that was agreed by West Berkshire Executive Committee in April 2021.

- 6.18 The sustainability of the business plan supporting the delivery of an AGP was questioned by SE and the FA, specifically when considered as partial mitigation for the loss of the Faraday Road Stadium. However, SE had no objection following the response from the applicant. SE consider that the proposed AGP will make provision for a strategic need for a standalone scheme that addresses the pitch capacity shortages identified within the PPS. This ensures the development is in compliance with Sport England Policy Exception policy 5 provided a condition is imposed to secure a community use scheme to ensure that required sports benefits would be delivered.
- 6.19 It is understood that the Faraday Road ground will not be replaced by the proposed development, but it is the intention of the Council to ensure the current proposed AGP fully or partially mitigates the future planning application for the redevelopment of Faraday Road Stadium and its subsequent loss. SE has recommended that the applicant may wish to consider the issues raised by the FA/FF and the RFU including the subsidy levels within the business plan to ensure these matters are resolved at the time the loss of Faraday Road is considered.
- 6.20 In a submitted joint statement, West Berkshire Council and Sport England outlined that they were jointly supporting the development of proposals at Newbury Rugby Club as an enhanced replacement to meet the community's needs for Faraday Road Stadium, in line with the Playing Pitch Strategy. The Council would be required to deliver a new grass pitch within 2 years of the completion of Newbury Rugby club development. This is to offset the loss of the grass pitch at the Rugby Club to accommodate the sports hub proposals, a matter directed by the PPS. West Berkshire Council also confirmed that a re-development of the Faraday Road Stadium will not commence until the completion of the proposed facilities at Newbury Rugby Club.
- 6.21 The proposed development will revitalise a major sporting asset providing much needed facilities for the community in Newbury. The proposal is to greatly improve the quality, design and playing area of the ground for football, rugby and other ancillary community facilities. This application is in keeping with the ground's playing pitch status and will improve recreational and sporting facilities and thereby health and wellbeing.
- 6.22 Sport England, as the statutory consultee, have assessed the proposal and are satisfied that the proposed development would meet their playing fields policy, in that 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use'.
- 6.23 The proposal would accord with the overall aims and objectives of Policies ADDP1, ADDP2 and CS18 and guidance within the Newbury Vision 2026 and 2036 through the renewal and expansion of an existing sports facility within a sustainable location that forms part of the District's green infrastructure.
- 6.24 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

- 6.25 According to Core Strategy Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.

- 6.26 Part 1 of the Quality Design SPD indicates new development should seek to complement and enhance existing areas, using architectural distinctiveness (through construction materials and techniques) and high quality urban design, to reinforce local identity and to create a sense of place. The Newbury Town Design Statement principally promotes that green spaces form an integral part of the Town's character and their role as quality recreational areas should be maximised.
- 6.27 The surrounding built form has a variety of architectural design and form, of varying quality. The scale, form, and design of the sports hub pavilion is not considered by officers to cause any harm to the character and appearance of the site and the surrounding area.
- 6.28 The Council's Archaeological Officer has reviewed the application and concluded that there are no archaeological implications of the proposed works at the site.

Disabled access

- 6.29 There will be level access from the car park and sections of dropped kerbs' to ensure wheelchair users can access the building and the proposed seating areas comfortably from the proposed car park and disabled parking areas.

Sustainability

- 6.30 The proposal incorporates active design measures to promote sustainability and energy efficiency. The proposed measures and those required at building regulations stage can be factored into a BREEAM certification requirement that will be secured by planning condition.
- 6.31 Overall, the proposal would have an acceptable impact on the character and appearance of the area. The proposal would comply with Policies ADPP2, CS14, CS15 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Newbury Town Design Statement

Impact on neighbouring amenity and quality of life

- 6.32 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance with regard to the potential impact of any development upon neighbouring amenity.

Statement of community involvement

- 6.33 An online public consultation exercise was held between 18 January 2021 and 28 February 2021. The online consultation set out the proposed development and the reasons for it. Prior to the online consultation advance notice was issued via the local press and Council's website, the proposed site plan and description were published online. The consultation was held online due to the coronavirus pandemic, officers accept the consultation was proved to be successful with almost 350 online responses to the questionnaire. The online consultation was posted on West Berkshire Council's website, where the results have also been published and full information can be viewed on the following link:

[West Berkshire Council - \[ARCHIVED\] Proposal for a new sports ground at Newbury Rugby Club - Information](#)

- 6.34 In response to the questions the Council received the following percentages in support and opposition;
- a) How far do you agree with our proposal to provide a new sports ground at NRC? Supportive 53.1%, Not Supportive 35.4%
 - b) How far do you agree with our proposal that the new sports ground be a Step 6 facility? Supportive 46.1%, Not Supportive 27.4%
 - c) How far do you agree that different sports sharing a facility is a good idea? Supportive 64.1%, Not Supportive 21.7%.
- 6.35 Officers accept that the proposed development is broadly supported by the local community who have been adequately consulted and are considered the main users of the proposed facilities.
- 6.36 With regard to the potential impact on neighbouring amenity, the nearest noise sensitive residential receptors with regard to the proposed AGP pitch, clubhouse and stand would be the dwellings to the north of Monks Lane at a distance of approximately 55 metres. Falkland Grange Care Home is located west of the site at a distance of approximately 100 metres from the proposed pitch.
- 6.37 The proposed hours of use are as follows:
- Monday to Friday – 0900 to 2200
 - Saturday – 0900 to 1800
 - Sunday – 1000 to 1600
- 6.38 The submitted noise assessment includes the prediction of noise emission from the AGP at the nearby noise-sensitive residential properties, based on noise level technical data from activities measured at existing AGP playing facilities.
- 6.39 Noise levels were measured at nine sports sessions on four separate AGP playing facilities. The measurements included football, hockey and rugby, with men, women and children participating in different sessions. The worst-case predicted noise level in gardens of around 45 dB (1 hour) falls below the criteria at which moderate community annoyance in outside living areas (such as gardens) can occur, as stated in the World Health Organisation 1999 as 50 dB (1 hour).
- 6.40 The predicted noise levels are at a level which would be below the onset of community annoyance. Whilst noise generated by use of the site has potential to be still audible outside the residential properties it is not expected to have an observed adverse impact in terms of the guidelines.
- 6.41 Noise limits can be secured through a condition limiting the installation of any additional commercial plant associated with the operation of the pavilion and the kitchen for example.
- 6.42 Overall, the Council's Environmental Health Officer has reviewed the technical noise assessment report and has concluded that based on the technical assessment there would be no significant impacts on neighbouring amenity.

- 6.43 Noise generated by the use of the site and increased traffic generation would likely present some impact on local residents, however these considerations are also in line with the existing use of the site and officers consider that any additional impacts will not be significant.
- 6.44 The noise management plan should be completed as recommended in the noise assessment report and information published on the website before first use of the proposed development.
- 6.45 The proposed development including the building, stand and fencing would also maintain adequate separation distances from existing residential properties ensuring no material impact on neighbouring residential amenity in terms of loss of light, outlook or privacy, or result in any overbearing impacts.
- 6.46 Whilst the lighting may be visible, the proposed lighting will not illuminate beyond the northern site boundary onto Monks Lane as illustrated on the submitted lighting assessment plan. The lighting plan has been reviewed by the Council's Environment Officer who considers the design to be acceptable and that there will be no detrimental light pollution to neighbouring amenity.
- 6.47 Overall the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful negative impact on nearby residents. The proposal therefore accords with policy CS14 and the SPD on Quality Design.

Highway safety

- 6.48 Policies CS13 of the WBCS 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 Policy CS13.
- 6.49 The application site is within a sustainable location within walking distance of the town centre. The existing vehicular access into the site is through Monks Lane.
- 6.50 The proposed development is submitted with 51 parking spaces plus 2 disabled parking spaces. This provision assumes that every player (for rugby this equates to 15 players per side, and for football 11 players per side), a coach and an official will generate a requirement for a parking space from a single occupancy car trip. However, alongside the use of alternative travel modes, it is submitted that there will also be an expectation of multi-occupancy trips which will generate a lower overall parking demand.
- 6.51 In the event that parking demand exceeds the total provision, the existing Rugby Club currently provides parking for up to 280 vehicles, and these spaces would be used for the overflow. The existing access road has current parking restrictions enforced by double yellow lines.
- 6.52 The proposed development is submitted to allow provision for future football league promotions. Promotions would likely lead to increased attendances and an increase in parking demand. In the event that the predicted spectator attendance may exceed the car parking capacity on site, it is submitted by the applicant that the proposed facility has a guarantee that it is able to hire 150 additional spaces from Newbury College on a regular basis for all home matches. Newbury College is located to the east of the site within a 12 minute walk from the proposed site along Monks Lane.

- 6.53 The Rugby Club site is connected to the existing footway network on Monks Lane, providing connections to the wider urban area. A pedestrian link route into the site from Monks Lane will be required and this can be secured by a condition. There are also safe crossing points on Monks Lane in the vicinity of the Rugby Club. The site is also within cycling distance of many parts of the Newbury area, however the site is located on top of a hill, as such it is unlikely people will cycle from the town centre. The Transport Policy Officer has no objection, whilst also concluding that there would be no requirement to produce a Travel Plan for the proposed development
- 6.54 The Council's Transport Policy Officer has suggested that a "How to get there map" is provided on the sports hub operator's website page. The applicant has committed to provide a map of the local area, promoting the use of the additional college parking, and also further highlighting how the site can be accessed by sustainable means (i.e. walking, cycling or public transport) as well as access by car. The proposed development does provide adequate cycle parking spaces and this is acceptable.
- 6.55 The proposal has been considered by the Highway Authority who considers that subject to planning conditions, the proposal is considered acceptable. A condition has been recommended outlining that no football and rugby matches can take place on the same day at the site. This would ensure that any overflow parking at the Rugby Club is made available for all home football matches. The applicant submits that this can be accommodated with the relevant league programming authorities. Officers also consider that it is not uncommon, for example, for a rugby team and a football team to use the same stadium site, with the matches having to be alternated from one match to the next. Another condition has been recommended requesting the submission of a parking survey of surrounding streets at each future promotion. These surveys will help to inform any street parking restrictions that may be required due to increased demand from increased attendances.
- 6.56 Overall, it is considered that the proposed development would not have a material impact on highway safety, subject to compliance with the recommended conditions. 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

- 6.57 Policy CS19 of the WBCS 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.
- 6.58 The proposal has been considered by the Council's Tree Officer. The trees on the site will be mostly retained and additional planting will be provided. Officers consider that the additional planting will provide biodiversity enhancements. Agreement and authorisation of tree protection measures will require approval by the Tree Officer.
- 6.59 Overall, it is therefore considered that the proposed development would conserve the trees within the site and provide enhancements in compliance with the advice contained within the NPPF, and Policy CS19 of the WBCS.

Flooding and drainage

- 6.60 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.

- 6.61 The site is located within Flood Zone 1 of the Environment Agency's Flood Map and the only source of flood risk to the development is from pluvial runoff as indicated in the submitted Flood Risk Assessment (FRA).
- 6.62 The proposals are based entirely on attenuating rainfall run-off and allowing off-site discharge at a controlled rate. The FRA states that the proposed building and the car park area will drain to an attenuation storage facility under the car park. The Local Lead Flood Authority Officer (LLFA) requested that the applicant submits details of the attenuation storage facility for assessment. The site access slopes from north to south, as such this topography may present a constraint for any drainage scheme. The potential use of a green roof to mitigate rainfall run off was explored with the applicant during the application process, however the applicant indicated that this would not be feasible on the grounds of cost, design and the structural integrity of the building. A condition requesting additional drainage information was therefore recommended by the LLFA.
- 6.63 Overall, the proposal could comply with the provisions of the NPPF, Core Strategy Policy CS16 and Sustainable Drainage SPD (2018).

Biodiversity

- 6.64 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.
- 6.65 The Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity networks.
- 6.66 The site is located within the Greenham and Crookham Plateau Biodiversity Opportunity Area 1 (BOA). Each development must maximise opportunities for each BOA to make positive changes for biodiversity.
- 6.67 The proposal would include the installation of an AGP pitch to replace an existing natural grass pitch. An ecological appraisal report and a biodiversity net gain metric was submitted with the application. Proposals have been submitted to provide biodiversity net gain through additional planting, habitat creation and the creation of a species corridor around the Rugby Club site. The eastern and southern boundary hedges of the wider Rugby Club site will be enhanced to offer greater offsite biodiversity enhancements for the protected species known to be present in the area. In addition, the proposed biodiversity enhancements will provide link corridors for the identified species.
- 6.68 The Council's Ecologist has reviewed the proposed development and raises no objection, provided the development proceeds in accordance with the submitted Landscape and Ecological Management Plan (LEMP) and the Construction Environmental Management Plan (CEMP).
- 6.69 Concerns were raised by the Ecologist and the LLFA Officer with regard to the release of micro plastics from the AGP into the environment.

- 6.70 The Council's Ecologist and the Drainage Officer have both stated that the release of plastics and in particular micro-plastics or non-biodegradable plastics into the environment is a current area of concern both nationally and internationally. Artificial sports pitches, as proposed in this application are one example of a potential source of micro-plastics pollution. The 3G AGP is infilled with rubber, which could cause micro-plastics to be released into the local River Kennet and the River Lambourn catchment areas. Both rivers are designated as Sites of Special Scientific Interest (SSSI) and the Kennet and Lambourn Floodplains are designated as Special Areas of Conservation (SAC).
- 6.71 In response to the concerns regarding micro plastics, the applicant has introduced several design details to minimise the loss of the AGP infill material. Sportfix Clean channels will be used along the sides of the AGP to provide a filter for any micro plastics released from the AGP.
- 6.72 In addition the applicant will, among other measures, incorporate a synthetic turf system that has low infill splash characteristics, fit containment barriers on all boundaries of the field, fit decontamination grates and mats, place boot cleaning brushes at main player access gate and ensure all storm water drains within the control zone have suitable micro-filters to capture any infill material in rain water run-off.
- 6.73 Details of additional precautionary AGP maintenance measures are also included in the submitted details.
- 6.74 Any short term impacts associated with the construction process can be controlled through the implementation of the CEMP secured via planning condition. The CEMP can control matters such as dust suppression, hours of work and deliveries. In addition a LEMP is also attached to ensure a sustainable management of the biodiversity enhancements within and adjacent to the site.
- 6.75 The proposed development could comply with the Conservation Regulations 2010, Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, NPPF and Policy CS 17 of the West Berkshire Core Strategy 2012.

Representations

- 6.76 Members of the public have written representations supporting and objecting to the proposed 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.

Other matters

- 6.77 Any proposed signage will be the subject of separate advertisement consent applications.

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 social and economic dimensions of sustainable development and will support provision of a leisure facility for the community. There are benefits arising from the development of the whole site, including provision for open space, recreation and leisure facilities.

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, flooding risk and biodiversity protection have been fully assessed using expert advice as outlined in this report. Officers consider that the proposed plans preserve and enhance the existing natural and built environment on and surrounding the site.

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, subject to the conditions recommended at section 8.2 of the report.

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 schedule of conditions:

8.2 Schedule of Conditions

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| 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 20 August 2021:</p> <ul style="list-style-type: none"> • Proposed Clubhouse Roof Plan drawing No 1888-SBA -XX -R1-DR-A -012 Revision A • Proposed Clubhouse Sections drawing No 1888-SBA -XX -ZZ -DR-A -101 Revision A • Proposed Clubhouse Elevations drawing No 1888-SBA -XX -ZZ -DR-A -201 Revision B • Proposed Clubhouse Ground Floor Plan drawing No 1888-SBA -XX -00 -DR-A -010 Revision C • Sewer survey report • Joint Statement by WBC And Sport England • Match day maintained average illuminance report • Guidance notes for the reduction of obtrusive light • Optivision LED - Sports lighting |

Received on 01 September 2021:

- Proposed Seat Stand Elevations and Plan drawing No 001 Revision A
- Utilities and CCTV Drainage Survey plan sheet 1 of 1
- AGP Floodlighting Scheme plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01

Received on 23 September 2021:

- Business Plan

Received on 18 October 2021:

- Amended Flood Risk Assessment
- Amended Noise Impact Assessment
- Amended Design and Access Statement
- Amended Location Plan drawing No 1888-SBA -XX -00 -DR-A -510 Revision E
- Amended proposed pitch layout plan drawing No 1888-SBA -XX -ZZ -DR-A -512 Revision D
- Amended Floodlighting performance report
- Amended proposed AGP Plan with dimensions drawing No NSHSSL-XX-ZZ-DR-A-01 Revision 02
- Amended floodlighting plan drawing No NSH-SSL-XX-ZZ-DR-A-03 Revision 01
- Amended Supporting Technical Information -Pitch, Drainage and Lighting
- Applicant response to Sport England comments
- Amended proposed landscape and enhancements masterplan drawing No 100 Revision A
- Amended planting schedule
- Amended Tree Removal and Protection Plan drawing No 701 Revision A
- Amended Tree survey and Arb impact assessment
- Amended Ecological Appraisal
- Biodiversity Net Gain Metric

Received on 03 November 2021:

- Rugby Pitch Plan drawing No 1888-SBA -XX -ZZ -DR-A -506 Revision C

Received on 11 November 2021:

- AGP particles research
- AGP users guidance to reduce micro plastic loss
- AGP users guidance
- AGP infill material statement
- Amended Landscape and Ecology Management Plan (LEMP)
- Amended Construction and Environmental Management Plan (CEMP)

Received on 12 November 2021:

- AGP Filtration catchment
- AGP Sportfix Filtration system
- Amended Transport Statement
- Applicant response to Highways

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| | <p>Received on 15 November 2021:</p> <ul style="list-style-type: none"> • Applicant response to Drainage 1 • Applicant response to Drainage 2 • Applicant response to Drainage 3 • Trial Pit Investigation Log • Amended Combined Flood Risk Assessment and Drainage Strategy • Amended Drainage General Arrangement Plan drawing No PB-1019-ZZ-ZZ-DR-C-1001 Revision P2 • Amended proposed AGP Elevation -Lighting Column, Acoustic Barrier, Container drawing No HTA-SSL-XX-ZZ-DR-A-02 Revision 03 • Amended proposed AGP Drainage plan drawing No NSH-SSL-XX-ZZ-DR-A-04 Revision 02 • Amended AGP Section drawing No HTA-SSL-XX-ZZ-DR-A-07 Revision 00 <p>Received on 16 November 2021:</p> <ul style="list-style-type: none"> • Cross section drainage and plastics filtration pipes <p>Received on 19 November 2021:</p> <ul style="list-style-type: none"> • Amended proposed site plan and Electric Vehicle charging drawing No 1888-SBA-XX-ZZ-DR-A-511 Revision F <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 3 | <p>External Materials</p> <p>Notwithstanding the provisions of the plans and documents hereby approved, prior to above foundation level works commencing, schedule of all the materials for the external surfaces of 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 ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p> |
| 4 | <p>Means of Enclosure</p> <p>Notwithstanding the provisions of the plans and documents hereby approved, the development hereby permitted shall not be first used until full details have been submitted to and approved in writing by the Local Planning Authority in respect of the means of enclosure or boundary treatments on the site. These details shall include a plan indicating the positions, design, materials and type of boundary treatment (including acoustic fencing) and gates to be erected within the site. The boundary treatments shall be completed in accordance with the approved scheme before the development hereby permitted is first used. The boundary treatment shall thereafter be retained and maintained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity, to protect neighbouring amenity and to ensure the satisfactory appearance of the development. This condition is applied in</p> |

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| | <p>accordance with the National Planning Policy Framework, Policies ADPP2, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Newbury Town Design Statement.</p> |
| 5 | <p>Parking, turning and travel</p> <p>The use of the development hereby approved shall not commence until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans.</p> <p>a) The parking provisions to be made available before first use shall also include that all parking overflow arrangements at the Newbury Rugby Club and Newbury College are in place before the development hereby approved is first used.</p> <p>b) As submitted in the application documents: In terms of the overflow parking at Newbury College, a transport bus from the college to the club shall be made available before and after the matches when the use of the overflow parking at Newbury College is required.</p> <p>c) A “How to get there” page with travel directions and maps for driving, cycling and walking shall be placed on the relevant Rugby Club and Football Club websites before the development hereby approved is first used.</p> <p>The development hereby approved shall not be brought into use until confirmation of how the requirements of points (a),(b) and (c) above are delivered has been submitted and approved in writing by the Local Planning Authority.</p> <p>The parking, turning and travel provisions shall thereafter be implemented and kept available for use at all times during matches. If provision of parking at the Rugby Club and Newbury College is terminated, alternative arrangements shall be submitted and approved in writing by the Local Planning Authority.</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 applied 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> |
| 6 | <p>Electric vehicle charging points</p> <p>The use of the development hereby approved shall not commence until electric vehicle charging points have been provided in accordance with the approved plans. Thereafter, the charging points shall be maintained, and kept available and operational for charging of electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |
| 7 | <p>Cycle parking</p> <p>The use shall not commence until the cycle parking has been provided in accordance with the approved plans 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</p> |

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| | <p>assists with the parking, storage and security of cycles. This condition is applied 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> |
| 8 | <p>Pedestrian footpath link</p> <p>The use of the development hereby approved shall not commence until details of a pedestrian footpath link from Monks Lane to the approved sports hub building (including any surfacing arrangements and marking out) have been submitted and approved in writing by the Local Planning Authority. The pedestrian footpath shall thereafter be completed and maintained in accordance with the approved details.</p> <p>Reason: To ensure the development is provided with adequate pedestrian footpath access, in the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |
| 9 | <p>Alternating rugby and football home match days</p> <p>The provision of adult football and rugby home matches shall be played on alternate match days in the evenings and on Saturdays and Sundays. No main adult football and rugby team matches shall take place on the same day.</p> <p>Reason: To ensure the development is provided with adequate parking facilities to cope with the demand for parking, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |
| 10 | <p>Additional parking demand</p> <p>In the event that the football club is promoted at any point following the completion of the approved development the applicant/operator shall submit a report that includes details of an undertaking as per the details below and results from at least two on street car parking and photograph surveys on non-match days and during match days covering the following streets:</p> <p>Tydehams, Highlands, Monkswood Close, Dormer Close, Sutherlands, Heather Gardens, Rupert Road, Byron Close, Robins Close, Charter Road, and adopted roads within any Sandleford Park development within 700 metres of the site</p> <ol style="list-style-type: none"> a) The survey report shall be submitted within three months of the commencement of each new promotion season. b) Should the results on both match occasions reveal significant car parking on two or more streets, a financial contribution of £2,000 shall be provided to the West Berkshire Highway Authority towards the consultation and potential provision of waiting restrictions (the extent and type to be determined at the time depending on the submitted on street car parking survey results). c) Should the consultation for the above measures be positive amongst affected residents, then no further action is to be taken. d) Should the consultation for the above measures be negative amongst affected residents the applicant shall provide a Travel Plan Statement including but not limited to the following: |

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| | <ul style="list-style-type: none"> • Appropriate incentives and targets to encourage use of sustainable travel for home matches • At home matches, the provision of overflow car parking within the Newbury College / University complex with the number of car parking spaces to be agreed and the agreement attached as an Appendix. • At home matches, the provision of a shuttle bus from Newbury College / University to the football ground. <p>All of the above measures shall be reviewed at five years intervals following implementation or at the point when the football club is promoted further, whichever comes first. The review shall include the submission of a review and/or monitoring report for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority.</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 applied 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>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 the ecological appraisal should be updated. This is because the ecology of the site is likely to change over time. 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, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p> |
| 12 | <p>Landscape and Ecological Management Plan (LEMP)</p> <p>The use of the development hereby approved shall not commence until the Landscape and Ecological Management Plan is implemented in accordance with the Landscape and Ecological Management Plan (LEMP) JSL4065_555 Revision 2 by RPS Group received on 11 November 2021.</p> <ol style="list-style-type: none"> a) Any detailed habitat creation and management in accordance with the approved LEMP scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this LEMP shall be replaced within the next planting season by habitat creation and management measures of a similar size and scale to that originally approved. b) Before the development is first used the applicant shall submit a planting plan as an addendum to the approved LEMP for approval in writing by the Local Planning Authority. The plan shall include the links between the LEMP and any other supporting information, including reference to the LEMP and the final SuDS drainage and maintenance plan. <p>The approved LEMP details shall be implemented in full upon commencement of</p> |

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| | <p>development.</p> <p>Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape, drainage and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).</p> |
| 13 | <p>Micro plastics and nature conservation measures</p> <p>Before the 3G Artificial Grass Pitch is brought into use, an Addendum to the Landscape and Ecological Management Plan (LEMP) Shall be submitted for approval in writing by the Local Planning Authority. The Addendum shall outline the following:</p> <ul style="list-style-type: none"> a) Pitch substrate structural makeup showing details of the materials. b) Details of the installation of signage with the aim of reducing micro plastics leaving the pitch and site. c) A layout plan of the site – showing where grates, fences and other Micro plastic control infrastructure is located. d) Details of how the applicants propose to ensure there is no net increase in the amount of plastics (that could become micro in size if not already that size) entering the natural environment because of the proposed development and its use. The details shall address mitigating the expected 15kg of micro plastics outlined within the submitted documents. The overall objection is a reduction to the point of zero offset incorporating other measures and schemes that can be employed, including schemes with third party organisations already knowledgeable in the micro plastics field such as Thames Water and the Kennet Catchment Partnership or other partners. <p>The approved measures shall thereafter be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.</p> <p>Reason: To ensure that the release of plastics and in particular micro-plastics into the environment is mitigated to safeguard the River Kennet and River Lambourn Sites of Special Scientific Interest (SSSI) catchment areas. The two rivers are rivers of national and international importance with significant nature conservation value. This condition is applied in accordance with the statutory provisions relating to protected species and habitats, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p> |
| 14 | <p>Construction Environmental Management Plan (CEMP)</p> <p>The development hereby permitted shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) JSL4065 by RPS Group received on 11 November 2021.</p> <ul style="list-style-type: none"> a) The construction site office, compound and storage of materials shall be located within the bounds of the application site, unless prior approval has been granted in writing by the Local Planning Authority. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise</p> |

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| | <p>agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats during the construction period. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> |
| 15 | <p>AGP Certification</p> <p>Use of the development shall not commence until confirmation of the following certifications and registrations has been submitted to the Local Planning Authority:</p> <ul style="list-style-type: none"> a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality and b) Confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches, and these details shall be submitted to and approved in writing by the Local Planning Authority. c) Certification that the Artificial Grass Pitch hereby permitted has met World Rugby Regulation 22 <p>Thereafter the development shall be implemented in accordance with the certified and registered details and details approved by the Local Planning Authority.</p> <p>Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).</p> |
| 16 | <p>Community use agreement</p> <p>Prior to the AGP and associated pavilion and car parking being first brought into use, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch, the pavilion and car parking and include details of pricing policy, hours of use, access by non-members of Newbury Sport Hub, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.</p> <p>Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).</p> |
| 17 | <p>AGP Management and Maintenance Scheme</p> <p>Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. This is to ensure the replacement of the Artificial Grass Pitch within the manufacturer's recommended specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitch.</p> <p>Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient</p> |

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| | benefit of the development to sport and to accord with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026). |
| 18 | <p>Sustainable drainage measures</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ol style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 and in particular incorporate infiltration and 'green SuDS' measures; b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing should be undertaken in accordance with BRE365 methodology; c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or surface water drainage system at no greater than 1 in 1 year Greenfield run-off rates; d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change; f) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development; g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater; h) Include permeable paved areas which are designed and constructed in accordance with manufacturers specification or guidelines if using a proprietary porous paved system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3; i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime; j) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy); k) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible; l) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site; m) Upon completion, include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include : plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter. |

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| | <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (2006) and SuDS Supplementary Planning Document (2018).</p> |
| 19 | <p>Construction hours</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> |
| 20 | <p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (f) Wheel washing facilities; (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (h) A scheme for recycling/disposing of waste resulting from construction works; (i) Hours of construction work; (j) Hours of deliveries and preferred haulage routes; <p>A pre-commencement condition is required because the CMS must be adhered to during all construction operations including the first operations on the site.</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> |

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| 21 | <p>Noise Impact Assessment</p> <p>The development and use hereby permitted shall be implemented in accordance with the Noise Impact Assessment ref: 9157/RD by Acoustic Consultants Ltd received on 18th October 2021.</p> <p>a) The Noise Management Plan within the approved Noise Impact Assessment, including measures for the control of antisocial behaviour, hours of operation and reporting shall be implemented in full.</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> |
| 22 | <p>Lighting Assessment</p> <p>The development and use hereby permitted shall be implemented in accordance with the AGP Technical Information to Support Planning Revision 1 by Surfacing Standards Limited received on 18th October 2021 and the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.</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> |
| 23 | <p>Landscaping</p> <p>The development hereby permitted shall not be first used until details of treatment of all parts on the site not covered by buildings have been submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season of the completion of the development. Details shall include:</p> <p>a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;</p> <p>b) location, type and materials to be used for hard landscaping including specifications, where applicable for:</p> <ul style="list-style-type: none"> i. permeable paving ii. tree pit design iii. underground modular systems iv. Sustainable urban drainage integration v. use within tree Root Protection Areas (RPAs); <p>c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;</p> <p>d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and</p> <p>e) types and dimensions of all boundary treatments</p> <p>There shall be no excavation or raising or lowering of levels within the prescribed</p> |

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| | <p>root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting.</p> <p>Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved landscaping scheme 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 condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
| 24 | <p>Tree protection scheme</p> <p>All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers JSL4065_771 & JSL4065 dated July 2021.</p> <p>The protective fencing shall be implemented and retained intact for the duration of the development.</p> <p>Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p> |
| 25 | <p>Arboricultural Method Statement</p> <p>The Arboricultural Method Statement and tree protection measures within report ref: JSL4065_771 dated July 2021 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
| 26 | <p>Pre-commencement meeting (Tree protection)</p> <p>No development shall take place (including any ground works or site clearance) until a pre-commencement meeting has been held on site and attended by a suitably qualified arboricultural consultant, the applicant/agent and a Tree Officer from the Council to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree</p> |

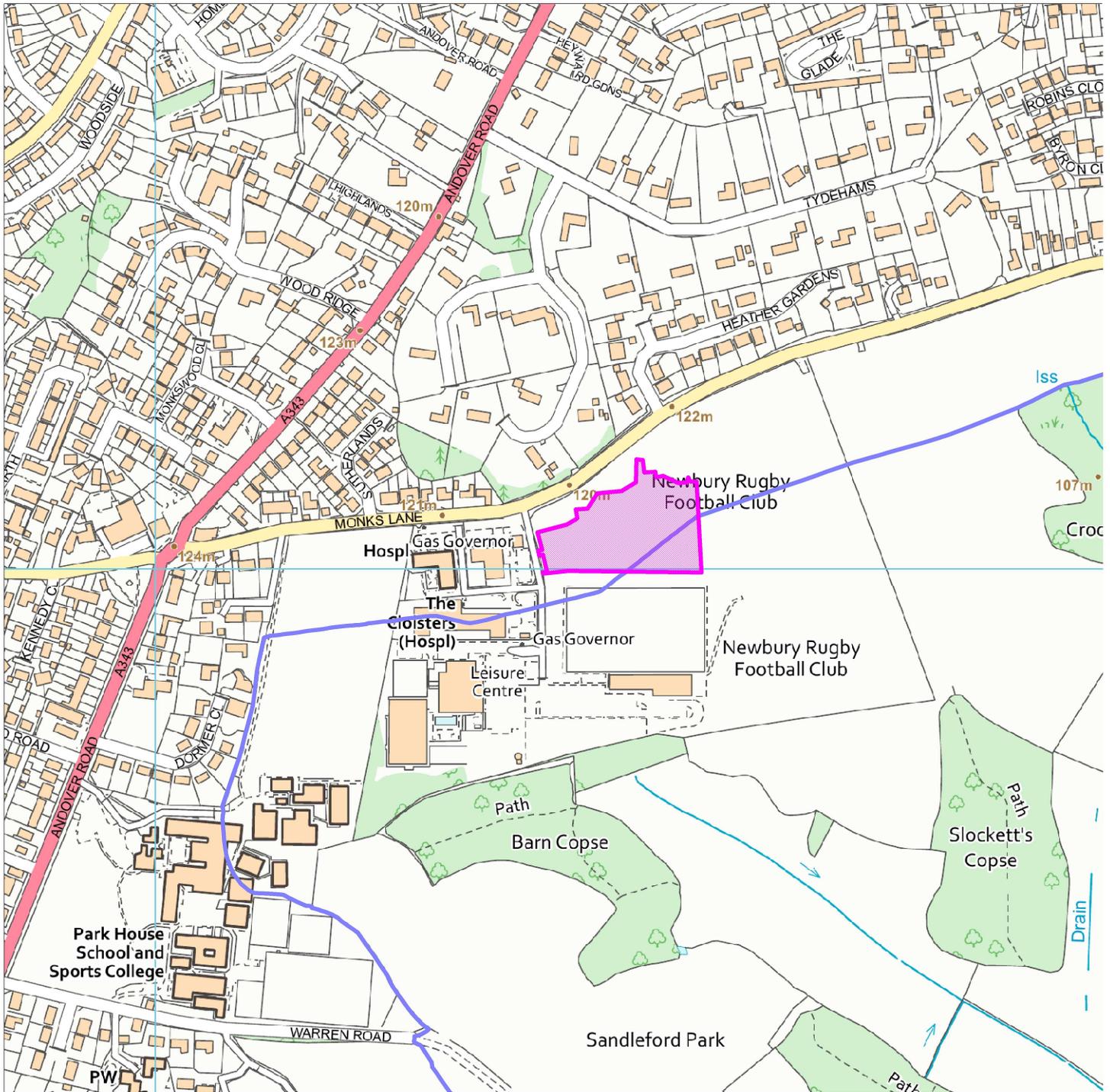
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| | <p>protection plan.</p> <p>The outcome of the meeting shall be submitted and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with these approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.</p> <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out to ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
| 27 | <p>Retaining trees</p> <p>No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted in writing from the Local Planning Authority.</p> <p>Reason: Required 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 CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
| 28 | <p>BREEAM</p> <p>The sports pavilion building hereby permitted shall not be occupied until a final Certificate has been issued, and a copy submitted to the Local Planning Authority, certifying that BREEAM “EXCELLENT” has been achieved for the development.</p> <p>Reason: To ensure the development contributes to sustainable construction and sustainable operations. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (Part 4).</p> |
| 29 | <p>External lighting</p> <p>The development hereby permitted shall be implemented in accordance with the Match day maintained average illuminance report by Surfacing Standards Ltd received on 20 August 2021 and the approved lighting details listed under condition 2.</p> <p>No additional external lighting shall be installed except in accordance with a lighting strategy that has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the approved lighting strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external</p> |

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| | <p>lighting be installed without prior written consent from the Local Planning Authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. To ensure the protection of neighbouring residential amenity. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026)</p> |
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Informatives

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| 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>FIFA Quality Concept for Football Turf</p> <p>(artificial grass pitches for Steps 1 to 4 of the FA's National League System) - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules. For Rugby the artificial grass pitch is to be tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.</p> |
| 4 | <p>Highways waiting restrictions</p> <p>In respect of the requirements of condition 10 should the football club be promoted and the results of the public consultation public consultation on parking be negative, the Local Highways Authority has stated that appropriate waiting restrictions will be considered and implemented where necessary.</p> |

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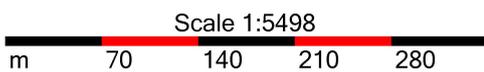
Map Centre Coordinates :

Scale : 1:5498

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| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 01 December 2021 |
| SLA Number | 0100024151 |



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Agenda Item 4.(2)

| 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
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Masie.Masiwa@westberks.gov.uk

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.

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| 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 |

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| 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

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| 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

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| 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> |

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| | <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> |

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| | 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> |

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| 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> |

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| | <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> |

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| | <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

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| 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> |

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| 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 highwaysassetmanagement@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.

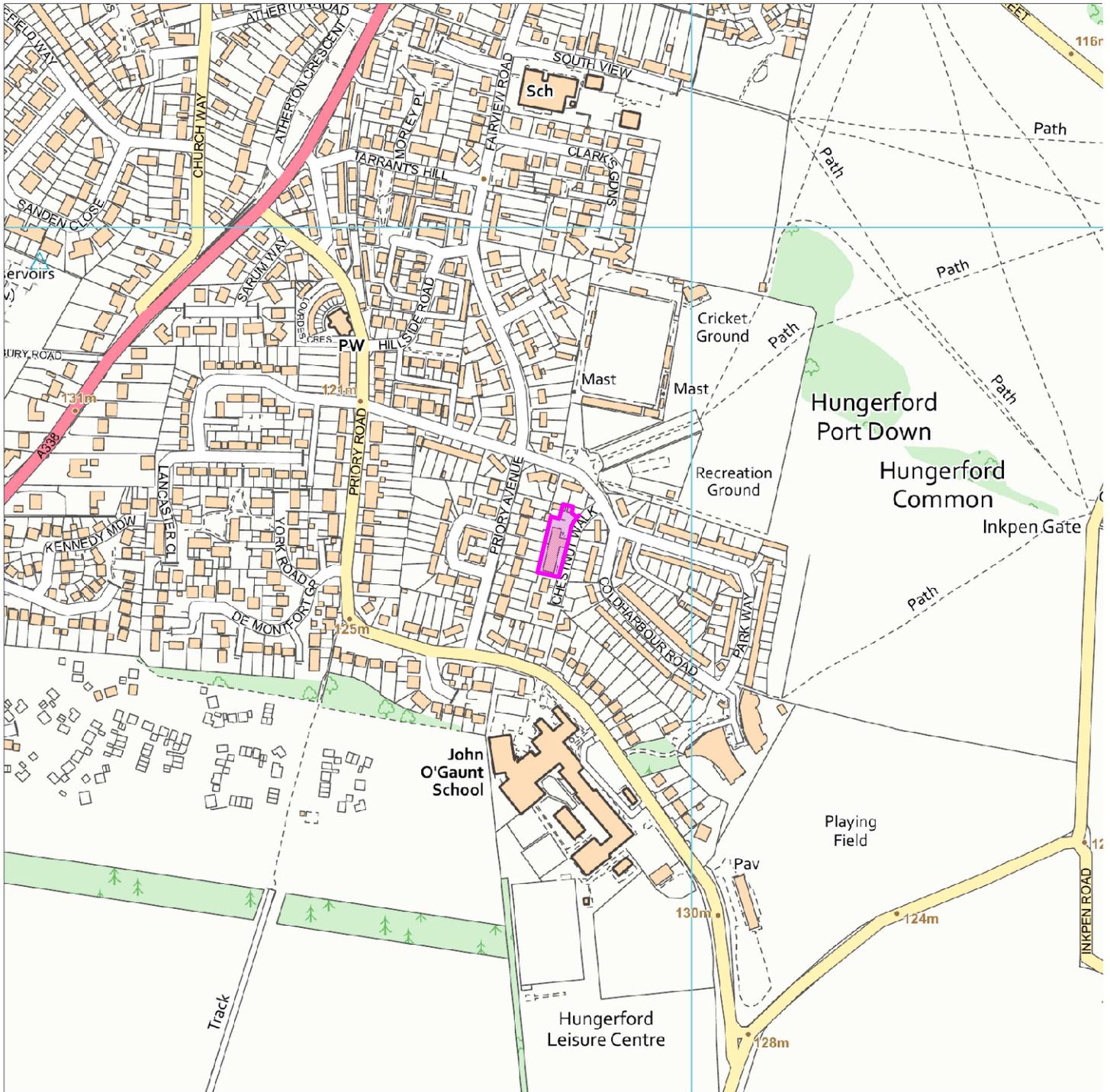
S106 Planning Obligation Refusal Reason

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.

Hungerford Old Peoples Home, Chestnut Walk, Coldharbour Road, Hungerford



Map Centre Coordinates :

Scale : 1:5788

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| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 01 December 2021 |
| SLA Number | 0100024151 |



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Agenda Item 4.(3)

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|---|----------------------------|--|---|
| (3) | 20/01336/OUTMAJ Compton | 18 th September 2020 ¹ | <p>Hybrid application: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal includes at least 1.75 hectares of employment land (Class B1) associated with the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.</p> <p>Institute for Animal Health, High Street, Compton.</p> <p>Homes England.</p> |
| <p>¹ Extension of time agreed with applicant until 8th December 2021.</p> | | | |

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

Recommendation Summary: Delegated to the Service Director – Development & Regulation to grant planning permission subject to conditions and the completion of a S106 legal agreement.

Ward Members: Councillor Carolyne Culver

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

Committee Site Visit: 9th December 2021

Contact Officer Details

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

1. Introduction

- 1.1 The site was previously used by the Institute of Animal Health. At present only the Gatehouse building and Intervet are occupied and in use, the remaining buildings are vacant.
- 1.2 This is a hybrid application, meaning that part of the development is applied for in full, and part in outline with detailed matters reserved for later consideration. The application seeks full planning permission for the demolition of the existing buildings, structures and hardstanding (except the two in current use), as well as earthworks, remediation, utility works associated with addressing the land contamination on site. The full application also seeks change of use of land for the creation of public open space and wildlife area.
- 1.3 The outline part of the application is for up to 160 houses and associated works. The outline application is not seeking approval for layout, scale, appearance and landscaping; these are all reserved matters. The outline application is seeking detailed approval for access only; that is the vehicle access from the High Street to serve the proposed residential area, and the existing two accesses off Churn Road to the west to the existing and proposed employment area.
- 1.4 The proposal was amended twice during consideration of the application. The land use parameter plan included the land to the north of the site to be built upon, no additional employment area other than that in existing use, and was for up to 250 dwellings. An amendment to 185 dwellings removed housing from the north of the site and reduced the housing area to the centre of the site to instead include an additional area of future employment land. The final amendments reduced the dwellings to 160.
- 1.5 The setting and constraints of the site are as follows:
 - The site is allocated, HSA23 for approximately 140 dwellings.
 - The northernmost part of the site is outside the settlement boundary of Compton and in the open countryside.
 - A conservation area is along part of the boundary to the east of the site.
 - It is within the North Wessex Downs Area of Outstanding Natural Beauty.
 - The southern edge of the site is in flood zones 2 and 3.
 - The site is in an area of archaeological interest.
 - There is a public right of way around the boundary to the north of site and other public rights of way to the east and west of the site.
 - There are tree preservation orders on site towards the south and just beyond the site boundary to the south of the site.
- 1.6 A number of parameter plans have been submitted which if permission were granted would need to be complied with including reserved matters stage for the outline application. These are:
 - Land use plan
 - residential development only within the B1, C1-C4 parcels shown on the plan which are to the east of the existing Intervet building and to the south of the site, but not below or into the existing cricket ground.
 - There is a no-build zone to the south east which is in flood zone 2 and 3.
 - An area immediately south of Intervet which is reserve for future employment use.

- The remainder of the site would be retained as existing landscaping and open space. The northern part of the site would have additional landscaping works but would not be built on.
- Green infrastructure plan
 - The area between the C1-C4 residential parcels would be a central green street – ie not hardstanding or parking.
 - Category A and B trees would be retained.
 - Cricket pitch would be retained.
 - Green buffer planting between the Intervet and proposed employment land and the B1 residential parcel.
 - The northern part to be landscaped to provide additional wildlife habitat.
 - The remaining land outside the built areas to include public open space.
- Movement plan
 - Primary access would be that existing off High Street into the proposed residential areas.
 - Two existing accesses off Churn Road towards the north of the site for the existing and proposed employment land.
 - Proposed footpaths through the central green street, around the perimeter of the C1-C4 residential parcels of land and to the eastern side of the B1 residential parcel of land.
 - Footpath extending north of the B1 parcel of land through the eastern side of the wildlife area joining Hockahm Road and the existing public rights of way.
 - A footpath across the site between B1 and C1-C4 parcels of land from Churn Road to Hockham Road. This would connect with existing public rights of way.

1.7 The demolition would be in 5 phases as set out in the demolition plan. Each phase would entail the demolition of between 4-15 buildings/structures, with the exception of the final phase which would be 26 buildings/structures (some in this phase have very small footprints, although it also includes the largest structure).

1.8 Planning History

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

| Application | Proposal | Decision / Date |
|--------------|--|-----------------|
| 00/01207/FUL | Extension to existing mess area and additional storage area for existing S.P.F building | Approved 2001 |
| 01/00566/FUL | Disposal of spoil from sheep shed development (Retrospective) | Approved 2002 |
| 01/01513/FUL | The installation of a free standing water break tank to increase water storage capacity. Tank to be sited at first floor level supported by structural steel and foundations | Approved 2001 |
| 02/00379/FUL | New replacement of existing boundary fencing to provide additional security to research premises and staff (phase II) | Approved 2002 |

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| 02/01967/FUL | A single storey extension to the existing HSU at Compton for experimentation for improved animal health | Approved 2002 |
| 03/02216/FUL | The erection of a new steel-framed agricultural building for the loose housing of cattle on straw-bedded areas, with access to pasture | Approved 2003 |
| 07/0105/FUL | Erection of profiled metal storage shed and re-siting of 2 mobile storage units from near building C092 (to be sited adjacent to building C067) | Approved 2007 |
| 08/00827/AGRIC | Three animal feed bins. | Prior approval not required 2008 |
| 08/01260/FUL | Proposed cabin | Approved 2008 |
| 08/02073/FUL | Profiled steel enclosure to bunded (existing) oil storage tanks adjacent to boiler house | Approved 2009 |
| 09/00085/FUL | The erection of two single storey extensions one for a plant room for air handling equipment and changing rooms and a single storey plant room for a boiler house and heat transference equipment. In addition there are minor ancillary accommodation works including new retaining wall, concrete hard standing for standby generator which also involves the removal of an existing chamber. | Approved 2009 |
| 09/02080/FUL | Installation of a nitrate reduction plant to the pump house and a storage tank both set on top of concrete hard standing | Approval 2010 |
| 15/03052/FUL | Installation of a new HV transformer including ancillary plant and secure enclosure fence | Approved 2016 |
| 96/48260/ADD | Hostel accommodation comprising - 4 No. 2 Bed 4 person houses, 1 No. 1 Bed 2 person houses, 8 No. 1 Bed 2 person flats, 35 No. 1 person bedsits. Total units 48. Laundry room, Creche and functions Buildings. | Approved 1996 |
| 20/01161/FUL | To install a Portakabin to be used as offices for a temporary period of 104 weeks | Approved 2000 |
| 00/57420/FUL | New replacement or re-cladding of existing boundary fencing to provide additional security to research premises and staff | Approved 2000 |

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| 00/56799/OUT | Residential | Withdrawn 2000 |
| 98/54038/FUL | Additional fuel oil tank platform above existing tanks | Approved 1999 |
| 98/53863/FUL | Erection of modular building forming new biological support unit (acdp - ac level 3 facility) | Approved 1998 |
| 98/52558/FUL | Extension to existing paracox facility. formation of car park and link bridge. relocation of generator-propane tank(s) and formation of bin/chemical stores | Approved 1998 |
| 97/50003/FUL | Two agricultural sheep rearing buildings | Approved 1997 |
| 96/49582/FUL | Construction/extension of existing single storey canopy over new temporary office unit and single emergency shower (retrospective) | Approved 1996 |
| 96/49548/FUL | Extension of existing incinerator chimney with a 1.6m long silencer (retrospective) | Approved 1996 |
| 96/49432/FUL | Staff restaurant. | Approved 1996 |
| 96/49021/FUL | Construction of new laboratory building for basic scientific research into vaccines- also external landscaping- mechanical plant compound- delivery and maintenance road access. | Approved 1996 |
| 96/48527/FUL | Modular building forming new biological support unit (acdp - ac level 3 facility). | Approved 1996 |
| 96/48160/FUL | Construction of new portal framed building to house two new incinerators and a fumigation room. | Approved 1996 |
| 96/48001/FUL | Sheep rearing buildings | Approved 1996 |
| 95/47768/FUL | Construction of new portal framed building to house two new incinerators and fumigation room. | Approved 1996 |
| 95/47570/REM | Hotel accommodation comprising 4 no 1 bed 4 person houses 1 no 1 bed 2 person house 8 no 1 bed 2 person flats 35 no 1 person bedsits (total units 48 no) plus laundry room creche and functions building. | Withdrawn 1995 |
| 94/45810/FUL | Extension of existing and construction of a new incinerator house- replacement of two chimneys. | Approved 1995 |

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| 93/43969/ADD | Hostel accommodation comprising 4 no. 2 bed 4 person houses. 10 no. 1 bed 2 person flats- 35 no. 1 person bedsits and 1 no. laundry room- creche facility and clubroom/cricket pavilion. | Approved 1996 |
| 93/43543/ADD | Stainless steel letters projecting sign. both illuminated | Approved 1993 |
| 92/40704/ADD | New gas store to paracox facility | Approved 1992 |
| 91/39115/ADD | Relaxation of condition no 7 of planning permission 136221 | Approved 1991 |
| 90/38549/ADD | Reroofing and refurbishment of buildings a b and c provision of new plant room between building b & c laboratory and animal rearing etc | Approved 1991 |
| 90/38454/ADD | Two new electrical substations and extension to existing substation | Approved 1992 |
| 90/38453/ADD | Additional boiler flue to existing boiler house | Approved 1991 |
| 90/37288/ADD | Two laboratory blocks | Approved 1992 |
| 89/36221/ADD | Experimental animal house poultry unit and treatment plant | Approved 1990 |
| 89/36145/ADD | 2 laboratories | Cannot determine |
| 89/35566/ADD | Change of use and alterations to library and student accommodation | Approved 1989 |
| 89/33811/ADD | Hoarding v shaped 2 posters 5 ft x 10 ft | Refused 1989 |
| 84/23040/ADD | To widen gateway approximately 5 metres to allow easier access | Approved 1985 |
| 81/16118/ADD | Erection of new animal rearing accommodation | Approved 1981 |
| 80/14301/ADD | New research building on site of existing animal houses which are to be demolished | Approved 1979 |
| 79/11766/ADD | Non illuminated projecting sign | Approved 1978 |
| 78/07912/ADD | Replace and resite existing petrol installation with a view to installation which will comply with present day safety regulations | Approved 1978 |

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| 77/07500/ADD | The modification of an existing farm building to re house existing bank branch office | Approved 1977 |
| 77/06498/ADD | Remove existing decaying roofs and replace with new on the isolation compound animal holding buildings | Approved 1977 |
| 77/05833/ADD | Replacement of chimney and boilers to central boiler house | Approved 1997 |
| 77/05782/ADD | To resite representation into a caravan owned by the institute of banking purposes | Refused 1977 |

2. Procedural Matters

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

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

3. Consultation

Statutory and non-statutory consultation

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

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| Compton Parish Council: | <p>Objection.</p> <p><u>Comments on 160 houses include:</u> It remains that the proposal considerably departs from allocation policy HSA23 and the local framework and emerging Compton Neighbourhood Development Plan. It's major development in the AONB and there are no exceptional circumstances that demonstrate it's in</p> |
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the public interest to override the failure to conserve and enhance the AONB.

It's a material increase above the allocation of 140. Without sight of the viability assessment to underpin the application proposal the reduction in number of dwellings appears somewhat arbitrary.

The growth to the service village is unbalanced and doesn't respond to the character and function of the village as required by HSA23. No consideration to single storey and accessible housing as part of the masterplan for an appropriate mix of dwelling types. The proposal does not establish a framework for the delivery of employment land and floorspace to offset the loss of the employment site and create a mix of uses on site.

There's insufficient evidence to demonstrate the hostel cannot be retained and refurbished to accord with HSA23 and the Compton NDP policy C6. The demolition of the nursery buildings result in the loss of valued community facilities identified as strong potential for accommodating community uses to meet identified need. The value of the cricket ground is diminished by the demolition of all ancillary facilities with no replacements.

The application does not define the parameters to delivery affordable housing for those with a local connection. The design guide and design and access statement do not sufficiently define appropriate densities and heights across the site. Inadequate consideration of the pedestrian connectivity with the rest of Compton or promote pedestrian movement to the south side of the High Street. The illustrative drainage strategy is incompatible with the amount of development and conflicts with other proposals on site. The exclusion of public access from restored area A is contrary to the design principles of the site's SPD as an informal recreational resource. Insufficient details on the full application design, strategy, maintenance and management of public open space and wildlife areas.

Failure to demonstrate how it will support transition to a low carbon future with no defined scheme for renewable and low carbon energy. The scale of development cannot be adequately accommodated by water supply and waste water. The demolition and construction phases should be subject to an hours of work condition and a detailed demolition and construction method statement. The design guide has not been subject to any public consultation.

Previous comments on 250 houses include: Major development in the AONB that would not conserve landscape beauty; substantially above the allocation for 140 homes and extends into the area beyond the settlement boundary; unbalanced growth at a service village; inappropriate mix of housing; insufficient offset of loss of employment land; inadequate community facility provision; density; lack of connectivity for pedestrians; conflict between drainage strategy, illustrative master plan and green infrastructure plan; lack of information on

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| | low carbon development; issues of water supply and waste water; hours of work. |
| Hampstead Norreys Parish Council (adjacent): | <p>Objection.</p> <p><u>Comments on 160 houses include:</u> Comments previously submitted are still valid despite the reduction in houses which is still greater than that of the allocation.</p> <p><u>Previous comments on 250 houses include:</u> significant impact on parish including the B4009 which is not fit for increased traffic and impact on pinch point on Cow Lane in East Ilsley and the junction on to the A34 at East Ilsley.</p> |
| East Ilsley Parish Council (adjacent): | <p>Objection.</p> <p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> 79% increase of housing above that allocated; fail to conserve landscape character; lack of community amenities; lack of smaller homes; inadequate water and waste water provision including for emergencies; density; lack of measures to tackle the climate emergency; radioactive and biological contamination and risks of further contamination with any danger to public health dealt with prior to planning; traffic through East Ilsley dangerous where there is a one way system and lack of pedestrian routes with buildings close to the road edge; risk of damage to listed buildings and buildings in a conservation area; racing stable access via pinch point at Cow Lane; access onto A34; pressure on school places and GP surgery; flooding.</p> |
| Ashampstead Parish Council (adjacent): | <p>Objection.</p> <p><u>Comments only received on amendments to 185 houses, including:</u> Concern regarding local traffic generated from Compton to Reading along Aldworth Road in Ashampstead which is effectively single track in places. The Councillors hope that this will be considered when determining the density of residential units permitted on the site.</p> |
| Highways England: | <p>No objection (to both 250 houses and 160 houses).</p> <p><u>Comments on 160 houses include:</u> We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network, in case of this proposal, the A34. Our recommendation remains the same as no objection.</p> <p><u>Previous comments on 250 houses include:</u> Requested junction modelling files for all strategic road network junctions (A34 East Ilsley junctions) assessed within the Transport Assessment where application is for 250 dwellings but allocated for approximately 140. Following receipt of this further information,</p> |

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| | <p>justification and model adjustments and outputs were requested. In their final response no objections were raised.</p> |
| <p>Highway Authority (WBC):</p> | <p>No objection subject to conditions.</p> <p><u>Comments on 160 houses include:</u> Much of the site layout will not be approved until reserved matters. The illustrative site layout is acceptable but care will need to be taken ensuring pedestrian and cycle routes will be overlooked as much as possible.</p> <p><u>Previous comments on 250 houses include:</u> Amended plans requested to confirm sight lines can be achieved. Matters regarding access, traffic generation, traffic modelling and mitigation are considered acceptable. Site layout should be given greater consideration to avoid cul-de-sacs, internal roads be of an adoptable standard.</p> |
| <p>West Berkshire SPOKES:</p> | <p>Only one set of comments received on amendments that the proposal would be a large influx of housing and whilst no cycling infrastructure is in place all houses should have cycle storage on site and roads, pavements around the estate which are suitable and provision for traffic free cycling.</p> |
| <p>Thames Valley Police:</p> | <p><u>Comments on 250 houses include:</u> Comments on the layout for reserved matters: limited surveillance of cricket green and amenity space; suggest active rooms to overlook courtyard parking areas and located in harder to access areas with appropriate boundary treatments; vulnerable side and rear elevations to some dwellings; footpaths through the site could be excessively permeable making it difficult for residents to distinguish passers-by as local or not.</p> <p>No comments received on amendments to 160 houses.</p> |
| <p>Royal Berkshire Fire & Rescue Service:</p> | <p>Condition advised.</p> <p><u>Comments on 160 houses include:</u> Fire service access and structural fire precautions and means of escape to comply with separate legislation. It's to be noted that the service operates vehicles exceeding the requirements so that structures on site such as bridges have the full vehicle carrying capacity.</p> <p><u>Previous comments on 250 houses include:</u> Objection regarding insufficient information for firefighting water supplies – suggested condition to overcome objection.</p> |
| <p>Thames Water:</p> | <p>Issues raised with regard to foul water and water capacity, with conditions recommended.</p> <p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> Upgrades to the waste water network are required beyond 20 dwellings capable of being accommodated on site; public sewers are in proximity to the development and require access for maintenance etc; off</p> |

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| | <p>site upgrades to water infrastructure are required beyond 49 dwellings capable of being accommodated on site; no construction of the water main within 5m of the development; piling details to be agreed where there's a strategic water main within 15m of the development; no construction within 3m of water mains within the site; easements and wayleaves within the site which are not to be affected by the development.</p> |
| Ministry of Defence: | No objection to original or amended proposal with regard to their safeguarding areas. |
| Natural England: | No objection to original or amended proposal with regard to potential significant impacts on the natural environment. |
| Environment Agency: | <p>No objection subject to conditions.</p> <p><u>Comments on 160 houses include:</u> The applicant has now carried out detailed hydraulic modelling showing a reduced flood risk on site compared to previous assumptions. A pre-application methodology review was undertaken by the Environment Agency and are satisfied with the methodology proposed for use in the flood risk assessment and shows the proposed development to be outside the 1% annual exceedance probability (1 in 100) 70% extent. Objection is removed subject to conditions on the flood risk assessment, finished floor levels, no raising of ground levels.</p> <p>On groundwater quality and contaminated land: it's been identified that a number of former activities such as landfilling, hydrocarbon storage, animal disposal and incineration and research could have led to pollution of groundwater. The site also is covered in part within a source protection zone (SPZ) so groundwater in the Chalk aquifer is sensitive. Although this SPZ is related to former use of the site for potable supply, so if the licence is revoked this may not be an issue. Therefore it would be useful to know the long term proposals for this abstraction. We note it states further intrusive investigations are proposed in section 7 of the report. We would concur with this and recommend that groundwater quality is ascertained for the site. Conditions required for site investigation scheme, remediation strategy and verification plan, and a condition on verification on completion of remediation.</p> <p>With regard to drainage no infiltration sustainable drainage measures is to be conditioned due to the potential contamination due to the risk to controlled waters.</p> <p><u>Previous comments on 250 houses include:</u> Objection. Inadequate flood risk assessment with regard to precautionary design flood level, finished floor levels, impacts on flood plain storage.</p> |
| Local Lead Flood Authority (WBC): | <p>Objection.</p> <p><u>Comments on 160 houses include:</u></p> |

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| | <p><u>Previous comments on 250 houses include:</u> Objection. Reduction in discharge rate requested; concern insufficient space with number of houses proposed available for sustainable drainage measures; amendments to drainage proposal sought.</p> |
| Campaign to Protect Rural England, Berkshire: | <p>Objection.</p> <p><u>Previous comments on 250 houses include:</u> urbanising impact, detrimental impact on local services and traffic. Viability and land contamination should be revisited.</p> <p>No comments received on proposal for 160 houses.</p> |
| Archaeology (WBC): | <p>No objection subject to conditions.</p> <p><u>Previous comments on 250 houses include:</u> There is some archaeological interest due to the later prehistoric features in the area. Though much of the site was developed in the 20th century there remains some potential outside the footprint of the existing buildings. The proposed residential redevelopment is likely to have an impact on any surviving archaeology. Therefore a programme of archaeological supervision is required by condition. The former Institute of Animal Health played an important part in the recent history of the village as well as being a national research centre established in the 1930s. A record of the physical layout should be collated and building recording is required by condition.</p> <p>No comments received on proposal for 160 houses.</p> |
| Conservation (WBC): | <p>No objection on both original 250 houses and 160 houses proposed.</p> <p>Comments include: this application is not considered to raise significant building conservation issues in terms of direct impact on designated heritage assets within or outside the site, or their settings. A small part of the application site in its south east corner impinges on the Compton Conservation Area, but in the outline proposals for this part of the site indicate an enhancement of its setting with area of open space.</p> <p>A comprehensive Archaeological and Built Heritage Statement has been submitted with the application, which includes an assessment of the buildings on the application site itself (all non-designated), the conclusions of which are noted and accepted.</p> |
| Landscape Consultant (external): | <p><u>Comments on 160 houses include:</u></p> <p><u>Previous comments on 250 houses include:</u> Proposals do not respond to local context with regard to height of dwellings, urbanising in impact out into open downland, high density within area allocated for housing, lack of buffer from development of site into area beyond housing allocation.</p> |

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| <p>Environmental Health (WBC):</p> | <p>No objection subject to conditions.</p> <p><u>Previous comments on 250 houses:</u> I support this application as it will deal with a legacy of contaminated land present at this site. Although a comprehensive contaminated land investigation has been undertaken a number of areas across the site have not been investigated due to the presence of buildings on site that were not accessible to allow investigation beneath them. Therefore further site investigations and risk assessment are required following the removal of buildings on site to confirm the potential ground and contaminative risks at the site and any further remediation.</p> <p>Due to the extensive construction required a construction management plan will be needed. Hours of work condition is recommended in order to control potential noise from the site.</p> <p>As the proposal also includes B1 permission a noise impact assessment is required in order to protect the proposed residential properties on site. No comments received on amendments to 160 houses.</p> |
| <p>Public Rights of Way (WBC):</p> | <p>No objection subject to conditions and planning obligation.</p> <p><u>Previous comments on 250 houses include:</u> It's noted that 'Green Infrastructure' is proposed within the site, and the 'restoration of an old footpath'. Details required of the proposed legal statuses, and mechanisms for the future maintenance of the proposed new green infrastructure.</p> <p>A large increase in local population would result in increased demand for use of the network of rights of way in the local and wider area, including The Ridgeway National Trail. This is ample justification for S.106 and CIL allocations towards improvement to this network.</p> <p>No comments received on amendments to 160 houses.</p> |
| <p>Tree Officer (WBC):</p> | <p>No objection subject to conditions.</p> <p><u>Previous comments on 250 houses include:</u> Details of existing trees, individual trees and groups to be removed and suitable tree protection measures are comprehensively reported and the details provided are satisfactory.</p> <p>Reference to proposed new planting, replacement trees to mitigate the loss of the trees to be removed, landscaping and wildlife area are mentioned in the Design and Access Statement and main Planning Statement however further details of these elements would be required prior to any development commencing. Further details required which can be provided by conditions on tree protection measures, landscaping, and landscape management plan.</p> |

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

Public representations

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

Objection Matters Raised

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

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

Support Matters Raised

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

4. Planning Policy

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

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

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- North Wessex Downs AONB Management Plan 2019-24
- West Berkshire Landscape Character Assessment (2019)
- WBC Quality Design SPD (2006)
- WBC Planning Obligations SPD (2015)
- WBC Sustainable Drainage SPD (2019)
- Pirbright Institute Site, Compton SPD (2013)

- Compton Neighbourhood Development Plan
- Regulation 18 consultation draft of the Local Plan Review

5. Appraisal

5.1 The main issues for consideration in this application are:

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

Principle of development

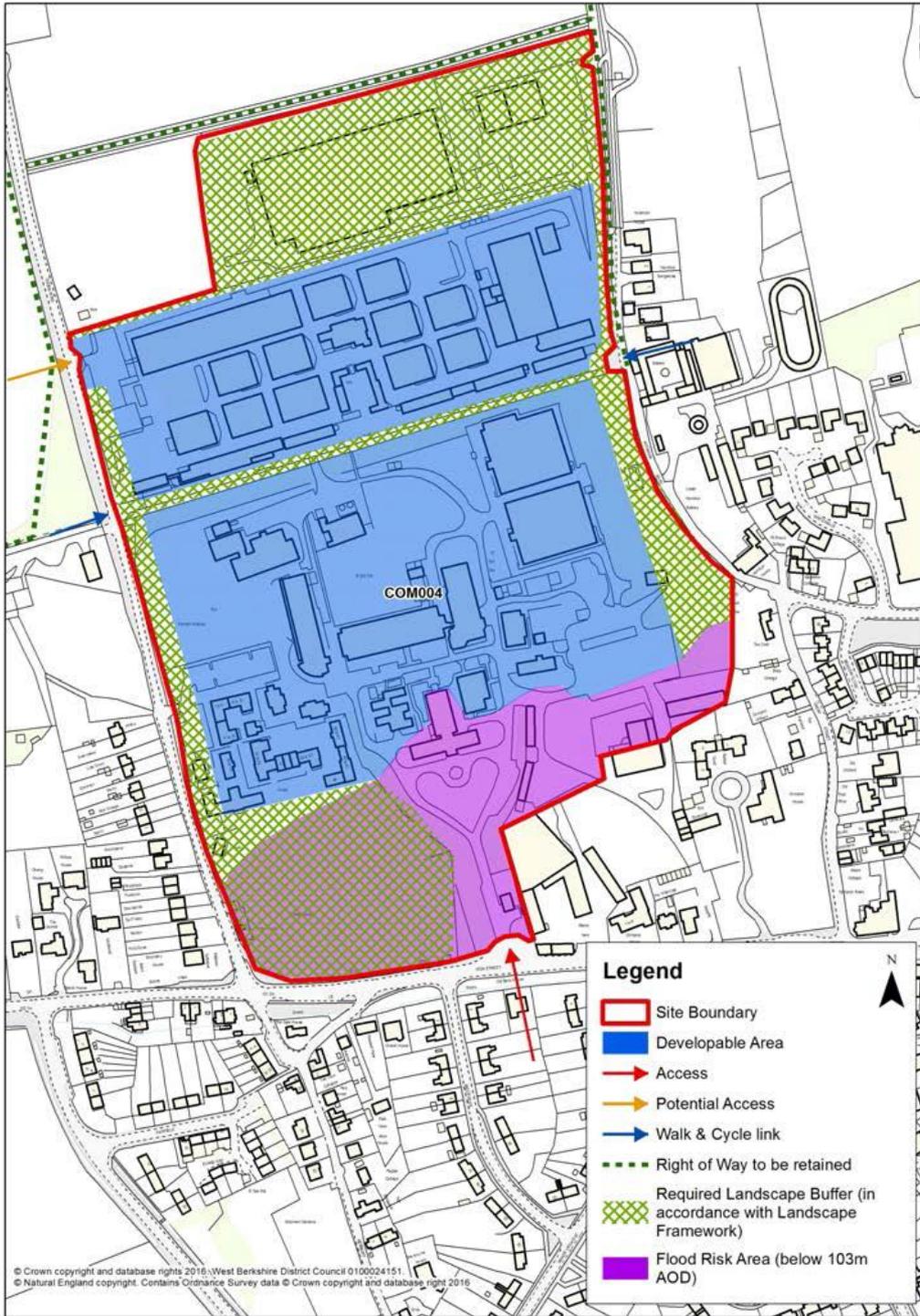
Local Plan Review and Compton NDP

- 5.2 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.3 The Council is undertaking a Local Plan Review to identify development required to meet local needs, set out the strategy for distributing development, and outline policies for conserving and enhancing the natural and built environment until 2037. A consultation was undertaken on an emerging draft in December 2020.
- 5.4 The approach of the emerging draft local plan review is to allocate strategic housing sites except in designated neighbourhood areas, if that area chooses to allocate housing. Compton designated a neighbourhood area in 2017 but is not proposing to allocate housing. This is because there is an existing allocation by the local planning authority within the neighbourhood area for approximately 140 dwellings (policy HSA23). Under local plan review Policy SP15 it is proposed to continue to allocate this site for same approximate number of dwellings under the same policy wording.
- 5.5 The Council's Local Plan Review attracts limited weight where it has not been tested and may be subject to change following the next stage of consultation. However, it is clear the direction is to continue to allocate the site as part of identifying development to meet local need and for distributing development.
- 5.6 Preparation of a Neighbourhood Development Plan has several statutory stages. The Compton NDP has passed independent examination and been to Full Council where it

was agreed the NDP can continue to referendum. The NDP therefore carries considerable weight where it has been confirmed that it is legally compliant and meets the basic conditions, one of which is the general conformity with the NPPF. It is understood a referendum is due to take place in the New Year around February. The Compton NDP does not allocate the housing in the parish, but includes policies both on the site and for the parish as a whole. The Compton NDP does not carry full weight until it is successful at referendum and adopted as part of the local development plan. Should the plan be unsuccessful at referendum it would have no weight. Details of the weight of emerging neighbourhood plans can be found here: [Microsoft Word - WBC NP Advice Note 13 - Weight of emerging neighbourhood plans \(westberks.gov.uk\)](#)

Local Development Plan

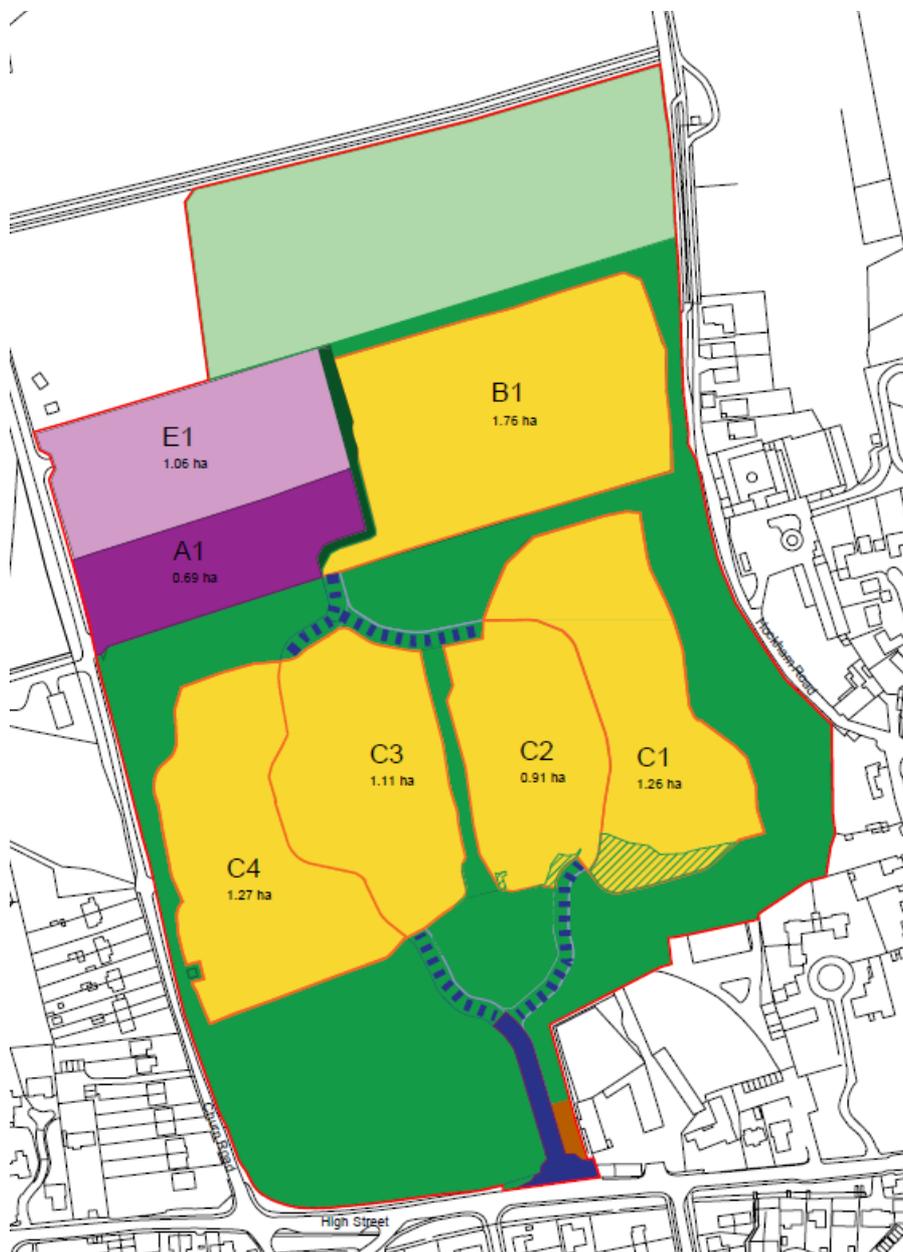
- 5.7 The Council's current adopted policies attract full weight and are the policies under which the application is to be determined. The spatial policy ADPP1 of the Core Strategy directs most development to within or adjacent to settlements in the district settlement hierarchy. Compton is identified as a service village suitable for limited development.
- 5.8 The spatial policy ADPP5 of the Core Strategy is specific to the AONB. With regard to housing it states that there are opportunities for development on previously developed land and new housing will be focused on the rural service centres and service villages. It identifies this site as having the potential to provide a greater level of growth than normally expected in a service village.
- 5.9 Policy CS1 of the Core Strategy outlines that new homes will be primarily developed on: previously developed land within settlement boundaries; other land within settlement boundaries; strategic sites and broad locations; and land allocated for residential development.
- 5.10 Policy C1 of the Housing Site Allocations DPD (HSA DPD) states there is a presumption in favour of development and redevelopment within settlement boundaries. The site is within the settlement boundary of Compton.
- 5.11 The site is allocated by policy HSA23 of the Housing Site Allocations DPD (HSA DPD). With regard to housing the parameter of the allocation is for approximately 140 houses.
- 5.12 The allocation map shows landscape buffers to the north, across the centre, and to both side boundaries. To the south of the site is a flood risk area with a ground level below 103m ordnance datum (AOD) which also includes the existing cricket pitch. The developable area is in two parts between the landscape buffers and the flood risk area.



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

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

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



NPPF

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

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

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

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

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

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

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

Compton NDP policy C2

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

Loss of existing buildings

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

Conclusion

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

Employment

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

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

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

Community Uses

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

Landscape character

- 5.33 The following policies relate to landscaping character considerations. ADPP1 states that the scale and density of development will be related to the site's current or proposed character and surroundings. Policy ADPP4 states that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB. Policy CS14 states that new development must respect and enhance the character and appearance of the area. Policy CS19 is specific to landscape character – with particular regard to the sensitivity of the area to change, that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, including consideration of landscape character assessments.

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

- 5.41 The landscape consultant also had concerns with the illustrative layout: not all internal access roads were shown; no garages were shown; no driveways were shown; the majority of tree planting within the residential areas would be within private gardens whose long term survival couldn't be guaranteed; the central green street would be dominated by parking; the indicative locations of the play areas were separated from housing and not overlooked; category B trees should be retained; the 3 storey landmark buildings by the entrance to Area C were considered urban features. There was also a concern that where no indicative housing mix was supplied it was difficult to tell what size of dwellings were proposed.
- 5.42 The proposal for 160 dwellings included amendments: to retain of all category A and B trees; an indicative housing mix for the illustrative layout; withdrawal of the height parameter plan; that the illustrative layout is based on dwellings which are all 2 storey; narrowing of the central green street; removal of the indicative locations of the play areas which are instead proposed to be dealt with as a number to be provided with the reserved matters.
- 5.43 The landscape consultant considers that the height and scale of the illustrative layout now demonstrates a suitable scale for new housing within Compton and the AONB can be achieved. A small percentage of 2.5 storey buildings could be accommodated in Area C and there should also be a small percentage of single storey buildings to respond to the policies in the Compton NDP. The density is now lower in Area B than Area C as required by policy HSA23 and would need to be maintained with the layout at reserved matters.
- 5.44 The landscape consultant is of the view a layout with 160 dwellings of mainly 2 storeys in height can be accommodated on site within both the parameter plans submitted with the application, in compliance with the parameters of policy HSA23, and have an acceptable impact on the AONB. The height can be controlled by condition, details of the play areas and grading of the land including for the wildlife habitat area of Area A can be secured by condition and their provision and maintenance secured through a planning obligation. They recommend a condition for a new design code to address their points on the illustrative layout on car parking, open space, boundary fences, the elevations of dwellings, footpath links, play areas, and space for tree planting in public areas within the development areas. This would also comply with Compton NDP policy C9 for a design code to be developed after the masterplan and in consultation with the local community.
- 5.45 Overall the landscape consultant is satisfied the amendments to the parameter plans and conditions identified result in an outline proposal which complies with the adopted policies on landscape character and which the reserved matters would need to comply with.

Density, housing mix and affordable housing

Density

- 5.46 Policy CS4 of the Core Strategy requires development to make efficient use of land based on public transport accessibility. Whilst in general areas outside of town centres should achieve density of between 30 and 50 dwellings per hectare, density below 30 dwellings per hectare is considered appropriate in certain areas including villages that are particularly sensitive to intensification and redevelopment because of the prevailing character of the area or other reasons.
- 5.47 Policy HSA23 does not set a density or a range, only that Area B will be a lower density than Area C. The SPD Pirbright Institute Compton states that future development on site

would not be expected to exceed 30 dwellings per hectare (para 5.6). The Inspector's report on the HSA DPD (paragraph 97) outlined that the proposed number of dwellings over the developable area could be considered too low and not the optimum use of the site. However, the density (20 dwellings per hectare) was appropriate as a starting point in terms of respecting the location of the site in the AONB and to be compatible with other densities in the village.

- 5.48 Where the proposal has increased the depth of the landscape buffers in Area C to the east and north the developable area is decreased. Based on the land use plan and the illustrative masterplan the density would be lower in Area B at just over 23 dwellings per hectare, and higher in Area C at just over 26 dwellings per hectare. This is lower than 30 dwellings per hectare as outlined in policy CS4, remains within the expectation of not exceeding 30 dwellings per hectare in the SPD, and is within the parameters of policy HSA23 where Area B would have a lower density than Area C. The Compton NDP discusses density but does not have a policy requirement for density. Overall it is considered that the proposal for 160 dwellings can achieve a density that complies with policy. It is not considered that a condition on density is necessary as the reserved matters layout would need to comply with the same policies.

Housing Mix

- 5.49 Policy CS4 expects residential development to deliver an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The housing mix should have regard to a number of factors listed in the policy. The Pirbright Institute Compton SPD para 5.7 refers to policy CS4 and notes that Compton consists of mainly family homes of 3 or 4 bedrooms, expected to be replicated on site along with some 1 and 2 bedroom homes and some 5 bed houses to meet all sectors of the community.
- 5.50 Compton NDP policy C7 outlines the development of the site provides an opportunity for a range of house sizes to meet local needs of 3-5 bedrooms. It also includes an expectation of homes designed to building regulation standards M4(2) Category 2: accessible and adaptable dwellings. The policy expects these to be provided as single-storey homes. The building regulations include provisions for M4(2) Category dwellings to include stairs which enable a stair-lift to be fitted, so the regulations do not preclude 2 storey dwellings from being accessible and adaptable.
- 5.51 Notwithstanding the buildings regulations requirements both the Compton NDP and the landscape consultant outline that single storey dwellings should be provided as part of the housing mix. This to provide both for variation in design of the layout and scale at reserved matters and also to provide for local need. It is therefore recommended that a condition for building height to include a percentage of single storey dwellings. The applicant has also agreed to 15% of dwelling to achieve M4(2) Category 2 which can be secured as part of a planning obligation.
- 5.52 Whilst the exact housing mix would otherwise be dealt with at reserved matters the illustrative layout and indicative housing mix show 25% 2 bed, 40% 3 bed, 25% 4 bed and 10 5 bed. Some 1 bed dwellings would be expected, and there are areas where there are concentrations of one housing type on the illustrative plans. However, in general terms it is considered to have been demonstrated that the submitted parameter plans and number of dwellings can provide a housing mix which responds to policies CS4 and C7.

Affordable Housing

- 5.53 Policy CS6 of the Core Strategy requires 30% affordable housing on developments of 15 or more dwellings which are on previously developed land. The application form states that 70% dwellings would be social rented and 30% would be shared intermediate

(shared ownership). The Council's Housing Strategy confirmed there was a discrepancy of one unit on the original 250 houses scheme, but the amended proposal would provide the number and type of affordable units required under policy CS6 which is also in line with the Planning Obligations supplementary planning document. The affordable housing would be secured by planning obligation which would take into account the First Homes initiative should part of the affordable housing need to comply with the new government requirement coming into effect at the end of this year. It is expected that some of the M4(2) Category 2 dwellings would also be affordable.

- 5.54 Policy HSA23 includes a parameter that a local lettings policy should be explored for the site to allow a percentage of the affordable housing provision to be reserved for people with local needs. Compton NDP policy C5 includes that the final mix and tenure of affordable homes take account the recommendations of the CCB Report on Housing Need and other evidence. Furthermore that priority for affordable homes will be secured for households with a local connection.
- 5.55 The applicant has confirmed acceptance of an obligation for a local lettings policy with the drafting in the planning obligation to ensure it does not affect a registered provider's ability to secure their grant funding. It is considered that affordable housing provision will be in accordance with policy CS6 which is to be secured by planning obligation along with a local lettings scheme to comply with HSA23 and C5.

Conclusion

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

Heritage

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

Sustainable construction and energy efficiency

- 5.60 Policy CS15 also requires residential development to reduce CO₂ emissions alongside energy efficiency measures and on site renewables. Whilst sustainable construction

methods have largely been moved into building regulations the Council has declared a climate emergency and has published an Environment Strategy. Whilst this is not an adopted document as part of the local plan it is a material consideration.

- 5.61 Policy C3 of the Compton NDP requires all new residential development to achieve at least 19% improvement on the carbon emission target of Building Regulations (Part L), as well as other measures with regard to materials, insulation and passive solar gain. The applicant has agreed to the 19% improvement which can be secured by planning obligation.
- 5.62 Policy C4 of the Compton NDP encourages incorporation of infrastructure for a local district heating network either by connection to an existing on or delivering it onsite unless it's demonstrated not to be viable. The applicant considers that the relatively modest scale and low density of the development is such that it would not be possible for the development to provide a local district heating network.
- 5.63 Policy C9 of the Compton NDP requires a design code in consultation with the local community as a condition of outline permission, with the design to use the 'Building for a Healthy Life' assessment framework and identify opportunities to draw its energy supply from decentralised, renewable or low carbon supply systems. The applicant submitted a Design Guide which includes Building for a Healthy Life considerations for the site as well as anticipating the Future Homes Standard. The Landscape consultant felt that additional measures/alterations were required in the submitted design guide and recommended that a new/revised design guide be a condition should permission be granted.
- 5.64 The applicant has advised that some on-site renewables are expected to be included in strategies to achieve carbon savings, but the applicant states this would not be until reserved matters stage. This is accepted for matters such as solar panels where the orientation and layout of development would be a reserved matter consideration. However, measures such as air source heat pumps are less dependent on orientation. It is considered that the design guide should include a strategy and an overall target for a reduction in emissions from onsite renewables as part of any permission.
- 5.65 Overall the proposal would comply with policies C3 and C9 of the Compton NDP. It would broadly comply with policy CS15 by the 19% improvement on building regulations with regard to sustainable construction and identifies that there will be a strategy to identify and provide on-site renewables (although the extent of provision or minimum carbon emission savings from renewables is not stated).

Green infrastructure

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

- 5.68 Policy C15 of the Compton NDP supports the creation of new footpaths at new development sites which increase connectivity through the village. Policy C16 includes the cricket ground as a local green space on which new development would not be permitted. Policy C19 of the Compton NDP supports proposals that improve and extend existing footpath and cycle path networks.
- 5.69 The proposal would retain the cricket pitch as part of the green infrastructure of the site, in accordance with policy C16. It would include footpaths around the proposed residential areas on site, along the green street through the centre of Area C and reinstate the east/west footpath through the site from Churn Road to Hockham Road between residential areas B and C. It would also have a footpath through Area A to the north onto Hockham Road and joining the public rights of way to the north and south from here. There will be areas of green space accessible to residents within Area C and Area A, although some will be less accessible in the interests of creating a diverse habitat for biodiversity on site.
- 5.70 The Public Rights of Way Officer was consulted. They confirm Compton Bridleway 6/1 and footpath 25/1 run adjacent to the northern boundary and bridleway 3/3 runs adjacent to part of the eastern boundary. They note the proposal for additional green infrastructure including footpaths through site including the restoration of the east/west route. They require details secured by condition of the surfacing, any lighting, etc. They also require details of the proposed legal status and mechanisms for future maintenance, which would be secured by planning obligation. The increase in local population from the proposed development would increase the use of the existing rights of way networks off site for which a planning obligation is sought.
- 5.71 Thames Valley Police comment that the extent of proposed footpaths could make the site too permeable and could create an increase in crime and anti social behaviour if there is a lack of overlooking from properties or limited local traffic. This will be a consideration for reserved matters with regard to the layout of development to address the parameter plan footpaths.
- 5.72 On the basis of the above considerations the proposal would secure and formalise wider public access and green space provision, including securing long term maintenance and protection. As such it is considered to comply with policies CS18, HSA23, C15 and C16.

Public open space

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

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

Biodiversity

- 5.78 Policy CS17 requires biodiversity assets to be conserved and enhanced and development should maximise opportunities to achieve net gains in biodiversity. The Environment Act 2021 includes provision for grants of planning permission to be subject to a condition to secure biodiversity gain by at least 10%. The Natural Environment and Rural Communities Act 2006 includes a duty to have regard to conserving biodiversity.
- 5.79 Policy HSA23 includes a parameter that appropriate avoidance and mitigation measures identified in habitat surveys shall be implemented to ensure protected species are not adversely affected. Policy C-17 of the Compton NDP also requires measurable net gains for biodiversity and for development to be landscape led with regard to ecology.
- 5.80 A net gain calculation was submitted with the application. It identified that there would be a net loss of 8% hedgerow units and the detailed design for the site would require an additional 8% hedgerow units. It also identified potential temporary loss and replacement of the parkland habitat as part of development works which would also need to be addressed in the detailed design with a like for like compensation. A biodiversity management plan is identified as a requirement to ensure the net gains are delivered for at least 30 years. The creation of enhanced hedgerows, woodland, grasslands, scrub, trees, vegetated gardens, amenity grassland and sustainable drainage features were assessed as far exceeding a 10% net gain.
- 5.81 Ecology and protected species surveys were submitted with the application. The Site is stated as being characterised by a series of disused buildings with associated hardstanding, grasslands, scattered trees and dense scrub. A small strip of plantation woodland, ephemeral vegetation and tall ruderal vegetation is also present. These habitats would offer habitat for protected species. Protected species were surveyed and

found on site and mitigation measures identified and proposed. In addition the submitted reports recommend a construction environmental management plan.

- 5.82 Natural England were consulted and had no comments to make and had no objection to the proposal. The Environment Agency were consulted and made not comments with regard to biodiversity.
- 5.83 The Council's Ecologist has been consulted. They identify that a construction environmental management plan will be required by condition and a landscape ecological management plan (LEMP), a lighting including isolux levels condition, a bat licence condition, and a stipulation for the biodiversity net gain details and provision.
- 5.84 The provision of 2 bat lofts (ideally placed on the northern and/or eastern boundaries) appropriately designed for species such as brown long eared bats, this needs to be agreed in principle at this stage with details delivered via condition. Bin stores, substations and cycle storage structures are sometimes the best places to put bat lofts in. 33 Bat boxes (ratio 1:5 to new homes) will need to be integrated into the new structures on the site, and 55 bird boxes (a ratio of 1:3 to the new houses) with a mix of box types including boxes for swifts and common passerine birds. Details of the bird and bat box locations should be detailed on the planting plans with the details of the types of boxes and installation procedures included in the LEMP.
- 5.85 There will be a loss of existing habitat which will then be reinstated and enhanced. There will be impacts on protected species on site requiring mitigation measures by the proposed developed. Overall the mitigation and enhancement measures would provide a site wide net gain in biodiversity. As such the proposal complies with policies CS17, HSA23 and C17.

Trees

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

Amenity

- 5.87 Policy CS14 includes quality of life as part of the design principles development is required to comply with. The Quality Design SPD includes considerations to be given to the potential amenity impacts of development. Policy OVS.5 relates to environmental nuisance and pollution control from development, and policy OVS.6 to noise pollution.
- 5.88 Due to the topography of the site and surroundings and the existing boundary treatments, trees and hedges there is little direct overlooking into the site from existing residential properties. There will therefore be very limited direct impacts on existing residents in terms of overlooking, over shadowing, loss of outlook or daylight.
- 5.89 At reserved matters the proposal will need to demonstrate compliance with the Quality Design SPD and policy CS14 with regard to quality of life on these matters – to ensure properties within the proposal are not overlooked or suffer loss of light or over shadowing. Similarly the proposed dwellings will need to comply with the Quality Design SPD on private amenity space provision, and consideration will need to be given to ensure gardens are useable and don't have steep gradients.

- 5.90 The other potential impacts on existing and future residents are from land contamination from the previous use on site. Policy HSA23 includes a parameter that a phase one contamination report and preliminary risk assessment are required and remediation will need to take into account any plans for drainage infiltration measures. The Environment Agency and the Council's Environmental Health have been consulted on the application.
- 5.91 The Environment Agency confirmed they had reviewed the submitted land contamination report and note activities have included landfilling, hydrocarbon storage, animal disposal and incineration, research that could have led to pollution of groundwater. In addition they note the groundwater in the chalk aquifer is sensitive due to the site being partly covered by a water source protection zone. They concur that further intrusive investigations are required and recommend groundwater quality is established. They require conditions on a remediation strategy for the land contamination, a verification report demonstrating the effectiveness of the remediation, and that no drainage systems for infiltration of surface water to the ground are permitted unless agreed.
- 5.92 The Council's Environmental Health support the application where it will deal with a legacy of land contamination present on site. They consider the contaminated land investigation report to be comprehensive and note that due to the buildings on site the ground under them is currently not accessible for investigation. Further site investigation and risk assessment will be required following removal of the buildings to confirm the contamination risks and further remediation. This is to be secured by condition similar to that recommended by the Environment Agency.
- 5.93 Environmental Health also identify that the employment uses may emit noise that could affect future residents on site. They require a noise mitigation scheme. An hours of work condition during demolition and construction to control noise impacts on existing local residents, as well as a construction management scheme on how dust, deliveries, etc will be managed to minimise disruption to existing residents.
- 5.94 It is acknowledged that the extent of buildings to be removed, the removal of contaminated land from the site, and the construction works will impact local residents over a longer time frame than over developments. It is considered that these impacts can be mitigated to an acceptable level. In particular whilst the land contamination has not been identified as being an immediate risk that needs to be addressed outside of a planning application, its removal as part of the application is nevertheless of benefit. Measures and conditions have been identified that enable the development to comply with policies OVS.5, OVS.6 and CS14.

Flooding

- 5.95 Policy CS16 of the Core Strategy requires it be demonstrated that development: would not impact on flood water storage capacity, or the flow of fluvial flood, surface or run-off water; can implement appropriate flood risk management measures; provide safe access and exit under frequent and extreme flood conditions; and provide long term maintenance and management of flood protection/mitigation measures as part of the development.
- 5.96 In addition policy CS16 and the Sustainable Drainage SPD requires sustainable drainage methods to manage surface water be incorporated in all development in accordance with best practice, national standards and attenuate to greenfield run off rates and volumes. Where possible other benefits such as water quality, biodiversity and amenity should also be provided with development.
- 5.97 The parameters of HAS23 include that a flood risk assessment would be required, no development within flood zones 2 and 3 on site, and housing not to be below the 103

metre AOD line unless detailed modelling indicates otherwise. The Pirbright Institute Compton SPD includes flooding considerations for development of the site. Policy C18 of the Compton NDP requires flood risk to be managed and sustainable drainage measures to be provided in accordance with policy CS16 and be designed as positive features of development.

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

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

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

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

The proposed flood zone level is not considered sufficiently accurate, for a development of this scale in this area we would expect the applicant to carry out detailed flood modelling to calculate an appropriate and precautionary design flood level - i.e. the 1% annual probability flood level with an appropriate allowance for climate change (1% + climate change flood level).

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

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

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

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

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

5.100 The Local Lead Flood Authority (the Council) commented on the original proposal and had concerns about the vulnerability of the main river and the proposed outfall to it and the lack of modelling a lower maximum discharge rate would be required to not

exacerbate the existing situation with the main river. They were also concerned about the original proposal having insufficient space for drainage measures and a number of matters in the original flood risk assessment.

- 5.101 Thames Water have identified a limited capacity of the existing foul water infrastructure for approximately 20 dwellings and a limited capacity of the existing water supply infrastructure for approximately 50 dwellings. They are in discussions with the applicant for Thames Water to provide the necessary upgrades to the infrastructure to accommodate the development. Having requested an update from Thames Water as part of the recent consultant on the amendments to 160 dwellings they have advised it is unlikely the upgrades will be completed prior to any planning permission, and applying their requested conditions limiting the number of dwellings that can be occupied to the existing infrastructure capacity until the upgrades are completed.
- 5.102 Whilst the public concern regarding the lack of infrastructure is appreciated it is a matter for Thames Water as the statutory undertaker to provide the necessary upgrades. Applying their suggested conditions ensures that the existing capacity they have advised is not exceeded and would provide them with time to undertake the works.
- 5.103 Whilst discussing infrastructure the Royal Berkshire Fire and Rescue Service request a condition for provision of fire hydrants to meet firefighting needs as part of the development.
- 5.104 There are clearly constraints on site due to the lack of water and foul water infrastructure, the sensitivity of the area to flooding including off site, part of the site being in flood zones 2 and 3, as well as limits on infiltration drainage due to the contamination on site. However, the submitted flood risk assessment demonstrates that it is feasible for surface water and flood risk to be managed in a way that policy CS16 can be complied with, subject to conditions. The Environment Agency and Thames Water are also satisfied that the impact of the development can be mitigated by conditions.

Highways

- 5.105 Policy TRANS.1 requires the transport needs of new development to be met through the provision of a range of facilities associated with different transport modes. Policy CS13 requires development that generates a transport impact to consider a number of points including reducing the need to travel, improve opportunities for healthy and safe travel, and mitigate the impact on the local transport and strategic road networks. The supporting text outlines that detailed traffic modelling will need to be undertaken where a significant development may impact on the capacity of the strategic road network, and developers will need to work with the Council and Highways England to establish a suitable mitigation package.
- 5.106 Policy P1 of the HSA DPD relates to parking standards for residential development which is reiterated in C22 of the Compton NDP. Policy P1 also includes that electric vehicle charging points will be provided, also reiterated in policy C20 of the Compton NDP. Parking details would be a reserved matter, but the illustrative masterplan has incorporated those standards so in principle they can be achieved within the parameter plans submitted. Electric vehicle charging points for each dwelling can be secured by condition.
- 5.107 Highways England, the Local Highway Authority, and the Council's Transport Policy were consulted on the application.
- 5.108 Highways England requested junction modelling for the strategic road network junction at East Ilsley to the A34. Following receipt and review on the modelling Highways England advised they had no objection. They have subsequently raised no objection to

the amendments to 160 dwellings. As such Highways England do not consider the proposed development to have a significant impact on the safe and efficient operation of the East Ilsley junction to the A34 and in that respect the application accords with policy CS13.

5.109 The Council's Transport Policy noted that a framework travel plan was submitted with the application. A contribution is sought for £5,000 to cover the cost to the Council for assessing, monitoring and supporting the implementation of the travel plan. They did not provide comments on the submitted travel plan but it would be a condition of any permission.

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

Access

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

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

Traffic generation

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

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

Traffic projection for the development

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

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

Traffic Modelling

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

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

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

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

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

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

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

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

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

Conclusion

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

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

6. Planning Balance and Conclusion

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

- a) The proposed development would provide 160 houses, including policy compliant 30% affordable, as well as 15% of houses built to additional building regulations standards for access and adaptability. This attracts significant weight by contributing to the supply of housing in accordance with policies ADPP1, ADPP5, CS1, C1 and HSA23.
- b) Moderate weight is given to the economic benefits during construction from employment and from future residents to the local economy.
- c) The proposed public open space and green space exceeds that required by policy. It also provides for their management for residents. This attracts moderate weight as an additional formal and informal public green space in the area – particularly where the cricket pitch has been designated by the Compton NDP.
- d) Minor weight is given to the landscape impacts of the proposal. It would conserve the AONB and create a landscape buffer to the north that would better relate to the countryside beyond and the height of the development would be limited to reflect that locally. However, whilst the number of dwellings is considered

capable of being accommodated further work is required on the design code and the illustrative layout.

- e) The reinstatement of a former public right of way across the site and additional footpaths that link the site to the surrounding rights of way network attract minor weight where the proposal will increase connectivity.
- f) Minor weight is given to net benefits in biodiversity. Whilst there will be some loss of habitat and impact on protected species which can be mitigated and the long term management of the site would maintain it. The proposal has demonstrated the required net gain is achievable.
- g) Minor weight is given to the remediation of the land contamination on site. It is required as mitigation in order to provide a safe site for new housing, but nevertheless provides a long term benefit from its removal.
- h) Minor weight is also given to the employment proposal on site. Whilst the site area would be a fifth of the area being developed it does not provide any new employment building as part of the redevelopment.

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

- a) The development includes some measures to combat climate change including a future strategy at reserved matters for provision of some onsite renewable energy and reductions in emissions under enhanced building regulations. This attracts moderate adverse weight where the policy expectation is more ambitious.
- b) Minor adverse weight is given to the gatehouse building for community use. It would provide an on-site facility for future residents which is an expectation of major housing development, but it is small and not ideally located at the site entrance.
- c) Whilst the impact on the local highway network is acceptable the demolition and construction period is likely to be longer than other similar scale housing development due to the extent of demolition and land contamination remediation works required. This will have a longer than normally expected impact on the amenity of residents which is afforded minor adverse weight.
- d) It has been demonstrated that managing surface water on site is feasible and the flood risks from the development can be mitigated. However, there are constraints on discharge rates and infiltration methods are unsuitable due to the land contamination risk.

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

7. Full Recommendation

- 7.1 PROVIDED THAT a Section 106 Agreement has been completed by 17th March 2022 (or such longer period that may be authorised by the Service Director – Development & Regulation, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Service Director – Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 7.2 OR, if a Section 106 Agreement is not completed within the above timescale, to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. **Phasing plan (full permission - demolition)**
The demolition hereby permitted shall be carried out in accordance with the approved phasing demolition plan 105B unless otherwise agreed in writing by the Local Planning Authority.

Reason: To facilitate the phasing of the development in the interests of timely infrastructure delivery, phased CIL payments, self-build delivery and project delivery. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026.
3. **Phasing plan (outline)**
A phasing plan shall be submitted to the local planning authority for approval before or alongside the first application for reserved matters approval. The phasing plan shall identify all phases of development by which the development shall be undertaken. No development shall take place until the phasing plan has been approved by the local planning authority. Thereafter the development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the phasing of the development in the interests of timely infrastructure delivery, phased CIL payments, self-build delivery and project delivery. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because the phasing plan will need to be adhered to throughout the entire construction phase.
4. **Approval of reserved matters**
Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase takes place. The development shall be carried out in accordance with the approved details.

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

5. **Time limit for reserved matters**

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

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

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

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

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

7. **Approved plans**

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

Location Plan 008B

Parameter Plan: Land Use 101D

Parameter Plan: Movement 103D

Parameter Plan: Green Infrastructure 102F

Bat house design 113

Churn Road Intervet HVG access SK002A

Churn Road Intervet car park access SK003A

With the exception of the visibility splay proposed access arrangements SK001

Demolition plan 105B

The following documents shall inform the reserved matters:

The Former Pirbright Institute Compton Environmental Statement, Appendices and Addendums

Outline Construction Resource Management Plan

Outline Operational Waste and Recycling Management Strategy

Transport Assessment ref 60544578

Framework Residential Travel Plan

Revised Flood Risk Assessment

Drainage Technical Note

Hydrology Review October 2021

Non Real Time Hydraulic Model Review October 2021

Biodiveristy Net Gain Calculation

Amended Arboricultural Impact Assessment Report Revision 003

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

Outline planning permission is granted solely on the basis of the parameters within these approved details.

8. **Access construction before occupation**

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

which have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026). Access arrangements for construction fall within the remit of the Construction Method Statement.

9. **Layout and Design Standards**

The detailed layout of the site shall comply with the Highway Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design shall be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. **Set back of gates**

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

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

11. **Gradient of private drives**

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

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

12. **Parking**

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-

2026. A pre-commencement condition is necessary because the parking arrangements will need to be determined before any construction to ensure it can be accommodated within the space available.

13. **Dwelling height**

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

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

14. **Design Code**

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

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

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

15. **Tree Protection**

No phase of the development hereby granted outline planning permission, and no demolition, access construction, or ground works associated with the change of use, shall take place (including all preparatory work) until protective fencing and measures have been provided for the protection of the retained trees in accordance with the Arboricultural Assessment 60544578_DOC_005 for that phase of the development. The approved tree protection measures shall be implemented in full and maintained for the duration of the development works. Within the fenced areas there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the trees to be retained will not be damaged during the development and to protect and enhance the appearance and character of the

site and locality, in accordance with the National Planning Policy Framework and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

16. **Archaeological supervision**

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

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

17. **Building recording**

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

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

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

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

- (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).
- (b) Include a remediation scheme* which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

- (c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.
- (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

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

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

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

(* Unless otherwise agreed in writing by the LPA)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

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

19. **Construction method statement**

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

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Temporary access arrangements to the site, and any temporary hard-standing;

- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) The proposed method of piling for foundations (if any);
- (j) A scheme for recycling/disposing of waste resulting from construction works;
- (k) Hours of construction and demolition work;
- (l) Hours of deliveries and preferred haulage routes;
- (m) Ensuring public rights of way are kept open and unobstructed throughout the development
- (n) Lighting of areas and construction compounds

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

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

No phase of the development hereby granted outline planning permission, demolition, or ground works associated with the change of use shall take place (including vegetation clearance) until a Construction Environmental Management Plan (CEMP) (phased as appropriate) has been submitted to and approved in writing by the local planning authority. The CEMP shall take account of the suggested mitigation in the Environmental Statement and include the following:

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

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

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

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

21. **Ecological Mitigation and Enhancement Plan**

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

- (a) Description and evaluation of features to be managed and created.
- (b) Aims and objectives of management.
- (c) Appropriate management options to achieve aims and objectives.
- (d) Prescriptions for management actions.
- (e) Preparation of a costed schedule for securing biodiversity enhancements in perpetuity.
- (f) Ongoing compliance reports, monitoring and remedial measures.
- (g) How the habitat enhancements will be managed long term to ensure a net gain legacy.
- (h) Measures to build biodiversity into the design of the new dwellings, providing details of location and design of features, e.g. bird and bat boxes integrated into buildings, bat lofts, fence holes for hedgehogs, access points for badgers, ponds for amphibians, banks for bees.
- (i) Description of how the developer expects to ensure no impact on protected species on site during construction and through scheme design.
- (j) Sensitive Lighting Strategy during construction and once the site is in operation (to minimise adverse impacts on bat species present).
- (k) A biodiversity net gain calculation demonstrating at least 10% net gain.

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

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

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

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

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

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

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This "strict protection" condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the

protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.

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

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

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

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

Reasons

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

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

No infiltration drainage

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

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

24. **Sustainable drainage**

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

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) If required include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (in Flood Zone 2 and 3 or from surface water) or developments larger than 1 hectare;

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

- s) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc).

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

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

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

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

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

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

26. **Spoil**

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

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);

- (c) Include measures to remove all spoil from the site (that is not to be deposited);
- (d) Include timescales for the depositing/removal of spoil.

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

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

27. **Piling**

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

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

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

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

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

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

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

29. **Foul water network upgrades**

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

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

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

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

30. **Water network upgrades**

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

1. all water network upgrades required to accommodate the additional flows to serve the development have been completed; or-
2. a development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

31. **Public footpaths**

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

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

- (h) A timetable for the implementation of all footpath infrastructure in conjunction with the phasing of development.

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

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

32. Intervet noise assessment and mitigation

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

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

33. Hard landscaping of public open space/wildlife habitat areas

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

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

34. Soft landscaping of open space/wildlife habitat areas

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

diseased or become seriously damaged within five years of completion of the approved soft landscaping scheme or the timescale agreed as part of the Environmental Enhancement & Management Plan shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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

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

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

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

36. Public open space infrastructure

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

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

37. Lighting strategy (AONB/Ecology)

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

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

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

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and to conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy

38. **Travel Plan**

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

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

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

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

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

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

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

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

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

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

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National

42. **Emergency water supplies**

No dwelling shall be occupied until either:

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

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

43. **Use of community building**

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

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

44. **Operating hours (use/activity – community building)**

The use of the community building hereby permitted shall not take place outside of the following hours:

Mondays to Fridays: 07:00 to 22:00

Saturdays: 07:00 to 23:00

Sundays and public holidays: 09:00 to 18:00

Unless otherwise agreed in writing by the Local Planning Authority.

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

45. **Music (community building)**

No amplified or other music shall be played on the premises of the community building outside of the following hours:

Mondays to Fridays: 08:00 to 22:00

Saturdays: 08:00 to 23:00

Sundays and public holidays: 09:00 to 18:00

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

Heads of Terms for Section 106 Agreement

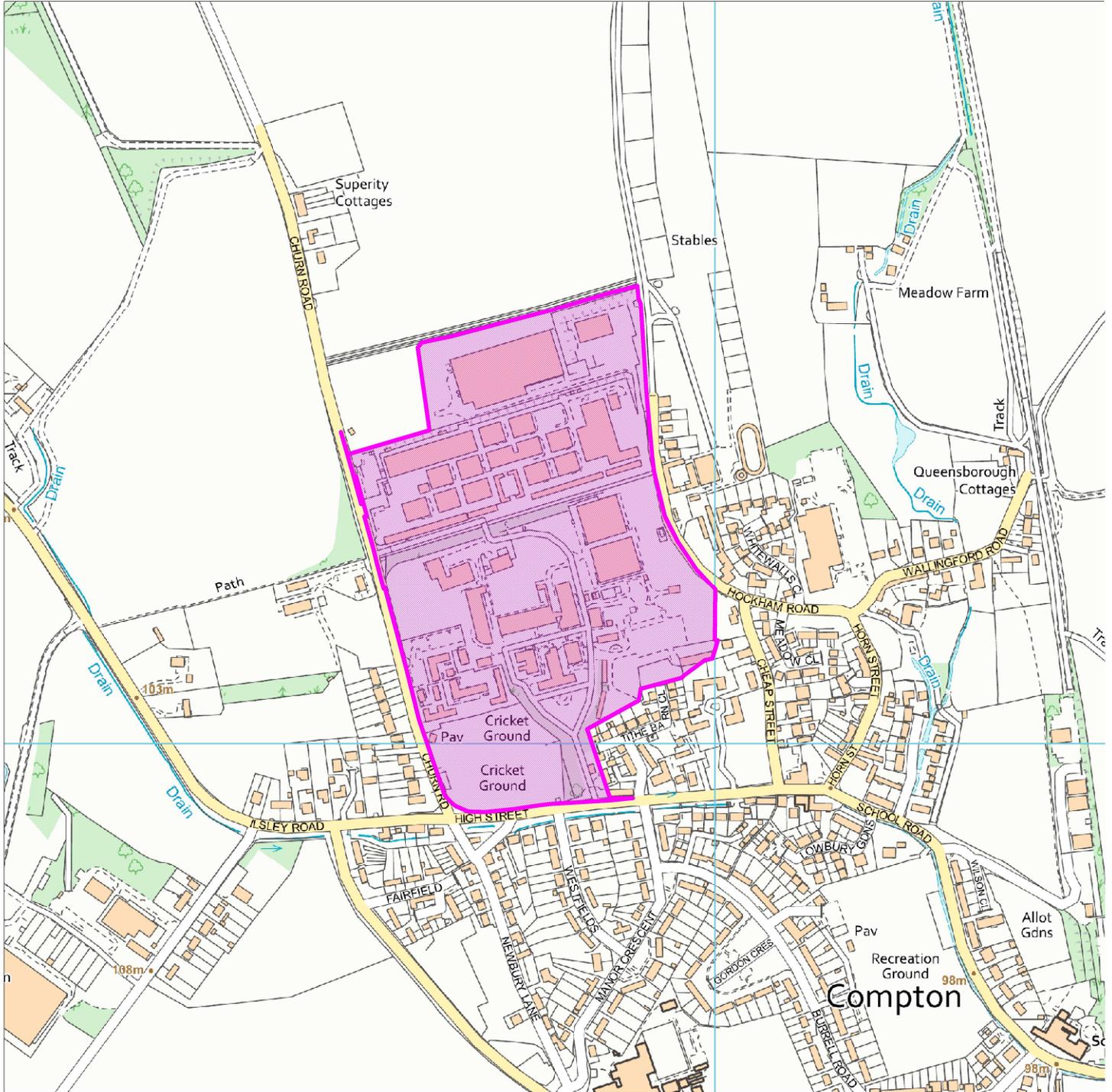
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| 1. | Affordable housing Provision arrangements to be agreed. 30% of the overall number of homes to be provided as affordable housing through a registered provider with triggers during construction. Except for any provided under the First Homes initiative. |
| 2. | Local Lettings Scheme Details of scheme to be agreed, with some of the housing to be made available first to those with a local connection (subject to this not affecting the ability of a registered provider to obtain funding). |
| 2. | Housing to Part M4(2) Provision arrangements to be agreed. At least 15% of homes to be built to at least Part M4(2) Category 2 of Building Regulations as accessible and adaptable. A proportion of the affordable housing to be to this standard. |
| 4. | Community Building Provision arrangements to be agreed for transfer as a local community building. |
| 6. | Open Space and Wildlife Habitat Areas Provision and governance arrangements including the cricket pitch, one LEAP and 4 LAPS. A commuted sum for management and transfer to a long term owner or management company (based on calculation in Planning Obligations SPD, circa £200,000). |
| 7. | Commuted sum for off-site footpath upgrades Provision arrangements to be agreed. Contribution for off-site footpath improvements for public rights of way (£10,000) and for pedestrian improvements including dropped kerbs to be paid prior to first occupation of the site. |
| 8. | Travel Plan Contribution of £5,000 for monitoring, travel information packs for all new residents and other measures. |
| 9. | Housing to 19% improvement on carbon emissions Housing to be built to 19% improvement on building regulations standards Part L with regard to carbon emissions. |
| 10. | Highways Contribution towards dropped kerbs and tactile paving. |

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| 11. | Drainage Strategy Provision and maintenance to be agreed along with provisions for potential land transfer to a management company. |
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Refusal Reasons (if S106 legal agreement not completed)

1. Planning obligation

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



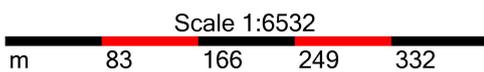
Map Centre Coordinates :

Scale : 1:6531

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|---------------------|------------------------|
| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 01 December 2021 |
| SLA Number | 0100024151 |



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