

# Notice of Meeting



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## Western Area Planning Committee Wednesday 21 February 2024 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 20 February by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### 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, 13 February 2024

### 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 or email [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

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

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 2024**  
(continued)

**To:** Councillors Patrick Clark (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Phil Barnett, Dennis Benneyworth, Heather Codling, Tony Vickers and Howard Woollaston

**Substitutes:** Councillors Carlyne Culver, Paul Dick, Billy Drummond, Denise Gaines and Stuart Gourley

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# Agenda

## Part I

Page No.

1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 7 - 26  
To approve as a correct record the Minutes of the meeting of this Committee held on 22<sup>nd</sup> November 2023.
  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).
- (1) **Application No. and Parish: 23/00397/OUTMAJ - Bath Road, Speen, Newbury** 27 - 66  
**Proposal:** Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.

**Location:** Covered Reservoir, Bath Road, Speen, Newbury



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**Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 2024**  
(continued)

**Applicant:** David Wilson Homes (Southern)

**Recommendation:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions

(2) **Application No. and Parish: 22/01235/RESMAJ - Bath Road, Speen, Newbury** 67 - 92  
**Proposal:**

Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale

**Location:** Covered Reservoir, Bath Road, Speen, Newbury

**Applicant:** David Wilson Homes (Southern).

**Recommendation:** To delegate to the Development Manager to GRANT RESERVED MATTERS APPROVAL subject to conditions.

(3) **Application No. and Parish: 23/00373/RESMAJ - Land Off, Lambourn Road, Speen Newbury** 93 - 110

**Proposal:** Approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: Appearance, Landscaping, Layout and Scale

**Location:** Land Off, Lambourn Road, Speen Newbury

**Applicant:** David Wilson Homes (Southern)

## Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 2024

(continued)

**Recommendation:** To delegate to the Development Manager to GRANT RESERVED MATTERS APPROVAL subject to the conditions listed below.

- (4) **Application No. and Parish: 23/02915/FUL - Battery End Hall, Battery End, Newbury, RG14 6NX** 111 - 130
- Proposal:** One 4 bed two storey dwelling with parking, cycle and refuse storage.(Re-submission of Approval 19/00995/FULD without any amendments)
- Location:** Battery End Hall  
Battery End  
Newbury  
RG14 6NX
- Applicant:** Prudential Properties
- Recommendation:** The Development Manager be authorised to grant Planning Permission subject to conditions
- (5) **Application No. and Parish: 23/01916/HOUSE - Birkdale, The Ridge, Cold Ash, RG18 9HT** 131 - 140
- Proposal:** Erection of a single timber shed to the western side of the property
- Location:** Birkdale, The Ridge, Cold Ash  
RG18 9HT
- Applicant:** Mr Martin Sutherland
- Recommendation:** That the Development Manager be authorised to APPROVE conditional permission.

### 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.





**Agenda - Western Area Planning Committee to be held on Wednesday, 21 February 2024**  
(continued)

Sarah Clarke.

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

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, 22 NOVEMBER 2023

**Councillors Present:** Adrian Abbs (Chairman), Clive Hooker (Vice-Chairman), Phil Barnett, Patrick Clark, Heather Codling, Carlyne Culver, Tony Vickers and Howard Woollaston

**Also Present:** Sharon Armour (Principal Lawyer - Planning & Governance), Emily Ashton-Jelley (Environment Delivery), Paul Bacchus (Principal Engineer), Jessica Bailiss (Democratic Services Officer), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Cheyanne Kirby (Senior Planning Officer), Gordon Oliver (Principal Policy Officer) and Simon Till (Development Control Team Leader)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 20<sup>th</sup> September 2023 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

- Page 10, point 13: Councillor Codling to be referred to as 'she'.
- Page 15, point 14 under the Debate to be corrected to 'Councillor Codling'.
- Page 15, second bullet point from the top to read as follows: The ecology 'report'.
- Page 15, point under the Debate to read as follows: Councillor Gaines mentioned that there had been a lot of concern raised about the septic tank and bore hole, but they were not planning matters.
- Item 4(2), 23/01686/FUL, Orchard Day Nursery, Everington Bungalow, Yattendon: Councillor Carlyne Culver recalled that it had been agreed that informatives should be added regarding the septic tank and bridge.

The Chairman voiced his concern with signing the minutes given the level of errors. The video evidence would need to be checked to see if what had been raised by Councillor Culver was correct. *(Democratic Services have reviewed the recording from the meeting that took place on 20<sup>th</sup> September and can confirm it was agreed that the Construction Method Statement be an additional condition with bridge improvements to aid access named as part of that. Additional Informatives were also agreed in relation to the bore hole and septic tank.)*

Mr Till believed that the decision notice for the item had been issued. Mrs Sharon Armour suggested that the points be noted in the current minutes and Officers would need to check the decision notice and report back to the Committee on whether the informatives had been included. The Chairman raised his discontent with what was a substantial error. Mrs Armour clarified that there was uncertainty as to whether an error had been made.

- Item 4(2), 23/01686/FUL, Orchard Day Nursery, Everington Bungalow, Yattendon: Councillor Howard Woollaston believed that the condition had been agreed to

## WESTERN AREA PLANNING COMMITTEE - 22 NOVEMBER 2023 - MINUTES

allow ten years for tree planting and screening. The proposed consent had detailed only five years and Councillor Woollaston reported that he had queried this with Officers at the time and asked for confirmation that this had been changed to ten. Mr Till stated that he would check this point and report back to Committee.

The Chairman raised concern that there were two substantive issues with the minutes. Mrs Armour concurred with concerns regarding the condition and advised that any possible inaccuracies would be noted in these minutes. The decision notice needed to be checked and, if an error had occurred, Officers would need to look in to changing the decision using the appropriate mechanism.

### **RESOLVED that:**

- Officers would check the recording and decision notice for Item 4(2) 23/01686, Orchard Day Nursery, Everington Bungalow, Yattendon, and report back to the Committee on whether the informatives concerning the septic tank and bridge had been agreed and if these had been included in the issued decision notice.
- Officers would check the recording and decision notice for Item 4(2) 23/01686, Orchard Day Nursery, Everington Bungalow, Yattendon, and report back to the Committee on whether a condition had been included that increased the time allowed for tree planting and screening to ten years.

## **2. Declarations of Interest**

Councillor Howard Woollaston declared an interest in Agenda Item 4(1) because it related to his ward. Councillor Woollaston reported that as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Clive Hooker declared an interest in Agenda Item 4(2) because it related to his ward. Councillor Hooker declared that he had been contacted regarding the application however, only in relation to the process of the Committee meeting. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tony Vickers declared an interest in Agenda Item 4(3) because it related to his ward and he had taken an interest in the application and called it in. He would listen to the debate on the item and decide accordingly. Councillor Vickers reported that as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

## **3. Schedule of Planning Applications**

The Chairman proposed that agenda item 4(3) be considered first on the agenda.

Councillor Hooker proposed that agenda item 4(2) be considered second on the agenda.

Both proposals were seconded and at the vote they were carried.

**RESOLVED that** the agenda items would be considered in the following order: 4(3), 4(2), 4(1).

## WESTERN AREA PLANNING COMMITTEE - 22 NOVEMBER 2023 - MINUTES

### (1) **Application No. and Parish: 23/01260/HOUSE - Kates Cottage, Craven Road, Inkpen, Hungerford**

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/01260/HOUSE in respect of an additional vehicular access and new workshop building.
2. Ms Kirby 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 unsatisfactory in planning terms and officers recommended that the Development Manager be authorised to refuse planning permission for the reasons listed in the main and update reports.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. He indicated that the existing access to the south of the property would be improved. It was proposed to create an additional access onto the Public Right of Way (PRoW) to the north of the property. PRoW officers had not raised any objection. Vehicular access to the public highway would be unchanged. The property would generate a small number of vehicle movements per day (estimated at three in and three out), which would not be sufficient to warrant refusal. However, the reason for refusal on highway drainage issues remained.
4. In accordance with the Council's Constitution, Dr David Thomas and Mr Darren Durham, Parish Council representatives, Ms Briony Malden and Mr Duncan Wolage applicant/agent, and Councillor Tony Vickers, Ward Member, addressed the Committee on this application.

### **Parish Council Representation**

5. Dr Thomas and Mr Durham in addressing the Committee raised the following points:
  - The additional access was at an accident black spot on Craven Road – it was felt to be unnecessary and would create additional risk.
  - Craven Road was the main road between Inkpen and Hungerford. While it was well-known by residents, it was not known to visitors and there were frequent altercations on this part of the road.
  - Limited space would result in people reversing from the access onto a blind spot.
  - Without the ability to turn round, vehicles would be forced to continue into Inkpen to find a suitable turning location.
  - The road was not wide enough for vehicles to pass and this location had traditionally been used for vehicles to pull in.
  - Google maps and the site plans did not convey the dangerous nature of this part of the road.
  - For the above reasons, the Parish Council felt that this element should be rejected.
  - It was alleged that the Highways Officer had ignored the report from the PRoW Officer that the northern frontage of Kates Cottage formed part of the highway. This affected the conditions related to turning circles.
  - The PRoW map showed the impact of the application.
  - Policy CS16 applied in this instance.

## **WESTERN AREA PLANNING COMMITTEE - 22 NOVEMBER 2023 - MINUTES**

- The Council's Drainage Engineer had raised objections on the application. The planned soakaway contravened a mandatory building regulation H2 Drainage - Fields and Mounds paragraph 1, sub-paragraphs 27-30.
- The plan that accompanied the application was misleading, as it did not show the extent of hedging and landscaping, or the topography.
- The proposed driveway to the north of the property would obliterate the amenity land on this side of the dwelling and represented severe over-development of the site, with only around a quarter of the plot retained for amenity use.
- Developments of this sort were unsympathetic to the conservation area and were not considered climate friendly.
- There was little point in the Parish Council trying to deliver rewilding projects when developments approved by West Berkshire Council often did the opposite.

### **Member Questions to the Parish Council**

6. Members asked questions of the Parish Council representatives and were given the following responses:
  - To the north of the property, there was a kink in the road, which meant vehicles could not pass. Vehicles travelling towards Inkpen had to pull into the area in front of Kates Cottage. Drivers sped up if they could not see a vehicle travelling in the opposite direction, and there were often altercations. Large vehicles such as refuse lorries or buses could cause problems.
  - There were no concerns about the volume of traffic that would use the new access. The Parish Council's concern was that vehicles would not be able to turn and would have to reverse out onto a blind bend.

### **Applicant and Agent Representation**

7. Ms Malden (Applicant) and Mr Wolage (Agent) in addressing the Committee raised the following points:
  - The applicants had been undertaking sympathetic renovations to the property to ensure the continued presence of this period property, while bringing it up to modern standards.
  - The last stage of the renovations included applying to open up the existing access for use, as well as a garage and workshop for personal use. This would also improve the site for future residents.
  - The reason for moving the driveway was to make access to the house easier and on the same level. The applicants had elderly relatives with mobility issues, who currently found it difficult to visit. The applicants also had a small child and manoeuvring prams and car seats was difficult with the existing site layout. Moving the driveway would provide more immediate access to the property without the need to access the stairs.
  - There had been no objections from consultees with respect to the proposed access.
  - Accidents mentioned by the Parish Council were all related to speed. The existing access served two properties and none of the accidents were related to traffic using this access. If the speed limit was obeyed, there would not have been any accidents.

## **WESTERN AREA PLANNING COMMITTEE - 22 NOVEMBER 2023 - MINUTES**

- The initial plans for the workshop included an office above, but there were concerns about the height of the structure and the impact this might have on the area. The applicants had listened to these concerns and had amended the plans to remove this second storey. There had been no objections to the amended plans.
- The only reason for refusal was the drainage and the potential risk of flooding. It was argued that the proposal would not have a harmful effect on flooding since the permeability of the site would not change and the area did not flood at the moment. However, the applicant was happy to provide the requested information as a condition of planning approval. A percolation test was carried out on land to the north of the property when the sewage treatment plant was put in, and it was found to be suitable for this purpose. The applicants had been advised that surveys could be expensive, and it was considered reckless to conduct the surveys unless they were a condition for approval.
- All previous concerns had been addressed and were now considered acceptable by the Planning Officer and relevant consultees. The only reason for refusal was insufficient information about drainage. The Council's Drainage Engineer had insisted that the information be provided pre-determination, rather than as a condition, which was considered to be the normal approach.
- The Council's Drainage Engineer had been helpful in advising about the methodology for surveys and had indicated that he only took an interest in minor applications where they may have a serious impact and significant flood risk issues, or if the proposal was unlikely to work. It was argued that the proposal would not have a harmful effect on flood risk and the applicants were happy to provide the information at a later date to show that the scheme worked. They did not want to spend significant sums without the certainty of having the approval. It was hoped that the Committee would be minded to approve the application with the drainage condition.

### **Member Questions to the Applicant and Agent**

8. Members asked questions of the agent representative and were given the following responses:
  - The northern access was originally a pedestrian access. It was opened up to remove the oil tank and to replace the old septic tank with a modern sewage treatment plant. It was considered that cars would be able to enter and exit the site in a forward gear and vehicles would not reverse onto the road.
  - Accesses to the north and south of the property were pre-existing. The north access was pedestrian only, and the south access was a driveway. The sewage treatment plant was located to the north of the property.
  - Provision of drainage information was almost always sought as a condition of approval, to be provided and approved prior to commencement. The applicants did not want to commit the additional expenditure to show that the drainage worked, if the other aspects of the development were not approved. The case officer had recommended refusal due to the lack of drainage information, but the applicants had asked for it to go to Committee to seek approval with a condition imposed. If the condition could not be met, then the permission could not be implemented. Drainage conditions had been attached to other planning permissions on the road, so the applicants did not understand why this was a pre-condition in this case.



## **WESTERN AREA PLANNING COMMITTEE - 22 NOVEMBER 2023 - MINUTES**

- The applicants confirmed that they had only been told a week prior to the meeting that the drainage issue was the sole reason for refusal.

### **Ward Member Representation**

9. Councillor Vickers in addressing the Committee raised the following points:

- Members of the Committee had attended the site visit to see the issues first-hand.
- The access on the north side was already a pedestrian access, and there was already a hardcore surface, so there was already an issue with the permeability of the surface, but this could be corrected if necessary.
- There had been no injury related accidents in the vicinity of the site, and none of the accidents had been caused by vehicles entering or leaving the pull-in, which was not highway land.
- There was just one access serving three properties.
- It was reasonable for the applicants not to have submitted all of the requested information at this stage. They had wanted to know that all of the other issues had been resolved before going to the expense of commissioning an expensive, detailed drainage report.
- The steps that led down from the top of the site to the southern access were difficult for a family with a young child to negotiate.
- It had been suggested that because of the lack of amenity space, the property was not suitable for a young family, but it was important to be able to get in and out of the house from a safe place off the highway.
- The applicants were doing the area a favour by restoring the house and bringing it back into use, while reducing its carbon footprint.
- Previous concerns with the application had all been addressed.

### **Member Questions to the Ward Member**

10. Members asked questions of the Ward Member and were given the following responses:

- Although the owners would have been aware of the limitation of the property when they bought it, they were entitled to try and make the changes that suited their personal circumstances. Although there may have been other ways to address the issues, this was the application in front of the Committee for consideration.

### **Member Questions to Officers**

11. Members asked questions of the Officers and were given the following responses:

- Officers were happy with all aspects of the application other than the drainage.
- It was confirmed that vehicles would be able to reverse onto the public right of way and enter the road in a forward gear.
- There was no policy for amenity space in relation to house extensions, but for a new dwelling of this size, the minimum amenity space would be 75m<sup>2</sup>. There would be at least 200m<sup>2</sup> of usable amenity space at the property if the development was to go ahead.
- The reason for requesting drainage data in advance of determination was to be able to assess whether the development would lead to a risk of flooding. The Drainage Engineer had to base his assessment on his own research, which

## WESTERN AREA PLANNING COMMITTEE - 22 NOVEMBER 2023 - MINUTES

showed that the site might be underlain by clay, which would preclude the use of the proposed infiltration devices. If there had been another option for discharge of run-off from the site, then he would not have been concerned, but there was no alternative and so it may not be possible to get rid of surface water from the site. Therefore, there may have been an increased flood risk for the highway that would contravene CS16 and the NPPF.

- Officers would seek to impose conditions where it was possible to do so, but the Drainage Engineer had confirmed that it was not possible in this case. In the past, there had been applications consented with conditions, where it had transpired later that the condition could not be discharged so the permission could not be implemented. A condition had to be reasonable – this was a test of the NPPF. If it could not be implemented, then it would be considered unreasonable, and the Council would have no grounds to defend it at appeal. Each site was treated on its individual merits and there were particular site-specific constraints in this case, which could affect drainage. Officers considered that they did not have enough information to be satisfied that a condition requiring further drainage information would be appropriate and a SuDS scheme would be workable.
- The site was previously laid to grass, but this had changed as part of recent building works. Officers stressed that they needed to base their recommendations on evidence, and if the applicants refused to provide the evidence, then officers would be unable to make a recommendation for approval.
- The case officer had written to the applicant on 13 October 2023 to ask if they would submit additional information in relation to drainage matters. The case officer had made it clear that if additional information was not submitted, then the officers' recommendation would be for refusal and the matter would be considered at Committee. The applicant acknowledged the correspondence on the same day.
- The width of the site was around 9m and a vehicle turning facility could be provided within the site so vehicles would not have to reverse onto the public right of way. However, Highways could not insist upon this. They could only insist that provision be made for vehicles to drive onto the highway in a forward gear if the road was classified. The public right of way was not a classified highway.
- It was suggested that the correspondence between the case officer and the applicant should be put on the Planning Portal.

### **Action: Planning Officers to upload the correspondence onto the Planning Portal.**

- Officers advised that the information provided was insufficient to confirm that the proposed drainage strategy would be workable and so it may not be possible to comply with a condition that required further information to be provided or compliance with that drainage strategy. Such a condition would not meet the tests set out in the NPPF.

### **Debate**

12. Councillor Vickers opened the debate. Prior to the meeting, he had been minded to approve the application subject to a drainage condition, but he felt that the applicant could be misled if the Committee overturned the officers' recommendation and such a condition could be unreasonable. He indicated that additional conditions may need to be considered if the application was approved. If the Committee refused the application on drainage grounds, then he felt it important to reassure the applicants that the other aspects of the application were considered acceptable. He commented

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that no water had been observed running off the site onto the highway at the site visit.

13. Councillor Patrick Clark asked if the application could be deferred. It was confirmed that this was an option.
14. Councillor Heather Codling indicated that it was disappointing when applicants did not take the professional advice of officers. She proposed to accept the officers' recommendation and refuse planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Clive Hooker.
15. Councillor Phil Barnett highlighted that the applicants would need to submit a fresh application if the current application was rejected.
16. Councillor Carolyne Culver noted that a recent planning application had been approved with a drainage condition, even though a proper drainage assessment had been requested but not provided. She expressed concern over the lack of a consistent approach. She indicated that she had voted against approval of that application and she indicated that she was inclined to do the same for this one.
17. The Chairman invited Members of the Committee to vote on the proposal by Councillor Heather Codling, seconded by Councillor Clive Hooker, to refuse planning permission. At the vote the motion was carried.

**RESOLVED** that the Development Manager be authorised to refuse planning permission for the reasons set out in the report and update report.

### (2) **Application No. and Parish: 22/02870/FUL - Greengates, Front Street, East Garston**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/02870/FUL in respect of the demolition of an existing structurally compromised cottage and provision of a replacement cottage, with provision for access and related landscaping.
2. Ms Cheyanne Kirby 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 Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. Mr Goddard stated that as mentioned in the Officer's presentation, the property did have an existing access to the northern side that served one parking space. The proposal before the Committee was to provide an access to the rear of the building to provide three car parking spaces. This would cause an increase in the amount of vehicle movements out of an existing access that had virtually no sight lines. As a result, Highways Officers had advised to have the building set back to provide some sight lines to the south across the site.
4. Mr Goddard advised that the access between the proposed dwelling and the neighbouring property's garage to the north was also considered too narrow and a wider access had been sought to go to the rear of the property. This would involve moving the proposed property 2.4 metres back from the road and 0.4 metres to the south, widening the access overall. Taking this into account, Highways Officers were satisfied with the provision of the access.

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5. Mr Goddard added that during the construction phase there would be a temporary access on the southern part of the site that would enable materials to be delivered during construction. This was set out within the Construction Management Plan that had been submitted. In conclusion Mr Goddard confirmed that Highways Officers had no objections to the proposal.
6. In accordance with the Council's Constitution, Ms Sue Tulloch, Parish Council representative, Mr Anthony Banfield, Ms Lindsey Mason and Mr Martyn Wright, objectors, Mr Rob McLennan, agent, and Councillor Clive Hooker, Ward Member, addressed the Committee on this application.

### **Parish Council Representation**

7. Ms Tulloch in addressing the Committee raised the following points:
  - The development of Greengates was highly controversial and 27 villagers had raised concerns across two applications.
  - Greengates sat within the Conservation Area and Area of Outstanding Natural Beauty (AONB). There was disappointment to be losing a quality heritage asset, particularly as others in the village had been preserved rather than destroyed.
  - The Conservation Officer consultation response was clear that the footprint of Greengates should not be repositioned in order to protect the street scene and character of the conservation area. The Parish Council fully supported this view.
  - Regarding the access, there was currently no vehicle access to the rear of the property. The application justified the relocation of the main dwelling to the southeast to provide this access. Space to deliver access in excess of the Highway's minimum already existed on the southeast side of the cottage. The Parish Council therefore did not understand the need to change the footprint of the main dwelling.
  - The exact measurement of the relocation had been repeatedly challenged as inaccurate. To meet the Highway's minimum access width, the main dwelling would have to move almost one metre closer to neighbouring properties and not five metres as quoted.
  - No public benefit could be demonstrated by the relocation of the dwelling. Negative impacts included an adverse impact on the street scene; character of the conservation area; neighbouring residential amenity and the need to change a shared out-building into an unorthodox shape.
  - The application justified moving the main dwelling back in the plot by over 2.5 metres to improve visibility splays. The response from Highways did not address the particularities of the individual development. The Parish Council felt that the reasoning in the report to overrule conversation criteria to deliver highway and public safety was overstated.
  - It was a quiet single track rural lane and no cottages had sight lines in the area. Removal of the pinch point would encourage on-street parking.
  - Regarding the design, there was no subservience between the two buildings and the application would result in a 62 percent increase in floor space.
  - There was no mention of the Council's Local Plan in the Planning Officer's report or the Housing Site Allocations Development Plan Document. The report also did not refer to Policy C7, which the Parish Council felt the application was in conflict with.

## **WESTERN AREA PLANNING COMMITTEE - 22 NOVEMBER 2023 - MINUTES**

- There was fear that the provision of two separate buildings would provide the opportunity for two separate dwellings in the future. There was no mention of conditions to prevent this.
- It was felt that the current application had not received the same level of scrutiny compared to other applications within East Garston historically, regarding policy in a conservation area. There were clear breaches of policy in terms of conservation, design and neighbouring amenity.
- The planning balances in section seven of the Committee report gave highway safety as outweighing all other considerations. Given the application site was on a quiet lane in the middle of a conservation area, this seemed astonishing. If planning was granted on these grounds, it would be unprecedented.
- The Parish Council wished for the application to be refused in its current form and requested further amendments to ensure it complied fully with all aspects of planning policy.

### **Member Questions to the Parish Council**

8. Members asked questions of the Parish Council representative and were given the following responses:
- Ms Tulloch confirmed that when she had mentioned the safety being overstated this was in relation to highway safety and not the building.
  - The Parish Council were not questioning that something needed to be done with the site however, wanted something that would not lose the heritage value of the site. A modest extension would likely be acceptable however, it was the size, scale and height of the proposal that the Parish Council objected to.
  - The Parish Council agreed that parking was required on the site however, there was already access to one side of the building and therefore it was not understood why the building needed to be moved.
  - Ms Tulloch confirmed that she had meant half a metre rather than five metres, in terms of how close the main dwelling would have to move to neighbouring properties to meet the minimum highways width.
  - Regarding what had been meant by minimum visibility improvement, Ms Tulloch asked for a slide to be reshown showing the street view, which showed that there would be minimal improvement to visibility by moving the building back 2.5 metres. Moving the building back would also encourage cars to park on the stretch of road in question.

### **Objectors Representation**

9. Mr Banfield, Ms Mason and Mr Wright in addressing the Committee raised the following points:
- Mr Banfield stated that Greengates was occupied as a private dwelling until 2020. Objectors endorsed the comments made by the Parish Council.
  - The Committee report did not address the relevant matters including the disproportionate size and scale of the development; sight lines and vehicle access; and residential amenity.
  - The proposal did not comply with policy regarding the size and scale. It was in conflict with policy C7 and ENV23. More than a 50 percent increase in size was considered disproportionate.

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- The proposal was compiled of a main dwelling and additional two storey extension. As both buildings were two storey, they would be much taller than the existing one and a half storey cottage.
- The two storey separate extension contravened ENV24 regarding extensions to dwellings in the countryside, which set out it was important that proposed extensions were subordinate to the existing dwelling.
- To prevent the two buildings becoming two separate dwellings it was suggested that a condition should be applied if permission was granted.
- Regarding sight lines there would be no improvement in visibility to the northwest of the site, as it remained obstructed by walls that could not be demolished as they formed part of the curtilage of the adjoining grade II listed building, Cherry Cottage.
- For the development to go ahead, it would involve part demolition of Cherry Cottage's outbuilding and it was queried if this was also possibly listed.
- There was disappointment with the lack of scrutiny given to neighbouring amenity in the Committee report.
- Point 6.2 of the report was incorrect as the proposal did not comply with planning policy. The report failed to mention any of the key policies in relation to protecting neighbouring amenity including OVS5, C6 and C7.
- The addition of an extra upstairs window on the south east elevation of the main replacement dwelling and separate two storey extension building would significantly and adversely impact the private residential amenity that Ms Mason currently enjoyed. This did not comply with planning policy.
- No consideration had been given to ensuring sufficient amenity standards were maintained for Ms Mason's home. The two storey main dwelling would be 14.8 metres from her sitting room window. The two storey extension would be 12 metres from her patio doors. The West Berkshire Quality Design SPD dictated a minimum distance of 21 metres.
- Ms Mason's glass roof conservatory, kitchen diner and living room would be overlooked if permission was granted. Ms Mason hoped that the site visit had demonstrated the adverse impact the proposal would have on her property. It was hoped that the Committee would request further amendments to ensure compliance.

### **Member Questions to the Objectors**

10. Members asked questions of the objectors and were given the following responses:

- Ms Mason confirmed that if the main building was moved back 2.5 metres and raised as proposed, it would cause three windows to overlook her property. One window would directly overlook Ms Mason's patio area.
- Mr Banfield was not aware that the policy he had referred to, providing percentages went out of date in 2012. He had however, mentioned Policy C7 as well.

### **Agent Representation**

11. Mr McLennan was unable to join the meeting via Zoom. Members proposed and seconded, and subsequently agreed at a vote, to suspend Standing Orders and allow Mr Howard Porter to read Mr McLennan's points to the Committee.

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12. On behalf of Mr McLennan, Mr Porter in addressing the Committee raised the following points:

- There was agreement with the conclusion reached in the Planning Officer's report and it was felt it accurately reflected many months of detailed negotiations and revisions to the scheme.
- The property was first marketed in 2020. Following much interest and a number of surveys being undertaken, much of the interest had fallen away despite a £75k reduction in the asking price. This was due to the compromised structural condition of the house and lack of basic services and insulation. There was a lack of off-street parking and safe on street parking due to the proximity to the road edge.
- It was accepted that the response to the poor condition of the heritage property should be to retain where possible. The advice from the structural engineer appointed by the applicant concluded however, that renovation was not an option.
- The reason the property was proposed to be 300mms higher was due to flood plain reasons.
- The property was purchased by the applicant following a structural engineer's report establishing the plot only status. Since this time the plans were formed in conjunction with Council Officers and by using a highly respected firm of local architects, in the knowledge that the replacement principle was in accordance with the local plan development policy for such properties within the settlement boundary.
- All professional reports formed part of the application's package of documents.
- The proposal had first been submitted to the planning department as a pre-application enquiry and early officer feedback had been taken into account to amend the scheme to address concerns raised. During the formal consideration stage for the application, they had continued to refine the proposal including its design and positioning in response to ongoing dialogue with Council Officers.
- Areas addressed including heritage impact considerations, access, parking, highways safety, flood and drainage, and matters relating to trees and ecology. The final scheme was a result of these discussions and closely reflected the materials and design of the existing house. It was clarified that it would be 1.5 storeys and not two storeys as suggested.
- Improvements proposed would give the property a secure future as a family home commensurate to its large plot size. The rebuild would also allow for the new home to benefit from modern services and facilities.
- Slightly adjusting the footprint and moving the dwelling half a metre back would enable access to off-street parking and turning with the best achievable sight lines.
- It was felt that the scheme, on balance, successfully addressed all matters raised and secured a positive outcome for the difficult site.

### **Member Questions to the Agent**

13. Members asked questions of the agent representative and were given the following responses:

- Mr Porter confirmed that a fully qualified structural engineer had undertaken the structural survey. He was not aware of any structural damage to the current property as a result of storms.



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- The term plot only status established the point that the structure had no value.

14. At the vote Members agreed that Standing Orders be reinstated.

### Ward Member Representation

15. Councillor Hooker in addressing the Committee raised the following points:

- He thanked East Garston Parish Council for their attendance and the excellent presentation by the residents of East Garston.
- He advised that he had not been approached to call the application in and had not been lobbied on the item. He was not predetermined on the application and looked forward to hearing the debate.
- Greengates was located in the Downlands Ward and was located in an idyllic English village with many properties consisting of handmade bricks and thatched roofs.
- Many of the houses were adjacent to one of the country's chalk rivers, the River Lambourn.
- He sympathised with the 19 objectors and the Parish Council's sentiments as they would have to live with the Committee's decision if approved.
- East Garston was a close knit community, who were enthusiastic on retaining their heritage. Greengates was designated as a non-designated heritage building, possibly dating back to the 18<sup>th</sup> century.
- The building was not listed in the West Berkshire Conservation list of heritage assets due to its early stages of development. However, if it had been included he queried if the Conservation Officer would have required the building to be renovated rather than demolished.
- Councillor Hooker aired his frustration that the developer had not communicated properly with the community or Parish Council. If this had happened then some of the objections lodged could have been overcome.
- Sites like the one in question were sought after by developers as it gave them the opportunity to demolish small, dilapidated dwellings to get as big a replacement on a plot as possible. This brought into consideration whether the proposed development was proportionate and sympathetic to the original. From viewing the plans, Councillor Hooker estimated the proposed development was 60 percent larger than the original house and in his view was not proportionate.
- It was felt that if the two storey annex was not sympathetic and if this had not been included in the proposal, it might have been more acceptable to the community.
- There had been no communication by the developer, and this had caused much distress to the owner of the property Larkspur, which could have been avoided.
- Regarding moving the building back from the road and closer to Larkspur, this purely accommodated cars and would drastically change the rural street scene, which was of great concern to the residents of the village.
- It was queried why highways matters had impacted so greatly in overturning the Conservation Officer's decision and this was of concern as the AONB was always something that should be considered.

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- Councillor Hooker asked the Committee to take consideration of the points he had outlined in the appropriate way and he hoped they would reach an appropriate decision.

### **Member Questions to the Ward Member**

16. Members asked questions of the Ward Member and were given the following responses:

- Regarding the materials and look of the proposal, Councillor Hooker felt that if it was approved there was no point requesting the bricks be re-used as it would not be possible to add a condition advising where they should be placed.
- Councillor Hooker had no issue with the design, layout or size of the proposal as a two bedroom house.
- Regarding the acknowledgement in the structural engineer's report regarding the amount of work required to the property and the loss of a non-designated heritage asset, Councillor Hooker felt that when buying a property this was a risk taken. If the current property was a grade II listed building that was dilapidated, it would not be possible to demolish and rebuild it. Councillor Hooker felt if the property had been designated as a heritage asset, the Conservation Officer might have requested the building be retained.

### **Member Questions to Officers**

17. Members asked questions of the Officers and were given the following responses:

- Mr Goddard confirmed it was not suggested that an access be provided on the southern side of the building because Officers and the Committee had to consider the proposal before them. The proposal provided an access on the northern side of the building, and it was likely that this was to provide increased amenity space.
- Mr Goddard confirmed that Officers assessed what was presented to them and not all of the possibilities.
- Ms Kirby confirmed that detail regarding the bricks was included in the update sheet. Until the current building was taken down, it was not possible to know how many bricks could be salvaged. The recommendation requested that the details of any new bricks used would need to be submitted and approved by the Planning Department. Elevations had been debated at the site visit and it could be conditioned to ensure any reused bricks were used in the elevated areas. Ms Kirby advised that any new bricks, once approved by the Council, would be better mixed in with reused bricks to provide an even mix.
- Mr Simon Till reported that the report contained a number of standard paragraphs containing various legislation matters, which the Planning Team was obliged to report to the Committee. The application site was not within Flood Zone Two or Three and therefore there was no requirement for sequential tests to be applied in the circumstances.
- In reference to Policy C7, Mr Till wished to clarify a misunderstanding as it was a particularly difficult and complex area of local policy. The Housing Site Allocations Development Plan Document (HSADPD) was adopted in 2017. Policy ENV23 was largely out of date. The HSADPD provided a framework for determining housing in the countryside. Policy C1 of this framework identified the settlement boundaries for development considered to be within the settlement. 'In settlement' in planning terms meant not in the countryside area. The Parish Council and objectors had referred to Policy C7 however, this was a subsidiary policy, which referred to

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development in the countryside. Mr Till stated that within settlement, planning was in favour of redevelopment. As noted in the Planning Officer's report the site in question was within settlement. Mr Till advised that Policy C7 was not relevant for the purposes of determining the application.

- Mr Till further added that regarding demolition, it needed to be noted that there was further legislation in respect of building regulations that covered demolition. This would supersede the Planning Listed Building Consent in Conservation Areas Act (1990) in relation to condemning a building for demolition where it was not fit for safe occupation. The Conservation Officer had been consulted with regards to the current application and had not contested the findings of the applicant/agent, that the building was not viable for redevelopment as a residential dwelling.
- Ms Kirby confirmed that the conservation section within the report was taken directly from the Conservation Officer. The original amendments were for the link building to be reduced and for the footprint of the main dwelling to remain where it was currently. Discussions with Highways Officers had then suggested the dwelling be moved to where it was proposed in the application. Subsequently the Conservation Officer had commented that the relocation of the building balanced against the reuse of the current building, would have more than substantial weight and cause less than significant harm.
- Ms Kirby confirmed that the garage building that was part owned by Cherry Cottage and the application site was not curtilage listed. This had been confirmed by the Conservation Officer.
- The diagonal line shown on the block plan was there to show the partial demolition of the part owned building. This needed to take place to ensure there was enough space between the buildings for car access. Plans on this had not been submitted because the building was already in existence.
- Ms Kirby re-displayed the proposed elevation drawings to the Committee. The proposed building would be a one and half storey dwelling. The linked building to the rear of the site would also be one and half storey. This meant that the first floor would be within the roof area.
- Ms Kirby displayed the block plan, which showed the outline of the proposed windows to the southeast. The distance could also be seen to the neighbour's conservatory. The new first floor window would be 15.63 metres from the neighbouring conservatory. This was closer than the existing building but was not deemed as having a significant impact on neighbouring amenity. The 21 metres referred to by residents was a back to back distance and not side to side. There was no minimum distance set out for side to side distances. There were no side windows proposed on the link building.
- Ms Kirby confirmed that there would be additional accommodation going from three to four bedrooms. It was not considered an additional Nutrient Neutrality Zone issue. There was minimal drainage on site currently, so the Nutrient Officer had deemed the proposal as positive in relation to what was currently provided.
- There were currently no basic services on site including baths or toilets.
- Mr Till reported that in terms of habitable rooms there was case law indicating that a conservatory would be considered a habitable space. The Officer recommendation was on the basis that the distance between the windows would not be changing significantly and therefore there was not a significant level of additional impact on private amenity space and the conservatory.

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- Regarding the current angle of overlooking onto the conservatory, Ms Kirby reported that the current window would be located further to the north than where the proposed middle window was located on the plans.
- Ms Kirby reported that the existing first floor window (from the road) was 6.2 metres from the edge of the road. The proposed nearest first floor window would sit 11.1 metres from the existing window onsite and would be of a less oblique angle.
- Ms Kirby confirmed that due to the positioning of the roof lights it was not considered there would be a significant impact on the neighbouring conservatory.
- Ms Kirby confirmed that the ground level of the annex would be level with the proposed main dwelling, however, the floor level would be sunk into the ground. A levels condition, as included in the update sheet, could be included concerning ground water and drainage. The Drainage Officer was content with the scheme that had been submitted.
- Mr Till stated that the link building would form part of the approved dwelling and if it was to be used as a separate dwelling, this would be a change of use in planning terms. He suggested that if Members were minded to approve the application, then a restriction on permitted development rights for change of use could control activity where planning permission was not required.
- Regarding the proposal to move the dwelling back and this land remaining vacant, Mr Goddard stated that he was aware of the concern, however, was unsure who would use this area for parking. The applicant would not need to use it for parking as they would have increased parking if the application was approved. He had viewed satellite images of Front Street and did not believe there was a parking congestion issue. If Members were concerned that parking might take place then Mr Goddard suggested, subject to being deemed acceptable by Planning Officers, that a boundary treatment condition be applied.
- Ms Kirby added that there were already conditions included regarding soft and hard landscaping, which included boundary treatments. Options such as soft landscaping including low level hedging could be advised. This would help prevent cars parking whilst retaining the visibility splays.
- Mr Till reported that the term 'plot only status' was not a term used regularly in planning as it was a surveyors term. It meant that that the value of a plot was only in the plot itself and not the buildings on it. The building was not structurally sound for viable redevelopment and only the plot retained residual value.
- Ms Kirby confirmed that the term 'on balance' had not been used as Officers were confident in their recommendation to approve planning permission.

### Debate

18. Councillor Vickers opened the debate by stating that he felt a difficult decision was required and he felt it was balanced. He felt that the worst outcome would be for the site to remain as it was and to become more derelict. It had to be taken into account that the Planning Authority was having to operate within a market system. It was important development continued in an appropriate way. The application needed to be looked at very carefully. The Officers and agent had worked very well together and it was unfortunate that the local community had not been communicated with as they were a very important participant in the planning system.

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19. The Chairman stated that he had not heard that there was not any option to renovate the existing dwelling. He had however heard that this would not be viable and it would cost a lot of money to renovate an asset of this nature. It was a non-designated heritage asset, but the Chairman felt that this was an oversight. The Chairman advised the Committee to think very carefully about any proposal particularly if against the recommendation. The Officer's recommendation was not on balance and therefore it could be difficult should an appeal situation arise.
20. Councillor Clark stated that he agreed with Councillor Vickers in that many of the issues could have been overcome with better engagement with the local community however, there was little that could be done about this at the current stage.
21. Councillor Barnett agreed with the comments raised by Councillor Vickers in that he did not like seeing derelict or unsafe buildings. He felt that the building had been unsafe on the site visit, and this had been of concern. It was requested that in the future such sites should be checked to ensure they were safe to visit.
22. Councillor Barnett stated that the replacement building was larger than he would expect to see. He was also concerned regarding the position. There had been a lot of comments about the street scene and historic nature of the buildings along Front Street and Councillor Barnett felt if approved, the proposal would change this. Councillor Barnett stated that he was leaning towards going against the recommendation however, wished to further listen to the debate before making a conclusion.
23. Councillor Codling echoed concerns about the lack of communication with the community and Parish Council. On balance Councillor Codling could not see how the proposal would change if refused. Councillor Codling was supportive of a wall being erected to prevent parking on the frontage. Given the other properties that had been extended close by, Councillor Codling felt that the site was moving with the times.
24. Councillor Hooker stated that he had started the meeting not predetermined on the application. He had listened to comments and was of the view that the Committee should not be deterred due to the worry of going to appeal. Councillor Hooker felt the current building on the site was a heritage asset and was not in a safe condition to be retained. He was satisfied with the proposed three bedroom property however, felt that the problem was with the extension to the rear of the property. Councillor Hooker felt that if this element had been excluded, discussions would not have been as contentious. Councillor Hooker wished to listen to the rest of the debate but like Council Barnett was leaning towards refusal of the application.
25. Councillor Howard Woollaston shared other Members' views and was in two minds about the application. His concern was that the current dwelling was in a state of serious disrepair, and it was likely that to repair it would be an impossible task.
26. The Chairman commented on the loss of amenity and stated he had not been satisfied with the explanation on the oblique angles, which in his view would worsen if the proposal was approved. Whether the building could be repaired or not, he felt that the development was disproportionate in relation to the village and size of the plot. It was acknowledged that Mr Goddard had needed to consider the plan put in front of him. The Chairman stated that with all these points in mind he proposed that Members go against the Officers' advice and refuse planning permission. This was seconded by Councillor Hooker.
27. Mr Till stated clarified the reasons for refusal including loss of amenity and that it was a disproportionate development within the plot. Mr Till clarified that this would also include the impact on the character and appearance of the conservation area.

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28. Councillor Vickers suggested that harm to the street scene also be included.
29. Mr Till queried the refusal reason concerning the loss of amenity to the neighbouring property and stated that he was concerned that at appeal it could be suggested that the window of concern could be obscure glazed. The Chairman argued that it was not only one window that was an issue and to obscure glaze all of the windows seemed unreasonable.
30. Councillor Hooker suggested another reason for refusal was that it would be the loss of a listed heritage asset.
31. Councillor Woollaston queried if concerns about the access could be used as another reason for refusal. Mr Till understood that there were potential alternatives as with any planning application however, consideration should only be given to the current proposal. Mr Till stated that there was strong advice from the Highways Officer that the proposed vehicular access was acceptable.
32. Councillor Hooker stated that although an asset would potentially be lost on the site, he was not opposed to an alternative proposal that was proportionate and sympathetic to the area.
33. Mr Till summarised the following reasons for refusal:
  - loss of amenity to the neighbouring property.
  - disproportionate and an increased impact on the historic character of the conservation area.
  - Harm to the street scene.
  - Loss of a non-designated heritage asset resulting in harm.
34. The Chairman invited Members to vote on his proposal, seconded by Councillor Hooker, and at the vote the motion was carried.

**RESOLVED that** the Development Manager be authorised to refuse planning permission for the following reasons:

### Reasons

- loss of amenity to the neighbouring property.
- disproportionate and an increase impact on the historic character of the conservation area.
- Harm to the street scene.
- Loss of a non-designated heritage asset resulting in harm.

### **(3) Application No. and Parish: 23/02379/COND - Land South of Tower Works, Lambourn Woodlands, Hungerford**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/02379/COND in respect of an application for Approval of Details Reserved by Condition 9 (Zero carbon) of planning permission 19/02979/OUTMAJ - Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale.
2. Ms Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In

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conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

### **Agent Representation**

3. Mr James Hicks in addressing the Committee raised the following points:
  - Outline planning permission and a subsequent reserved matters approval were in place for the development at Lambourn Woodlands.
  - The current condition discharge application was the final approval required to enable development to lawfully commence.
  - The discharge application and condition nine was presented to the Committee in August 2023 and the Committee had refused the discharge of the condition. Following this refusal, the applicant team had worked closely with Officers to understand the Committee's concerns and also to provide a suitable technically robust response.
  - The proposal presented in respect of condition nine was highly technical and addressed all requirements.
  - It was hoped that the Committee agreed with Officers that condition nine could now be discharged and development could commence.

### **Member Questions to the Agent**

4. Members asked questions of the agent representative and were given the following responses:
  - Mr Hicks confirmed that the carbon emissions plan for the condition dealt with the energy used in the building and the building's built fabric. It was nothing to with how the building operated including the aircraft and this had been agreed with Officers.
  - Mr Hicks clarified that he had not referred to robust systems but had stated that the report and response provided in terms of the earlier refusal was robust.

### **Ward Member Representation**

5. Councillor Woollaston in addressing the Committee raised the following points:
  - He had opposed the application from the start and he suspected if it had been put before the current Committee it would have been refused.
  - It remained his view that it was the wrong building in the wrong location.
  - The current application was a technical request to release a condition referring to carbon zero.
  - Experienced Officers had confirmed that the applicant's submission met environmental requirements and he could therefore see no reason to not accept the Officer recommendation albeit reluctantly.

### **Member Questions to the Ward Member**

6. Members did not have any questions of clarification.

### **Member Questions to Officers**

7. Members asked questions of the Officers and were given the following responses:



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- Emily Ashton-Jelly reported that in relation to unregulated energy in a building, it did not include any transportation elements.
- The condition asked for a plan demonstrating how the building would meet the requirements for zero carbon development. The aircraft was therefore irrelevant and not part of the condition.
- How monitoring of zero carbon would take place was for discussion outside of the Planning Committee as it was a matter of local authority resourcing.
- Mr Till stated that in the case of Highwood Copse there was a perfectly enforceable condition however, unfortunately data had been lost in transit. Regarding the current application, the condition required that information was provided and Planning Officers were satisfied that what had been supplied was sufficient.
- Ms Cutts confirmed that the Travel Plan condition was still outstanding and did not form part of the current application. It was a pre-occupation condition so the site could not be brought into use until the Travel Plan was approved.

**Debate**

8. Councillor Vickers did not feel there was much to debate and proposed to accept Officer’s recommendation and grant approval of the submitted details. This was seconded by Councillor Hooker.
9. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Hooker, to approve the submitted conditions. At the vote the motion was carried.

**RESOLVED that** the Development Manager be authorised to grant approval of the submitted details.

**Decision Notice Schedule**

1.	<p><b>Condition 9: Zero Carbon</b></p> <p>The details submitted in relation to Condition 9 are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice 19/02979/OUTMAJ, and in accordance with the following approved details:</p> <p>Energy Statement prepared by Method Consulting Rev P03 dated 09/08/23 and received on 13<sup>th</sup> October 2023; and          Technical Note Condition 9 – Net Zero Carbon Technical Note prepared by Method Consulting Ref 1801ILW-18-231009 dated 09/11/2023 and received on 13<sup>th</sup> October 2023</p>
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*(The meeting commenced at 6.30pm and closed at 9.50pm)*

**CHAIRMAN** .....

**Date of Signature** .....

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/00397/OUTMAJ  Speen Parish Council	05 June 2023*	Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.  Covered Reservoir, Bath Road, Speen, Newbury  David Wilson Homes (Southern)

\*Extension of time agreed until 29 February 2024.

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00397/OUTMAJ>

**Recommendation Summary:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

**Ward Members:** Councillor Antony Amirtharaj  
Councillor Martha Vickers

**Reason for Committee determination:** Ward Member Call-in

**Committee Site Visit:** 19 February 2024

#### Contact Officer Details

**Name:** Masie Masiwa  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
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## 1. Introduction

- 1.1 This application seeks planning permission under Section 73 of the Town and Country Planning Act for the removal or variation of conditions following grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a change of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.

### ***Background to proposal***

- 1.2 The application follows the refusal of the similar application 22/00160/OUTMAJ by the Western Area Planning Committee on the 20<sup>th</sup> July 2022 for the following Highways reason for refusal:

*“The layout does not comply with the Local Planning Authority's standards in respect of motor vehicle parking in terms of amount or layout. This may result in on street parking / inconvenient parking adversely affecting road safety and the flow of traffic. This is contrary to the National Planning Policy Framework, Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy P1 of the Housing Site Allocations DPD 2017.”*

- 1.3 Initially the application was submitted with numerous details to discharge conditions approved at outline, however in a cover letter dated 06 September 2023 the applicant withdrew all the submissions due to updated amendments that followed comments from consultees.

- 1.4 The latest proposed changes are summarised below:

- Changes to the previously proposed housing mix and tenure to accommodate three shared ownership affordable dwellings that meet Building Regulations Part M (Cat 2) and NDSS standards within the development. The remaining affordable housing provision needed to comply with the s106 will be provided within the larger 93-unit reserved matters application, linked to current reserve matters application 22/0123/RESMAJ.
- Parking provision has been increased to meet parking standards.
- Amendments to improve the relationship between dwellings and parking spaces.
- Unallocated parking spaces have been removed from the public highway as requested by the Highways Authority and re-located to private drive areas under control of the development management company.
- Private amenity space has been increased.
- Plot 11 and plot 5 reorientated and renamed to remove overlooking.
- A combined Drainage Strategy to cover all three sites as part of the housing allocation has been submitted for consideration.

- 1.5 The original hybrid planning permission approved the access and reserved all other matters for consideration under the reserved matters applications, whilst also approving the full planning application element (11 new dwellings - land to the west). The hybrid planning permission included a full application for the change of use of 2.6 ha of agricultural land to informal and formal public open space which incorporated

existing public rights of ways. This element would include the provision of new woodland planting as a buffer to the A34 as well as the provision of extensive areas of new native tree and shrub planting and areas of meadow grassland to enhance biodiversity. Other areas would also be provided for ecological mitigation.

- 1.6 The original hybrid planning permission also approved the change of use of land to provide extension to existing allotments, a 3.75 metre wide pedestrian/cycle route and emergency access to link the site to Station Road. To off-set the loss of any allotments to facilitate the emergency link, the outline planning permission included the change of use of an existing agricultural land patch covering approximately 1500 square metres located to the north-eastern boundary of the site to extend the existing allotments.
- 1.7 Separate reserved matters applications are also submitted for consideration under the following references:
  - **22/01235/RESMAJ - Covered Reservoir, Bath Road, Speen, Newbury**  
(*Proposal: Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - [Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale.*)
  - **22/01235/RESMAJ - Land Off Lambourn Road, Speen, Newbury**  
(*Proposal: Approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: Appearance, Landscaping, Layout and Scale.*)
- 1.8 The application site, covering approximately 7.8ha is located to the west of Speen. The site comprises a parcel of semi-improved and grassland. The site is bordered by residential housing and mature trees to the north, mature trees and allotments to the east (to Station Road), the A34 to the west, and Bath Road and established vegetation to the south.
- 1.9 The eastern and southern boundaries of the site adjoin the Speen Conservation Area (which contains a number of Grade II Listed buildings).
- 1.10 To the west lies the A34 which separates the site from the wider countryside and the National Landscape (previously AONB) beyond. A section of redundant railway line is located to the eastern boundary adjoining a number of trees covered by Tree Preservation Orders on the southern edge of the houses fronting onto Lambourn Road.
- 1.11 The application site occupies the north facing slopes of a ridge of land between Lambourn Road and Bath Road on the western edge of Speen. The site follows a natural slope from the southwest to the north east.
- 1.12 The central area of the site forms a wedge of open land between the northern and southern sides of the village. The fields are rough pasture with the area immediately north of Bath Road containing a redundant reservoir, scrub and mature trees.

- 1.13 An existing Public Right of Way (PROW) Speen 7/2 runs along the western portion of the site which connects with PROW Speen 7/1 and leads on to the Lambourn Road through the land subject to another separate outline planning permission reference 17/02093/OUTMAJ for 14 dwellings.
- 1.14 A further PROW Speen 37/1 (Lambourn Way) follows the disused railway line and connects with PROW Speen 6/3 which travels through the eastern part of the site which leads on to Lambourn Road to the north and Bath Road to the south via PROW Speen 7/2.
- 1.15 The site is within Flood Zone 1 (lowest risk of flooding) according to Environment Agency flood mapping.

## 2. Relevant Planning History

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

Application	Proposal	Decision / Date
15/02883/SCREEN	EIA Screening Opinion.	Not Required / 02.11.2015
17/02092/OUTMAJ	Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 18.02.2020
17/02093/OUTMAJ	Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.	Approved / 18.02.2020
20/01009/NONMAT	Non material amendments to planning permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land. Amendments: Amendment to Conditions 1 and 42	Approved / 05.06.2020
20/03032/COND1	Application for approval of details reserved by condition 32 ( Allotments) of approved 17/02092/OUTMAJ -Hybrid planning application comprising an outline planning	Approved / 10.02.2021

	application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a change of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	
21/03239/COND2	Application for approval of details reserved by condition 20 'tree protection construction precaution', 21 'arboricultural programme of works', 22 'arboricultural method statement', 23 'arboricultural supervision condition', 24 'construction environmental management' and 48 'archaeological scheme of building record' of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a change of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 21.12.2023
22/00160/OUTMAJ	Section 73: Variation of Conditions 20 (Tree Protection), 21 (Arboricultural Programme of Works), 22 (Arboricultural Method Statement), 23 (Arboricultural Supervision), 24 (CEMP), 32 (Allotments), 47 (Approved Plans) and 48 (Archaeological Scheme) and Removal of Condition 54 (Obscure Glazing) of approved application 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a change of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Refuse / 25.07.2022
22/00877/COND4	Application for approval of details reserved by conditions 28 (Biodiversity enhancements) and 30 (Landscape and Habitat Management Plan) of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a change of use of land	Pending Consideration

	to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	
22/00878/COND5	Application for approval of details reserved by discharge of condition 35 (Contamination Risks (Environment Agency)) of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 22.01.2024
22/00889/COND6	Application for approval of details reserved by discharge of condition 10 (Travel Plan) of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 28.04.2023
22/00890/COND7	Application for approval of details reserved by discharge of condition 17 (broadband) of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 28.04.2023
22/01235/RESMAJ	Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - [Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land	Pending Consideration



	to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale	
23/00310/RESMAJ	Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - [Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale	Pending Consideration
23/00373/RESMAJ	Approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: Appearance, Landscaping, Layout and Scale.	Pending Consideration
23/00397/OUTMAJ	Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Pending Consideration

### 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. 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 under application reference: 15/02883/SCREEN. 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 18 April 2023 and the deadline for representations expired on 09 May 2023.
- 3.3 An amended plans notice was displayed on 22 September 2023 and the deadline for representations expired on 13 October 2023. Press notices were advertised in the Newbury Weekly News on 16 March 2023.
- 3.4 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. Under the CIL regulations, CIL is not sought at the outline stage of applications and will be calculated at the reserve matters stage. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### Statutory and non-statutory consultation

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

<p><b>Speen Parish Council:</b></p>	<p>Objection comments:</p> <ul style="list-style-type: none"> <li>• Concerns of numerous residents in relation to parking on Station Road</li> <li>• Green Buffer at 5 The Sydings.</li> <li>• Bath Road Access - the current design of the Bath Road access is a plan which will create an accident blackspot</li> </ul>
<p><b>Newbury Town Council:</b></p>	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> <li>• Concerns regarding the Bath Road access</li> <li>• Impact on allotments</li> <li>• Inadequate bus stop plans</li> <li>• Inadequate car-parking plans</li> <li>• The proposal does not comply with the Renewable Energy objectives in CS15 in the Core strategy.</li> <li>• The applicants should meet the requirements of Thames Water</li> <li>• Hedgehog highways should be provided throughout the development.</li> </ul>

<b>WBC Highways Officer:</b>	No objection
<b>WBC Waste Management:</b>	No objection subject to condition
<b>WBC Drainage Officer:</b>	No objection, subject to condition and watercourse consent.
<b>WBC Conservation:</b>	No comments received.
<b>WBC Ecology Officer:</b>	No objection on Nutrient Neutrality Mitigation, No objection on other ecological considerations
<b>WBC Economic Development:</b>	Support subject to Employment Skills Plan being secured
<b>WBC Trees Officer:</b>	No objection subject to condition
<b>WBC Archaeology:</b>	No objection subject to original condition 48 being retained
<b>WBC Environmental Health:</b>	No objection subject to conditions 15 and 35 being retained
<b>WBC Housing Development</b>	No objection as no change to affordable housing.
<b>WBC Environment :</b>	No comment response received.
<b>Environmental Agency</b>	No objection, subject to condition 35
<b>National Highways</b>	No objection
<b>CLP Oil Pipeline</b>	Objection, subject to request for consultation on any impacts on pipeline
<b>WBC Public Rights of Way</b>	No comments received
<b>North Wessex Downs</b>	No comments received
<b>WBC Transport Policy</b>	No comments received
<b>WBC Planning Policy</b>	No comments received
<b>WBC Historic</b>	No comments received

### ***Public representations***

4.2 Representations have been received from ten (10) contributions – two (2) impartial and eight (8) objecting to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

- archaeological survey should be completed as the site is of great interest.
- access onto the A4 is near the roundabout linking the A4 to the A34 will be hazardous.
- destruction of the underground reservoirs that are of historic interest.
- providing alternative parking to replace that lost on Station Road.
- Developer must develop additional parking space on Speen recreation ground.
- parking will inconvenience neighbours.
- future of the allotment will be in doubt should no parking provision be made.
- increased traffic on Station Road.
- no parking provisions for the Enterprise Newbury Car Club
- The proposed bus clearway will result in parking on adjacent roads.
- traffic surveys were conducted 8-years ago.
- proposed pedestrian crossing near the A4 is dangerous.
- provisions for safe pedestrian crossing of the A4.
- no provisions for safe pedestrian / cycle crossing of Lambourn Road

## **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, ADDP5, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA2, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, RL.1, RL.2 and RL.3 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 (2017)
- Conservation of Habitats and Species Regulations 2017

- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- North Wessex Downs AONB Management Plan 2019-24
- Planning Obligations SPD (2015)
- Speen Village Design Statement (2002)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, function, character and appearance of the area
- Highways safety – parking and layout
- Trees and Landscaping
- Flooding and Drainage
- Biodiversity
- River Lambourn Nutrient Neutrality Impact Zone
- Representations
- Planning balance and conclusion

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

6.2 The principle of the residential development was approved under the hybrid planning permission 17/02092/OUTMAJ. This Section 73 application is seeking a variation to the approved plans, and conditions. The principle of the development has already been accepted and established.

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

6.3 Policy CS14 of the Core Strategy, outlines that 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. Development proposals will be expected to (amongst others) make efficient use of land whilst respecting density, character, landscape and biodiversity of the surrounding area. Policy CS14 also indicates that good design relates not only to the appearance of a development, but the way in which it functions.

6.4 Policy ADDP5 seeks to ensure development proposal conserve the scenic beauty and distinctive character of the AONB. The NPPF gives the highest status of protection for the landscape and scenic beauty of AONBs, and states their conservation should be given great weight in planning decisions. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

6.5 Part 1 of the Quality Design SPD provides key urban design principles to ensure that a development functions well in line with the development plan and consistent with the NPPF. Part 2 provides urban design principles specific to residential development.

- 6.6 The increase in the private amenity space is a benefit. Changes to the previously proposed housing mix and tenure to accommodate the shared ownership affordable dwellings to ensure compliance with Building Regulations Part M (Cat 2) and National Design Space Standards within the development is acceptable. The orientation of the new plots is acceptable as amendments to the full planning application. The layout has subsequently changed such that some of the conditions will need to be retained and revisited. The applicant has also submitted an amended landscape plan as a result of the layout changes, which has been reviewed by the Tree Officer and considered acceptable.
- 6.7 A combined Drainage Strategy to cover all three sites as part of the housing allocation has been submitted. The proposal includes an amendment to the site levels at the Covered Reservoir site from the west to the larger development in the centre of the site and to a gentle slope to the Bath Road access. The proposed site levels will fall from the Bath Road access road at approximately 111.000AOD to approximately 105.500AOD to the middle of the centre of the larger allocated site. The objective is to provide a gravity assisted drainage flow which has enabled the removal of the pumping station. The Lead Local Flood Authority has raised no objection and acknowledge the sustainability benefit of removing the pumping station. The proposed changes will not significantly alter the already existing natural ground slope from south west to north east.
- 6.8 The proposed layout has largely been informed by the previous design and the parking objection on the previously refused application. The parking layout has been designed such that the layout does not appear out of context in relation to the full planning permission and addresses the highway comments leading to the previous refusal as indicated in this report. The layout and gaps between buildings and plot sizes are not overly large and are in keeping with the local area and would preserve local character.
- 6.9 It is considered that the public and private spaces of the development are clearly distinguished with private gardens well enclosed to the rear of the properties. All public spaces and parking areas are overlooked, such that there is a good level of natural surveillance onto public open spaces and footpaths.
- 6.10 The site is located outside the National Landscape, however the long view landscape impacts to the north were considered at the outline and remain acceptable as the proposed amendments remain within the approved parameters plans. This assessment has been based on the existing natural sloping levels, the approved scheme and the level of harm, if any from the proposed development. Finished floor levels will be requested by way of condition.
- 6.11 The proposal therefore complies with Policies ADPP2, 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, and the Housing Site Allocations Development Plan Document's Policies GS1, HSA2, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

### ***Highway safety***

- 6.12 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13. Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways.
- 6.13 In the current design, the previously unallocated parking spaces have been removed from the public highway as requested by the Highways Authority and re-located to private drive areas under control of the development management company. The proposed amendments to the approved outline are mainly focused on layout changes

to allow for an acceptable layout in Highway terms. The amended parking provision will ensure an increase in parking numbers and relocate parking spaces adjacent to the dwellings and away from the highway. The amendments will improve the relationship between dwellings and allocated parking spaces. The layout will therefore not adversely impact the approved scheme as the changes are minor. The Highway Authority has reviewed the amendments and raise no objection.

- 6.14 Overall, it is considered that the proposed development would not have 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***

- 6.15 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.
- 6.16 The applicant has submitted an updated landscape plan following the layout amendment. The landscape proposal has been considered by the Tree Officer who has no objections as the proposed changes will not impact on the existing trees. Sufficient areas are retained that will ensure existing trees can be protected and also accommodate the proposal for new tree planting as part of the wider landscaping. Conditions previously attached to the original planning permission remain relevant.
- 6.17 Overall, it is therefore considered that the proposed development would conserve the trees within the site in compliance with the advice contained within the NPPF, and Policy CS19 of the WBCS.

### ***Flooding and drainage***

- 6.18 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.19 The Lead Local Flood Authority has no objection to the proposed site wide drainage strategy subject to a condition and the applicant obtaining a watercourse consent under separate processes to planning. An updated drainage condition is recommended accordingly.
- 6.20 The proposal could achieve compliance with the provisions of the NPPF, Core Strategy Policy CS16 and Sustainable Drainage SPD (2017).

### ***Biodiversity***

- 6.21 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.
- 6.22 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.
- 6.23 The principle of development at outline stage established the biodiversity principles of the development. The original application was supported by ecological surveys

(including updates in April 2019) that were considered by the Council's Ecologist who raised no objection subject to conditions controlling external lighting, provision of bat boxes, dormouse, nesting birds, hedgerow and reptile protection measures amongst other mitigation measures. The Ecologist has no objections to this application, however he has requested conditions to ensure updated surveys can be secured. Furthermore, Natural England also raised no objection. The conditions previously attached will be retained.

### ***River Lambourn Nutrient Neutrality Impact Zones***

- 6.24 The proposed development falls within the catchment of the River Lambourn Special Area of Conservation (SAC) and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission.
- 6.25 The Council's Nutrient Neutrality Officer has received copies of correspondence received by David Hilson Homes from Thames Water, which provided the following:
- A letter dated 10th October 2023 from Thames Water confirming that the foul sewers in Bath Road and Station Road to which the above residential developments will connect, are connected to the Newbury wastewater treatment works (WwTW);
  - A letter dated 6th November 2023 from Thames Water confirming that the Newbury WwTW has the capacity to treat all the foul wastewater from the site's residential developments.
- 6.26 Based on this confirmation of connectivity to and capacity at the Newbury WwTW, The Council's Nutrient Neutrality Officer has advised that there will be no likely significant effects on the River Lambourn SAC from the treatment and discharge of foul wastewater. Furthermore, as the above residential developments were approved by the local planning authority without the requirement for an Environmental Impact Assessment (EIA), then based on the previous advice we have received from Natural England, the changes in nutrient export levels resulting from the changes in land use and land management can be disregarded and it is not considered that these will be significant even though the application sites are located within the Lambourn catchment. And in any case, a revised nutrient budget calculation submitted by the applicants consultants, indicated that the post-development land use would be nutrient neutral.
- 6.27 The Council's Nutrient Neutrality Officer advises that taking all of the above information and evidence into consideration, the planning applications at Bath Speen, neither individually nor in combination with each other or with other projects, are likely to result in significant effects on the River Lambourn SAC and therefore do not require further Appropriate Assessment under Regulation 63 of the Habitats Regulations based on the previous advice the Council has received from Natural England.
- 6.28 Given the above, the ecological matters could achieve compliance 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**

- 6.29 Members of the public have written representations expressing objection to the proposed development. The relevant points to the Section 73 amendments that have been raised have been acknowledged in this report and addressed by consultees and in this report. The comments regarding the use of the Bath Road access, impact of Station Road works and impact on the allotments are matters fully considered and approved at outline stage and are matters previously approved.
- 6.30 The Council's Economic Development team has requested that a Skills and Employment Plan is secured on the application. Whilst a section 106 legal agreement was requested, officers consider that a reasonable worded condition can be added to the permission and is the appropriate mechanism in this instance.

## **Planning Balance and Conclusion**

- 6.31 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 outline development proposed is acceptable and is recommended to members for approval as set out in Section 8 of the report.
- 6.32 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

## **7. Full Recommendation**

- 7.1 To delegate to the Development Manager to GRANT OUTLINE PLANNING PERMISSION subject to the conditions listed below.

### **Schedule of Conditions**

- 7.2 The proposed planning conditions are structured into 3 main sections.
- Section 1 'Site Wide Planning Conditions' - relate to relate to the **WHOLE** application site as shown on the Site Location Plan (ref.SLP BR-01 rev B).
  - Section 2 'Outline Planning Permission' - relate to conditions that apply to the **OUTLINE & CHANGE OF USE** part of the application site only as shown on the Hybrid Parameters Plan (ref.1361 P1 04); and
  - Section 3 'Full Planning Permission' - relate to conditions that apply to the **FULL** component of the application site only as shown on the Hybrid Parameters Plan (ref.1361 P1 04),

### **1. SITE WIDE PLANNING CONDITIONS**

1.	<b>Hybrid Planning Conditions (as amended under 20/01009/NONMAT)</b>  The following Planning Conditions numbers 2-40 and 42 relate to the entire application site as shown on the approved Site Location Plan (ref.SLP BR-01 rev B).
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	<p>Planning Conditions 41-47 relate to the part of the hybrid application site that was submitted in outline (all matters reserved) and change of use only as shown on the approved Hybrid Parameters Plan (ref. 1361 P1 04).</p> <p>Planning Conditions 42, 48-57 relate to the part of the hybrid application site that was submitted in full as shown on the Hybrid Parameters Plan (ref. 1361 P1 04). None of the conditions, save for this condition 1 and condition 42, relate to the following preparatory works required to form the proposed allotment plots: Marking out the new allotment plots and then removing the turf surface, rotovating and improving the soil Fencing the adjusted boundaries of the new and existing allotments with a 0.8m high post and wire fence Laying of scaffolding planks across the ditch between the existing and proposed allotments to provide two points of pedestrian access.</p> <p>Reason: For the avoidance of doubt.</p>
2.	<p><b>Total Number of Units</b></p> <p>The number of dwellings hereby permitted shall not exceed 104 in total.</p> <p>Reason: For the avoidance of doubt and to ensure the satisfactory development of the site.</p>
3.	<p><b>Approved parameters plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p> <ul style="list-style-type: none"> <li>• Site location plan - SLP BR-01 rev B</li> <li>• Land use plan – 1361 P1 01 rev A</li> <li>• Building heights – 1361 P1 02 rev B</li> <li>• Access parameters – 1361 P1 03</li> <li>• Hybrid parameters – 1361 P1 04</li> </ul> <p>Reason: The parameters shown on this drawing are necessary to ensure the development achieves an acceptable standard of design, which complies with the National Planning Policy Framework, Policies ADPP1, ADPP2, ADDP5, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA2 of the Housing Site Allocations DPD 2006-2026, West Berkshire Quality Design SPD and the Speen Village Design Statement (2002).</p>
4.	<p><b>Housing mix and Tenure Plan</b></p> <p>No dwelling shall commence construction above foundation level until details of the housing mix and tenure of all dwellings (a schedule and tenure plan) has been submitted to and approved in writing by the Local Planning Authority. The tenure plan shall show the tenure of the eventual dwelling on each plot social/affordable rent and shared ownership. Thereafter the development shall not be carried out except in accordance with the approved details.</p> <p>Reason: Because insufficient information has been submitted to ascertain the tenure of development. This information is required at this stage because it may affect considerations of the site layout and because it has site wide implications that need to be determined at the outset of detailed design (e.g. affordable housing distribution) in accordance with the provisions of the National Planning Policy Framework, Policies CS4, CS6 and CS19 of the West Berkshire</p>

	Core Strategy 2006-2026, Policy HSA2 of the Housing Site Allocations DPD 2006-2026, the West Berkshire Quality Design SPD and the Speen Village Design Statement (2002).
5.	<p><b>Finished Floor Levels</b></p> <p>No development on any dwelling hereby permitted shall take place until details of the finished floor levels of that dwelling in relation to existing and proposed ground levels of adjoining dwellings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: This information is required to ensure satisfactory relationships with neighbouring properties in order to safeguard residential amenity, to ensure the levels/heights respect the character and appearance of the area including the National Landscape, and the setting of the heritage assets. This information is needed at this stage because of the site-wide implications of levels of the layout of the development in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA2 of the Housing Site Allocations DPD 2006-2026, the West Berkshire Quality Design SPD and the Speen Village Design Statement (2002).</p>
6.	<p><b>Construction method statement</b></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 Construction Method Statement. The Construction Method Statement shall provide for:</p> <ul style="list-style-type: none"> <li>(a) Construction site accesses</li> <li>(b) The parking of vehicles of site operatives and visitors</li> <li>(c) Loading and unloading of plant and materials</li> <li>(d) Storage of plant and materials used in constructing the development</li> <li>(e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(f) Wheel washing facilities</li> <li>(g) Measures to control the emission of dust and dirt during construction</li> <li>(h) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(i) Agreed routes and timing restrictions for construction vehicles, deliveries and staff</li> <li>(j) provide for mitigation measures in accordance with BS:5228, Code of practice for noise and vibration control on construction and open sites;</li> <li>(k) Temporary access arrangements to the site, and any temporary hard-standing;</li> <li>(l) Phasing/projected timetable of construction works;</li> <li>(m) Control of surface water run off during construction;</li> <li>(n) Proposed method of any piling for foundations/other ground works;</li> <li>(o) Details of types of piling rigs and earth moving machinery to be used;</li> <li>(p) Details of temporary external lighting/flood lighting;</li> </ul> <p>provide for a Waste Minimisation Statement setting out a scheme for recycling/disposing of waste resulting from construction works;</p> <p>The development shall be carried out in accordance with the approved plan.</p>

	<p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. The approval of this information is required at this stage because insufficient information has been submitted with the application. A pre-condition is required because insufficient information accompanies the outline application and the CMS must be in place before construction works commence. 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>
7.	<p><b>Hours of Work</b></p> <p>No demolition or construction works shall take place outside the following hours:</p> <p>0730 hours to 1800 hours Mondays to Fridays; 0830 hours to 1300 hours Saturdays; and No work shall be carried out at any time on Sundays or Bank Holidays</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
8.	<p><b>Layout and Design Standards – Section 278 / Section 38 Agreements</b></p> <p>Notwithstanding the information provided within the application documentation, the detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the applicant shall enter into a S278/S38 Agreement for the adoption of the sites road and footpaths where required by the Highways Authority.</p> <p>Reason: In the interest of road safety and flow of traffic and to ensure waste collection. 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>
9.	<p><b>Electric Vehicle Charging Points</b></p> <p>No dwelling hereby permitted shall be occupied until an electric vehicle charging point strategy and specification details has been submitted to and approved in writing by the Local Planning Authority. The approved dwellings shall not be occupied until the electric vehicle charging point(s) have been provided in accordance with the approved drawings. The charging point(s) shall thereafter be retained and kept available for use.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (2019), 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>

10.	<p><b>Travel Plan</b></p> <p>The development shall be carried out in accordance with the Residential Travel Plan (21-008 Rev A) prepared by Odyssey and dated March 2022 approved under application 22/00889/COND6.</p> <p>The approved Travel Plan shall be implemented from the point at which any dwelling hereby permitted is first occupied. From the date of implementation, the approved travel plan shall be reviewed and updated within the first 6 months. After that, the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps taken to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and provides an appropriate level of vehicle parking. 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><b>Spoil</b></p> <p>No development hereby permitted shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:</p> <ul style="list-style-type: none"> <li>• Show where any spoil to remain on the site will be deposited;</li> <li>• Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);</li> <li>• Include measures to remove all spoil from the site (that is not to be deposited);</li> <li>• Include timescales for the depositing/removal of spoil.</li> </ul> <p>All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.</p> <p>Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), the Quality Design SPD (June 2006) and the Speen Village Design Statement (2002).</p>
12.	<p><b>Sustainable Drainage Measures</b></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> <p style="padding-left: 40px;">a) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The</p>

	<p>sustainable drainage measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
13.	<p><b>Integrated water supply and drainage strategy</b></p> <p>No development hereby permitted shall take place until an integrated water supply and drainage strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved strategy. The strategy shall provide details of any on and/or off site drainage works, and impact studies on the existing water supply infrastructure to determine the magnitude of any new additional capacity required in the system and a suitable connection point. The development shall be carried out in accordance with the approved integrated water supply and drainage strategy. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.</p> <p>Reason: To ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. A pre-condition is required because this policy-requirement is not addressed within the current application, and will depend on the final layout of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5 and CS16 of the West Berkshire Core Strategy (2006-2026), and Policy GS1 of the Housing Site Allocations DPD 2006-2026. A pre-condition is necessary to make the development acceptable, as this information is not included within the application submission.</p>
14.	<p><b>Refuse Storage</b></p> <p>No dwelling shall commence construction above foundation level until details of storage for refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The storage for refuse and recycling details plan shall show the storage for refuse and recycling details on each plot. Thereafter the development shall not be carried out except in accordance with the approved details.</p> <p>Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
15.	<p><b>External Noise</b></p>

	<p>No dwelling shall commence construction above foundation level a scheme of works to protect the future occupiers of the dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out except in accordance with the approved details.</p> <p>Reason: In order to protect the amenities of future occupiers of the development in accordance with The National Planning Policy Framework, Policy OVS6 of the West Berkshire District Local Plan 1991 to 2006, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
16.	<p><b>Travel information packs</b></p> <p>No dwelling hereby permitted shall be first occupied until a scheme for the provision of travel information packs for new residents has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To provide a scheme that seeks to deliver sustainable transport objectives, such as encouraging the use of local public transport and other non-car modes of transport. The provision of travel information packs to new residents is a scheme that is proportionate to the size of the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies GS1 and P1 of the Housing Site Allocations DPD (2006-2026).</p>
17.	<p><b>Superfast Broadband</b></p> <p>The development shall be carried out in accordance with the broadband details approved under application 22/00890/COND7. No part of the development hereby permitted shall be occupied (unless otherwise agreed in writing by the Local Planning Authority) until superfast broadband infrastructure has been provided in accordance with the approved details.</p> <p>Reason: To ensure that the site is provided with high-speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the National Planning Policy Framework, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).</p>
18.	<p><b>Emergency Water Supplies.</b></p> <p>No dwelling hereby permitted shall be first occupied until either:</p> <ul style="list-style-type: none"> <li>(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 (in consultation with Royal Berkshire Fire and Rescue Service); or</li> <li>(b) Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because the main water supply for the development is sufficient) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.</li> </ul> <p>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</p>

	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. This condition is applied in accordance with the requirements of the National Planning Policy Framework, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).
19.	<p><b>Boundary Treatment</b></p> <p>No dwelling shall commence construction above foundation level until details (indicating the position, design, materials and type) of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out except in accordance with the approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026)</p>
20.	<p><b>Tree Protection – Construction Precautions</b></p> <p>No development or other operations hereby permitted shall commence on site until measures providing for the protection of the root zones of trees to be retained from the proposed access, hard surfacing, drainage and services have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. 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) and the West Berkshire Quality Design SPD.</p>
21.	<p><b>Arboricultural Programme of Works</b></p> <p>No development or other operations hereby permitted shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. 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) and the West Berkshire Quality Design SPD.</p>
22.	<p><b>Arboricultural Method Statement</b></p> <p>No development or other operations shall commence on site until an</p>



	<p>arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for the details of 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 enhancement of the development by the retention of existing trees and natural features during the construction phase. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. 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) and the West Berkshire Quality Design SPD.</p>
23.	<p><b>Arboricultural Supervision Condition</b></p> <p>No development hereby permitted shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. 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) and the West Berkshire Quality Design SPD.</p>
24.	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>No development hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;</p> <ul style="list-style-type: none"> <li>(a) a risk assessment of potentially damaging construction activities</li> <li>(b) Identification of biodiversity protection zones</li> <li>(c) Practical measures to avoid and reduce impacts during construction with special consideration on the protection of SSSI/SACs within the locality.</li> <li>(d) The location and timing of sensitive works to avoid harm to biodiversity features</li> <li>(e) The times during construction when specialist ecologists need to be present on site to oversee works</li> <li>(f) Responsible persons and lines of communication</li> <li>(g) The role and responsibilities of the ecological clerk of works or similarly competent person</li> <li>(i) Any temporary lighting that will be used during construction</li> <li>(k) measures to ensure no altered hydrogeology will occur within the site or locality during construction</li> <li>(l) External lighting</li> <li>(m) The implementation of these measures prior to the commencement of development.</li> </ul>

	<p>The development shall not be constructed otherwise than in accordance with the approved CEMP.</p> <p>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 following the amendment to the layout. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
25.	<p><b>CLP Oil Pipeline</b></p> <p>Prior to any development hereby permitted commencing on land within 6m of existing CLP (Oil) Pipeline located beyond the southern redline boundary of the site, the broad location of which being indicated in the consultation response with attached plan dated 7 August 2017 from CLP Pipeline System Ltd, details of such works shall have been submitted to and approved in writing by the local planning authority (in consultation with CLP Pipeline System Ltd). The development shall thereafter be carried out strictly in accordance with the approved details.</p> <p>Reason: In the interests of public safety. This condition is applied in accordance with the requirements of the National Planning Policy Framework, Policies CS5 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026).</p>
26.	<p><b>Public Rights of Way</b></p> <p>Notwithstanding information provided with the supporting application documentation, prior to any works commencing on, or affecting, any Public Rights of Way (PROW) with the site, details of such works shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: In the interest of highway safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists using the local PROW network. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
27.	<p><b>External Lighting Strategy</b></p> <p>Prior to above foundation level works commencing, details of a lighting strategy for the approved dwellings shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats;</li> <li>(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 using their territory;</li> <li>(c) Include and isolux diagram of the proposed lighting;</li> <li>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers;</li> <li>(e) Details of lighting positioning to avoid excessive light pollution to boundary trees, hedgerows or vegetation;</li> <li>(f) Light levels to below 1lux;</li> </ul>

	<p>(g) Details of light hoods or equivalent features to reduce light spillage;  (h) Provide details of timed/motion sensor security lighting;</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy and no additional external/street lighting shall be erected on the site.</p> <p>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.</p>
28.	<p><b>Biodiversity enhancements</b></p> <p>The development shall not be first occupied until details of a biodiversity enhancement plan have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The enhancements plan shall follow the principles set out within the supporting ecological report prepared by PV Ecology and shall include (but not be limited to) the installation of a minimum of 4 additional bat roosting boxes such as Schwegler 2FN Bat Box or Schwegler 1FF Bat Box within Hedgerow 4 Appendix Q Phase 2 Ecological Report by PV Ecology as updated in April 2019 (including Appendix A and B). Thereafter, the biodiversity enhancement measures shall be maintained in their approved condition for the lifetime of the development.</p> <p>Reason: To achieve net gains in biodiversity, and to mitigate the impact on bat species. A pre-condition is required because insufficient details accompany the application. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
29.	<p><b>Restrictions during bird breeding season</b></p> <p>No demolition, or site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.</p> <p>Reason: To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
30.	<p><b>Landscape and Habitat Management Plan</b></p> <p>No development hereby permitted shall take place until a Landscape and Habitat Management Plan for the site for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure. The plan</p>

	<p>shall include long term design objectives, management responsibilities and maintenance schedules. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens. No dwelling hereby permitted shall be first occupied until the approved plan has been implemented and thereafter adhered to for the lifetime of the plan.</p> <p>Reason: To ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure post-development including the long term management of existing and proposed landscaping in accordance with the recommendations of the submitted ecological report. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026</p>
31.	<p><b>Public Open Space</b></p> <p>Prior to above foundation level works commencing, details of on-site Public Open Space including LEAP and LAPs have been submitted to and approved by the Local Planning Authority. The approved Public Open Space shall be provided prior to the occupation of the 25th dwelling and shall be retained permanently thereafter.</p> <p>Reason: In order to provide adequate on site public open space to comply with Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and in terms of the strategic objective to enhance green infrastructure in line with Core Strategy Policy CS18. The National Planning Policy Framework also supports the provision of such green infrastructure and community facilities.</p>
32.	<p><b>Allotments</b></p> <p>The development shall be carried out in accordance with the details approved under application 20/03032/COND1. The allotments shall be completed in accordance with the approved scheme before any dwelling hereby permitted is first occupied.</p> <p>Reason: In order to compensate for any loss of allotment provision resulting from the proposed emergency access from Station Road and to ensure timely delivery to meet the needs of future occupiers in accordance with Policy HSA2 of the Housing Site Allocations DPD 2006-2026, the Speen Village Design Statement (2002) and The National Planning Policy Framework.</p>
33.	<p><b>Reptile Mitigation Strategy</b></p> <p>The development hereby permitted shall be carried out in accordance with the Reptile Mitigation Strategy set out with in Ecological Report by PV Ecology 2016 as updated in April 2019 with specific reference, amongst other elements, to a) the erection of reptile fencing prior to and during construction as per the yellow areas as shown in Appendix S and in accordance with the design shown in Appendix T, and b) the creation of two hibernacula with the purple area shown in Appendix S and to the standard as shown in Appendix U.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats, and in order to avoid contravention of the Wildlife and Countryside Act 1981. This condition is applied in accordance with the National Planning Policy Framework, and</p>

	Policy CS17 of the West Berkshire Core Strategy 2006-2026.
34.	<p><b>Cycle Storage</b></p> <p>Each dwelling hereby permitted shall not be occupied until details of cycle storage to serve that dwelling has been submitted to and approved in writing by the Local Planning Authority. The approved dwelling shall not be occupied until the approved cycle storage has been provided in accordance with the approved details and the approved areas 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 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>
35.	<p><b>Contamination Risks (Environment Agency)</b></p> <p>The development shall be carried out in accordance with the contamination investigations within the Phase 2 Geo-Environmental Site Investigation Report prepared by Environmental Management Solutions dated 20 December 2018 (ref: E10961-SI) approved under application 22/00878/COND5..</p> <p>Reason: Potential sources of contamination have been noted on this site. In particular an abandoned underground oil pipe line and a former railway is highlighted. This is located above the chalk principal aquifer. Small watercourses and a possible swallow hole are also shown. The site is also in a Source Protection Zone 2 for a public water supply abstraction. These are controlled water receptors which could be impacted by any contamination present on this site. Further investigation would be required to determine the extent of any contamination present and to what extent it poses a risk to controlled waters. Any risk identified would need to be adequately resolved to ensure that this does not impact on controlled water receptors. This may include remedial works to resolve contamination issues. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
36.	<p><b>Verification Report</b></p> <p>The development shall be carried out in accordance with the contamination investigations within the Phase 2 Geo-Environmental Site Investigation Report prepared by Environmental Management Solutions dated 20 December 2018 (ref: E10961-SI) approved under application 22/00878/COND5</p> <p>Reason: To ensure that contamination at the site is assessed. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.</p>
37.	<p><b>Unforeseen Contamination</b></p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in</p>

	<p>writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007</p>
38	<p><b>Skills and Employment Plan</b></p> <p>No development shall take place an Employment and Skills Plan (ESP), in relation to the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The ESP will set out the measures that the developer will take to enhance the training and employment opportunities that are offered to the local workforce in West Berkshire in the construction process. The measures set out in the ESP should be appropriate and proportional to the scale and value of the development. The ESP should set out, through a method statement, how the following priorities will be addressed:</p> <ul style="list-style-type: none"> <li>(a) Promotion of employment opportunities generated on site to the West Berkshire workforce (but not excluding those outside of West Berkshire), with a focus on those who are not currently employed.</li> <li>(b) Creation of new apprenticeship starts specific to the development site. This should include how the developer will work directly with local employment and training agencies.</li> <li>(c) Identification of training and work placement opportunities on site with discussion on how these may be promoted to local people, working directly with local employment and training agencies.</li> </ul> <p>The Employment and Skills Plan should also:</p> <ul style="list-style-type: none"> <li>(d) Identify a lead contact who is responsible for managing the plan.</li> <li>(e) Set out a timetable for the implementation of the ESP which, for the avoidance of doubt, shall include a start date no later than the date of commencement of development.</li> <li>(f) Set out the process for how implementation of the ESP will be monitored and reported back to West Berkshire Council.</li> </ul> <p>Thereafter approved ESP shall be implemented in full concurrent with the development of the site.</p> <p>Reason: To promote local job opportunities in the district in accordance with the National Planning Policy Framework. A pre-commencement condition is necessary because the ESP will need to be in place before any construction activities take place.</p>
39	<p><b>Ecological mitigation and management measures review and survey updates</b></p>

	<p>Prior to the commencement of development (including site clearance), the ecological mitigation and management measures to be secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:</p> <p>(i) establish if there have been any changes in the presence and/or abundance and/or distribution of:</p> <ul style="list-style-type: none"> <li>(a) Habitats;</li> <li>(b) Badgers;</li> <li>(c) Bats;</li> <li>(d) Hazel dormouse;</li> <li>(e) Breeding birds.</li> </ul> <p>(ii) identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the approved ecological mitigation and management measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>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.</p>
40	<p><b>Protected Species Licence</b></p> <p>If any protected species are identified in the updated surveys that were not previously confirmed to be on the application site and are likely to be impacted by the development in such a way that would be unlawful, then a protected species licence could be required before works can commence. In such an event, no works, including demolition or development shall be undertaken within the application site until the local planning authority has been provided with a licence granted by Natural England in accordance with Regulation 55 of the Conservation of Habitats and Species Regulations, 2017(as amended) to enable the proposed works to proceed lawfully in respect of bats. An updated bat scoping and bat emergence surveys shall be undertaken in accordance with best practice professional guidance to support the licence application to Natural England.</p> <p>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</p>

## **2. OUTLINE PLANNING PERMISSION**

41.	<b>Reserved Matters Submission</b>
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	<p>No development hereby permitted shall take place until details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) of development have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.</p> <p>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).</p>
42.	<p><b>Submission Limit for Approval of Reserved Matters</b></p> <p>Application for approval of all the reserved matters shall be made to the local planning authority before the expiration of three years from the date of the original permission (the expiry date being 18th February 2023).</p> <p>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).</p>
43.	<p><b>Time Limit for Commencement</b></p> <p>The development hereby permitted shall commence before the expiration of three years from the date of this permission 17/02092/OUTMAJ (the expiry date being 18th February 2023) or before the expiration of two years from the date of approval of the last of the approved matters, whichever is the later.</p> <p>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).</p>
44.	<p><b>Phasing Plan (as amended under 20/01009/NONMAT).</b></p> <p>The development may be carried out in accordance with the approved phasing plan (ref: P1-05) on a phased basis in respect of phase 1 - allotment works, phase 2 - all works relating to the part of the hybrid application site that was submitted in full, and phase 3 - change of use of agricultural to public open space and works relating to the part of the hybrid application site that was submitted in outline (all matters reserved) in accordance with a phasing plan for that area of the site which shall be submitted and approved in writing by the local planning authority on or before submission of the first reserved matters application which shall show the phases in which development is to be carried out, including details on the broad number of dwellings (Including affordable units) to be provided at each phase(s). The development shall thereafter only be carried out in accordance with the approved Phasing Plan and/or any subsequent amendment(s) to it that has been agreed in writing by the Local Planning Authority.</p> <p>Reason: To assist with the identification of each chargeable phase for the purposes of the Community Infrastructure Levy payable in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and to ensure the comprehensive masterplan led development of the site in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, ADDP5, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA2 of the Housing Site Allocations DPD 2006-2026, West Berkshire Quality Design SPD and the Speen Village Design</p>



	Statement (2002).
45.	<p><b>Parking and Turning Areas</b></p> <p>No dwelling hereby permitted shall be occupied until the associated vehicle parking and/or turning space has been surfaced, marked out and provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The parking and/or turning space shall thereafter be provided in accordance with the approved details and 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>
46.	<p><b>Station Road Emergency Access</b></p> <p>Upon occupation of the 50<sup>th</sup> dwelling hereby approved, the Station Road emergency access and cycle route shall be constructed and made available for use in accordance with the approved drawing 07733/SK/009 rev A or as otherwise agreed by the LPA.</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
47.	<p><b>Off - site Section 278 highway works</b></p> <p>No dwelling hereby permitted shall be occupied until a Section 278 Agreement has been signed and provided to procure the following works:</p> <p>By occupation of the 50<sup>th</sup> dwelling:</p> <ul style="list-style-type: none"> <li>• Emergency and cycleway access onto Station Road</li> </ul> <p><u>Public Transport Infrastructure</u></p> <ul style="list-style-type: none"> <li>• Provision of raised Kassel kerb, 21 metre time-restricted bus stop clearway marking to enable the bus to safety line and timed clearway sign plate at “The Sydings” bus stop northbound in Station Road</li> <li>• Provision of raised Kassel kerb at arrival end and safety line at “The Sydings” bus stop southbound towards A4 in Station Road</li> </ul> <p><u>Dropped kerbing and tactile paving at the following locations:</u></p> <ul style="list-style-type: none"> <li>• Across Station Road at the junction with the A4</li> <li>• Across Lambourn Road west of the junction with Station Road with decrease in kern radii on western side of Station Road to enable this crossing</li> <li>• Across The Sydings at the junction with Station Road</li> <li>• Across Station Road at the southbound bus stop</li> </ul> <p>Reason: To encourage sustainable travel, in the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists.</p>

	This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).
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### 3. FULL PLANNING PERMISSION

48.	<p><b>Time Limit</b></p> <p>The development hereby permitted shall commence before the expiration of five years from the date of this permission 17/02092/OUTMAJ (the expiry date being 18th February 2025).</p> <p>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).</p>
49.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans listed below:</p> <p>Received 18 September 2023:</p> <ul style="list-style-type: none"> <li>• Proposed Bath Road access - 07733/SK/002 rev E</li> <li>• Amended Drawing No: 0766-S73-1- 102 Revision A – Planning Layout</li> <li>• Amended Drawing No: 0766-S73-1-HTB Issue 4 – House Type Booklet</li> <li>• Amended Drawing No: 0766-S73-1-103 Revision A – Street Scenes</li> <li>• Amended Drawing No: 0766-S73-1-109 Revision A – Garages</li> <li>• Amended residential travel plan</li> </ul> <p>Received 10 January 2024:</p> <ul style="list-style-type: none"> <li>• Amended site levels</li> </ul> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
50.	<p><b>Archaeological Scheme of Building Recording</b></p> <p>The development shall be carried out in accordance with the final amended Written Scheme of Investigation The Thames Valley Archaeological Services WSI dated 17/3/22 (file name 21e129bld WSI rev3) approved by Archaeology. The development shall be completed in accordance with the approved scheme</p> <p>Reason: To ensure that an adequate record is made of these buildings of architectural, historical or archaeological 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-condition is necessary as insufficient information is provided at this stage.</p>
51.	<p><b>Visibility Splays Before Development</b></p> <p>No development hereby permitted (other than works to implement the visibility</p>

	<p>splays hereby described) shall take place until visibility splays of 2.4 metres by 43.0 metres have been provided at the A4 Bath Road access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.</p> <p>Reason: In the interests of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
52.	<p><b>Bath Road Access</b></p> <p>No dwelling hereby permitted shall be occupied until the A4 Bath Road access has been constructed in accordance with details to be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
53.	<p><b>Off - Site Highway Works</b></p> <p>No dwelling hereby permitted shall be occupied until a Section 278 Agreement has been signed and provided to procure the following works:</p> <ul style="list-style-type: none"> <li>• Vehicular and footway access onto A4 Bath Road with turn right lane and pedestrian refuge crossing and footway widened to 1.8 metres fronting the site.</li> </ul> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
54.	<p><b>Parking and Turning Areas</b></p> <p>No dwelling hereby permitted shall be occupied until the associated vehicle parking and/or turning space has been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space 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 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>
55.	<p><b>External Materials</b></p> <p>Irrespective of details submitted, prior to above foundation level works commencing, details of external facing materials 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</p>

	to protect the character and amenity of the area and the adjacent Conservation 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), the Quality Design SPD (June 2006) and Speen Village Design Statement (2002).
56.	<p><b>Obscure Glazing</b></p> <p>The first floor windows in the first floor south facing elevation of the dwelling identified as Plot 6 hereby permitted shall be of a top hung design and be fitted with obscure glazing before this dwelling is first occupied. The obscure glazing shall be permanently retained in that condition thereafter.</p> <p>Reason: In the interests of safeguarding the privacy of the neighbouring 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).</p>
57.	<p><b>Landscaping (including hard surfaces)</b></p> <p>No development hereby permitted shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:</p> <ul style="list-style-type: none"> <li>a) completion of the approved landscaping within the first planting season following the completion of the development; and</li> <li>b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.</li> </ul> <p>Thereafter the approved scheme shall be implemented in full.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.</p>

### ***Informatives***

1.	<p><b>Approach of the LPA</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered a development, which improves the economic, social and environmental conditions of the area.</p>
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2.	<p><b>CIL</b></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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3	<p><b>Ground grading requirements</b></p> <p>The applicants' attention is drawn to league requirements for ground grading and the associated requirements for internal spaces to play in a particular league.</p>
4	<p><b>CLH Pipeline</b></p> <p>The applicants is advised to contact CLH Pipeline System who advise that their client's apparatus, the CLH Pipeline System - Energy Act 2013 (CLH PS), may be affected by the proposal. In order to verify the accurate location of the pipeline in conjunction with the development proposals to arrange a site visit, please contact:</p> <p>Central Services email: <a href="mailto:anne.swallow@clhps.uk">anne.swallow@clhps.uk</a>  Ashdon Road Tel: 01799 564101  Saffron Walden  Essex, CB10 2NF</p> <p>When contacting Central Services, please quote the File Ref ATC/WB/WB/0950/172161.</p> <p>You should note that the interests of the CLH Pipeline System are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from CLH Pipeline System. CLH Pipeline System Easement Strips are 6 metres wide and can incorporate other associated CLH Pipeline System facilities.</p> <p>Central Services will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining Works Consent can take between four and six weeks depending on circumstances at the time of application.</p> <p>To reiterate, you should not undertake any work or activity without first contacting the CLH Pipeline System Operator for advice and, if required, Works Consent. For your additional information please visit:  <a href="http://www.linesearchbeforeudig.co.uk/index.php/useful-info">http://www.linesearchbeforeudig.co.uk/index.php/useful-info</a>, which set out the standard requirements for working/crossing the CLH Pipeline System - Energy Act 2013.</p> <p>You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH Pipeline System apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.</p>

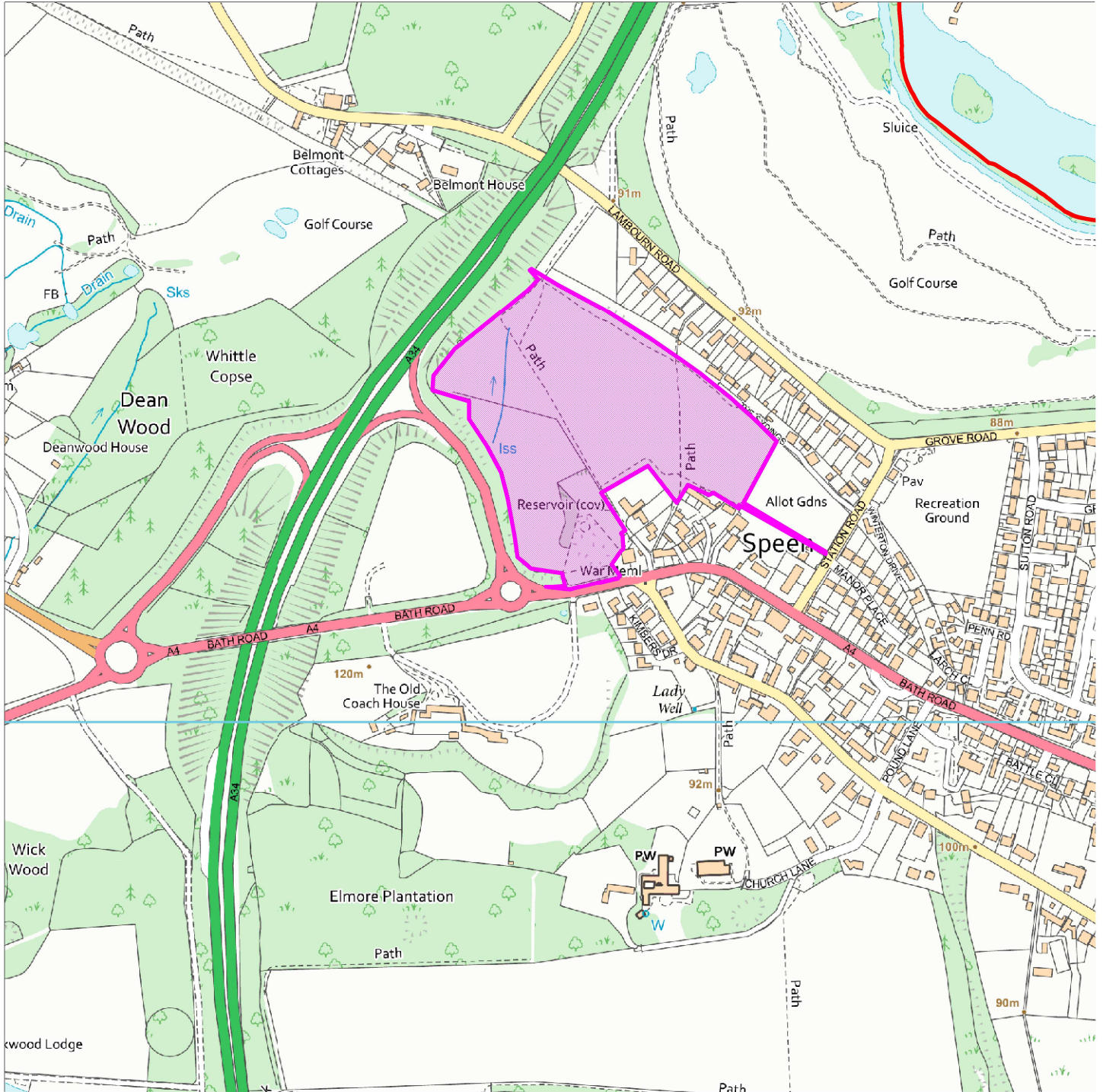
	<p>Please note that implementation of any unapproved work that affects a CLH Pipeline System Easement Strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage.</p>
	<p><b>Works Affecting the Public Highway</b></p> <p>Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.</p> <p>Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.</p> <p>Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.</p>
	<p><b>HI 1 Access construction – for the works to the accesses</b></p> <p>The Highways Manager, West Berkshire District Council, Transport &amp; 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.</p>
	<p><b>HI 3 Damage to footways, cycleways and verges</b></p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
	<p><b>HI 4 Damage to the carriageway</b></p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
	<p><b>Conditions</b></p> <p>The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.</p>
	<p><b>Pre-conditions</b></p> <p>The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the</p>

	<p>development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.</p>
	<p><b>Section 106 Legal Agreement</b></p> <p>This Decision Notice must be read in conjunction with the terms of the associated s106 Legal Agreement. You are advised to ensure that you have all the necessary documents before development starts on site.</p>

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Covered Reservoir Speen



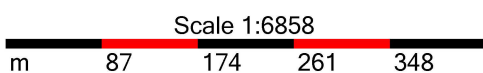
Map Centre Coordinates :

Scale : 1:6857

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	08 February 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	22/01235/RESMAJ  Speen Parish Council	14 June 2022*		<p>Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale</p> <p>Covered Reservoir, Bath Road, Speen, Newbury</p> <p>David Wilson Homes (Southern).</p>

\*Extension of time agreed until 29 February 2024.

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01235/RESMAJ>

**Recommendation Summary:** To delegate to the Development Manager to GRANT RESERVED MATTERS APPROVAL subject to conditions.

**Ward Members:** Councillor Antony Amirtharaj  
Councillor Martha Vickers

**Reason for Committee determination:** Referred to the Planning Committee by the Development Manager to be considered alongside associated applications.

**Committee Site Visit:** 19 February 2024

#### Contact Officer Details

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

## 1. Introduction

- 1.1 This application seeks planning permission for the reserved matters of appearance, landscaping, layout and scale following grant of Planning Permission 17/02092/OUTMAJ. The hybrid planning permission granted approval for 104 dwellings and the access to the site.

### ***Background to proposal***

- 1.2 The original hybrid planning permission approved the access matter at outline, and reserved all other matters. The outline planning permission also approved the change of use of land to provide extension to existing allotments, a 3.75 metre wide pedestrian/cycle route and emergency access to link the site to Station Road. To off-set the loss of any allotments to facilitate the emergency link, the outline planning permission included the change of use existing agricultural land patch covering approx. 1500 square metres located to the north-eastern boundary of site to extend the existing allotments.
- 1.3 A separate section 73 application is also submitted and presented for consideration by Members under the following reference:

- **23/00397/OUTMAJ - Covered Reservoir, Bath Road, Speen, Newbury**  
*(Proposal: Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.*

### ***Reserved Matters Proposals***

- 1.4 Application 23/00397/OUTMAJ included an approval of the parameters plan showing the access from Bath Road and an emergence and cycleway access link to Station Road. The approved planning permission also included an extension of the Bath Road access into the central and larger development parcel. The outline parameter plans are listed below for reference:
- Site location plan - SLP BR-01 rev B
  - Land use plan - 1361 P1 01 rev A
  - Building heights - 1361 P1 02 rev B
  - Access parameters - 1361 P1 03
  - Hybrid parameters - 1361 P1 04
- 1.5 The outline permission also had an accompanying Section 106 legal agreement dated 27 February 2020 and associate Highways agreements which covered: the provision of 41 affordable housing residential units - 29 social rented dwellings and 12 shared ownership dwellings; public open space, ecological mitigation and off-site highways works. The offsite highway works included:

- An A4 Bath Road access
- Public Transport Infrastructure
- Provision of raised Kassel kerb, 21 metre time-restricted bus stop clearway marking to enable the bus to safety line and timed clearway sign plate at "The Sydings" bus stop northbound in Station Road.
- Provision of raised Kassel kerb at arrival end and safety line at "The Sydings" bus stop southbound towards A4 in Station Road.
- Dropped kerbing and tactile paving at the following locations:
  - a) Across Station Road at the junction with the A4
  - b) Across Lambourn Road west of the junction with Station Road with decrease in kern radii on western side of Station Road to enable this crossing.
  - c) Across The Sydings at the junction with Station Road
  - d) Across Station Road at the southbound bus stop

- 1.6 The proposed layout has been amended during the consideration of the application, Plots 21, 22, 23, 48 and 49 to the west and plots 24, 25, 26, 27, 43, 44, 45 and 46 to the east will front the public rights of way footpath SPEE/6/2.
- 1.7 Plots 31 and 32 will front the elevations facing the allotments and Station Road. Plots 21, 22, 23, 48 and 49 and plots 24, 25, 26, 27, 43, 44, 45 and 46 would be set further back from footpath SPEE/6/2 but orientated to face towards the footpath. The plots to the west will also front the new footpath creating a level of surveillance. The remaining plots front onto the main internal road network with gardens to the rear creating adequate residential blocks.
- 1.8 The drainage ponds are located away from residential properties in various corners of the site to the north, southwest and southeast of the site. The parking for each property would either be to the front or side of the dwellings, or as a combination of both.
- 1.9 With regard to appearance and scale 55 of the dwellings would be four plus bedroom market units, five of the dwellings would be three bedroom market units with an overall total of 13 three bedroom market units. 27 of the units will be one and two bedroom units. The proposed housing mix is weighted towards family housing, officers accept this mix approach given the edge of settlement location of the site, the agreed parameters plan, the character of the area and the provision of affordable housing at the requested mix.
- 1.10 The materials are submitted on the materials plan and would be a combination of Wienerberger or Ibstock multi facing brick in brown or red and chalk render in some sections. Detailing brick is set as Slate Blue. The proposed roofing material is brown and grey roof tile. The majority of the proposed garage doors and front doors will be set in black finish. The roof to proposed porches and bay windows will match the main roof colour. All rainwater goods will have a black finish. All dwellings would be up to 2.5 storey with the higher units being in the centre of the site and less than 10 metres in height as set by the buildings parameters plan approved at outline stage. The overall height would be approximately 9 metres from proposed ground level and the highest building is Block A located in the centre of the site as set by the parameters plan. The dwellings are mostly designed with front and side gables with first floor windows below eaves and within the roof in some designs. The majority of the dwellings will be designed with front facing gable end protrusion.
- 1.11 The landscape buffer to the north will include grassland and amenity planting to create a landscape gap buffer to the existing dwellings to the north east and east. It is

considered that the approved parameters plan has been maintained. Planting is proposed around the site with new trees and large standard trees and garden ornamental planting. Site boundary hedging and a buffer separation are proposed along the boundary with The Sydings, as well as ornamental shrubs, grasses and bulbs within the main public open space areas.

- 1.12 The hard landscaping is primarily the main internal road and footpaths, driveways and private footpaths to the dwellings. The materials for these hard surfaces include tarmac, concrete block paving, permeable block paving and some retaining walls given the sloping land.
- 1.13 The application site is located to the west of the village of Speen. The site comprises a parcel of grassland. The site is bordered by residential housing and mature trees to the north, mature trees and allotments to the south east (to Station Road), the A34 to the west, and Bath Road and established vegetation to the south.
- 1.14 The eastern and southern boundaries of the site adjoin the Speen Conservation Area (which contains a number of Grade II Listed buildings).
- 1.15 To the west lies the A34 which separates the site from the wider countryside and the AONB beyond. A section of redundant railway line supports a number of trees covered by Tree Preservation Order on the southern edge of the houses fronting onto Lambourn Road.
- 1.16 The application site occupies the north facing slopes of a ridge of land between Lambourn Road and Bath Road on the western edge of Speen. The site follows a natural slope from the south west to the north east.
- 1.17 The central area of the site forms a wedge of open land between the northern and southern sides of the village. The fields are rough pasture with the area immediately north of Bath Road containing a redundant reservoir, scrub and mature trees.
- 1.18 An existing Public Right of Way (PROW) Speen 7/2 runs along the western portion of the site which connects with PROW Speen 7/1 and leads on to the Lambourn Road through the land subject to a separate planning application reference 17/02093/OUTMAJ for 14 dwellings.
- 1.19 A further PROW Speen 37/1 (Lambourn Way) follows the disused railway line and connects with PROW Speen 6/3 which travels through the eastern part of the site which leads on to Lambourn Road to the north and Bath Road to the south via PROW Speen 7/2.
- 1.20 The site is also within Flood Zone 1 (lowest risk of flooding) according to Environment Agency flood mapping.

## 2. Relevant Planning History

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

Application	Proposal	Decision / Date
15/02883/SCREEN	EIA Screening Opinion.	Not Required / 02.11.2015

17/02092/OUTMAJ	Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 18.02.2020
17/02093/OUTMAJ	Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.	Approved / 18.02.2020
20/01009/NONMAT	Non material amendments to planning permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land. Amendments: Amendment to Conditions 1 and 42	Approved / 05.06.2020
20/03032/COND1	Application for approval of details reserved by condition 32 ( Allotments) of approved 17/02092/OUTMAJ -Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 10.02.2021
21/03239/COND2	Application for approval of details reserved by condition 20 'tree protection construction precaution', 21 'arboricultural programme of works', 22 'arboricultural method statement', 23 'arboricultural supervision condition', 24 'construction environmental management' and 48 'archaeological scheme of building record' of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing	Approved / 21.12.2023

	allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	
22/00160/OUTMAJ	Section 73: Variation of Conditions 20 (Tree Protection), 21 (Arboricultural Programme of Works), 22 (Arboricultural Method Statement), 23 (Arboricultural Supervision), 24 (CEMP), 32 (Allotments), 47 (Approved Plans) and 48 (Archaeological Scheme) and Removal of Condition 54 (Obscure Glazing) of approved application 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Refuse / 25.07.2022
22/00877/COND4	Application for approval of details reserved by conditions 28 (Biodiversity enhancements) and 30 (Landscape and Habitat Management Plan) of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Pending Consideration
22/00878/COND5	Application for approval of details reserved by discharge of condition 35 (Contamination Risks (Environment Agency)) of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 22.01.2024
22/00889/COND6	Application for approval of details reserved by discharge of condition 10 (Travel Plan) of approved 17/02092/OUTMAJ: Hybrid	Approved / 28.04.2023



	planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	
22/00890/COND7	Application for approval of details reserved by discharge of condition 17 (broadband) of approved 17/02092/OUTMAJ: Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 28.04.2023
22/01235/RESMAJ	Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - [Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale	Pending Consideration
23/00310/RESMAJ	Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - [Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open	Pending Consideration

	space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale	
23/00373/RESMAJ	Approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: Appearance, Landscaping, Layout and Scale.	Pending Consideration
23/00397/OUTMAJ	Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Pending Consideration

### 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. 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 under application reference: 15/02883/SCREEN. 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 27 September 2022 and the deadline for representations expired on 20 October 2022.
- 3.3 An amended plans notice was displayed on 22 September 2023 and the deadline for representations expired on 13 October 2023. Press notices were advertised in the Newbury Weekly News on 23 June 2022. Whilst additional minor amendments were received, officers considered that it was not necessary for the display of additional amended plans notices.
- 3.4 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. Under the CIL regulations, CIL is not sought at the Outline stage of applications and will be calculated at the reserved matters stage. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Speen Parish Council</b>	No Objection with comments on: <ul style="list-style-type: none"> <li>• Green buffer to the Sydings</li> <li>• Offsite works to Station Road</li> <li>• Concerns regarding the Bath Road access</li> </ul>
<b>Newbury Town Council</b>	Support comments by Speen Parish: <ul style="list-style-type: none"> <li>• Public open space should be managed by public bodies.</li> </ul>
<b>WBC Highways Officer:</b>	Amended plans requested and submitted. No comments received on amended plans
<b>WBC Drainage Officer:</b>	No objection, subject to watercourse consent.
<b>WBC Conservation:</b>	Request for additional information received. No comments on amended materials plan
<b>Natural England:</b>	No objection subject to letter from Thames Water and connection to Newbury WwTWs on Lower Way
<b>WBC Ecology Officer:</b>	No objection on Nutrient Neutrality, No objection on biodiversity
<b>WBC Trees Officer:</b>	No objection subject to condition
<b>WBC Archaeology:</b>	No objection, subject to condition 48 on outline
<b>WBC Housing</b>	No objection to housing mix, subject to additional information on space standards. No comments on amended plans
<b>WBC Environmental Health:</b>	No objection subject to condition
<b>Newbury Society:</b>	Objection: concerns about the proposed access from the A4 Bath

	Road
<b>CLP Oil Pipeline</b>	Objection, subject to consultation on any impacts on pipeline
<b>WBC Education</b>	No objection
<b>WBC Environment:</b>	No comments response received
<b>Environment Agency:</b>	No comments response received
<b>National Highways</b>	No objection
<b>Historic England</b>	No comments response
<b>WBC Public Rights of Way</b>	No objection subject to footpath within 3 metre zone of existing
<b>North Wessex Downs</b>	No comments received
<b>Transport Policy</b>	No comments received
<b>Planning Policy</b>	No comments received

### ***Public representations***

4.2 Representations have been received from five (five) contributors objecting to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

- proposed site access on the A4 does not comply with the relevant standards
- A4 access vision splays are substandard.
- The right turn lane and through lanes are not compliant, to minimum 3.0m
- The traffic data and the future year assessment in the Transport Assessment is out of date.
- A Road Safety Audit on a revised access design should be submitted
- The proposals cut back the hedge adjacent to No 5 Lambourne Road.
- Gardens to No 80, 81 and 82 are directly opposite adjacent property's garden
- Concerns regarding anti-social behaviour along foot traffic along the footpaths
- Heavy standard tree adjacent to boundary.
- No consideration of an underground spring water passing under the emergency access.

## 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, ADDP5, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA2, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, RL.1, RL.2 and RL.3 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 (2017)
- Conservation of Habitats and Species Regulations 2017
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- North Wessex Downs AONB Management Plan 2014-19
- Planning Obligations SPD (2015)
- Speen Village Design Statement (2002)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Landscaping
- Appearance
- Scale
- Layout
- River Lambourn Nutrient Neutrality Impact Zone
- Representations
- Planning balance and conclusion

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

6.2 The site is the main larger section of a wider parcel of land which was allocated for housing development under the Housing Site Allocations DPD by policy HSA2 and is within the settlement boundary of Newbury, with the western public open space

dissected by the settlement boundary. Outline permission 17/02092/OUTMAJ has been granted for this part of the site for 93 dwellings and the main access into the site. The principle of development has therefore been established and there have been no changes to the local development plan policies since the outline permission was granted. planning permission 17/02092/OUTMAJ.

### ***Landscaping***

- 6.3 Policy CS18 of the Core Strategy expects new development to provide open spaces of an appropriate size and links to existing green infrastructure. It states specific standards in new developments are to be identified in the Site Allocations DPD.
- 6.4 Policy HSA2 of the Housing Site Allocations DPD for this site requires the following landscape measures:
- Limitation of built form to below the higher ground as shown in the site plan to avoid introducing prominent development on the skyline.
  - Retention of the allotments in situ, with consideration of additional provision.
  - A tree planted landscape buffer to the A34, slip road and A4 to maintain the rural character of the western approach into Newbury.
  - Tree belts to be provided to the rear gardens of the adjacent houses linking into the tree line along the former railway line.
  - The rural character of the existing Public Rights of Way across the site will be protected.
- 6.5 The Council's Tree Officer and Public Rights of Way were consulted on the application. The Tree Officer has raised no objection outlining that the proposed landscaping as shown on the General Arrangement Sheets is acceptable. Furthermore, the internal road, open space and areas fronting the road planting are considered acceptable. The Trees Officer also indicated that the planting schedule of planting phases, a long term management plan (5-10 years) and maintenance schedule are still requested and can be secured by a condition.
- 6.6 The Public Rights of Way Officer has assessed the proposal and provided comments on the impact of the development on the existing network of right of way footpaths. The proposed development initially sought to move the existing footpath SPEE/6/2 westwards from the definitive line and initially it was recommended that the diversion would be acceptable within a 3 metre zone area. The Rights of Way Officer has expressed a preference in the latest consultation for the footpath to follow the existing definitive route; however, there is not considered to be a planning reason to reject the proposed route, particularly as the definitive route is not obstructed by the proposals. It is recognised that there is a separate approval process for diverting public rights of way, and a planning condition is proposed to secure the footpath with flexibility depending on the outcome of this separate process.
- 6.7 The open space is set as a requirement of the legal agreement associated with the outline permission and requires that a landscape plan be approved. The legal agreement also sets out the maintenance requirements.
- 6.8 As the scale of development is relatively unchanged from that indicated at outline stage, it remains the case that the area of open space is sufficient to meet the landscaping requirements.
- 6.9 In terms of the buffer to the properties at The Sydings, the submitted general arrangement sheet 2 shows a sufficient distance buffer between the new dwellings and the properties at The Sydings, with a maximum distance between the new

dwellings and the boundary of 36 metres to the south east and the smallest gap of approximately 4 metres at the pinch point at plot 42. The buffer includes a good level of amenity grass, wildflower meadow and a selection of standard trees with an indicated girth of 10-12cm. a drainage pond is also located to the southeast between The Sydings and the new dwellings.

- 6.10 The hard landscaping, boundary treatments and footways are also outlined in the general arrangements sheets. The residential boundaries are mostly set as 1.8 metre high timber close board fencing to the rear gardens and metal and post rail fencing in the outer edges. Ornamental hedgerow to the front of the properties also adds to soften the character of the built form.
- 6.11 The proposed landscaping scheme would provide open space with natural surveillance, an enlarged buffer to The Sydings beyond and provide varied landscape. There is the potential for increased biodiversity links with the establishment of the open spaces and planting.

### ***Appearance***

- 6.12 Policy CS14 of the Core Strategy requires high quality design that respects and enhances the character and appearance of the area, with regard to the immediate area and wider locality. Policy CS19 also requires regard to be given to ensuring new development is appropriate in design in the context of the existing settlement.
- 6.13 The committee report has outlined the types of dwellings and the materials proposed. In the surrounding area to the south and east of the site are mainly a mixture of terraced housing, semi-detached and detached edge of settlement dwellings in relatively large plots. The majority of dwellings in the area are of red brick with tile roof, with some painted white, and generally with front gable features facing the highway.
- 6.14 The exact specification of materials has been provided. As the site is located adjacent to the Speen Conservation Area and within close proximity to a number of Listed Buildings, the Council's Conservation and Design Officer has been consulted. The Conservation Officer has not commented on the proposed materials following their submission at their request. Officers consider that the materials condition can be retained.
- 6.15 The proposed landscaping responds to the locality; the surrounding area having trees, low hedging, fencing and walls to front boundaries.
- 6.16 In this context the proposed dwellings are considered to be of a design that responds to the local context and has had regard to the immediate and surrounding area in the context of the existing settlement.

### ***Scale***

- 6.17 Policy HSA2 of the Housing Site Allocations DPD does not provide for a set mix of dwelling types and sizes on the allocated site. The policy directs for the comprehensive delivery of approximately 100 dwellings.
- 6.18 Policy ADPP1 states that the scale and density of development will be related to the site character and surroundings, and ADPP2 states that development will respect the historic environment of the town. Policy CS4 of the Core Strategy expects new development to contribute to an appropriate mix of dwelling types and sizes.

- 6.19 With regard to density and the site capacity under policy CS4, this was considered at outline stage and it was established that this part of the allocated site was capable of accommodating 93 dwellings for which outline permission was granted.
- 6.20 The market housing would primarily be 3 and 4 bedroom houses. The smaller units would be mainly affordable units. It is noted that in the surrounding context, larger sized dwellings would be in keeping with local character.
- 6.21 The applicant maintains that the proposed larger market housing is in response to edge of settlement context. The 2016 Berkshire Strategic Housing Market Assessment indicates a more pronounced need for 1, 2 and 3 bedroom dwellings. These would be provided as affordable units on site, as such officers are content with the proposed mix.
- 6.22 The Council's Housing Development Officer was consulted on the proposal. The Housing Development Officer had no objection to the housing mix proposed by the application, subject to further amendments to meet national space standards. No comments were received following the amended plans. The details submitted indicate that the minimum space size for each unit complies with the space standards in terms of Gross Internal Area. The applicant will be required to provide additional details to demonstrate how the internal bed space and storage dimensions will be met. Given the units meet the minimum Gross Internal Area requirements, officers consider that a reasonably worded condition can be attached requesting further details on the compliance with internal national space standards.
- 6.23 The current scheme will provide the following affordable housing mix distributed across the site:

***Social Rented (Total = 29 units - 70% of affordable units)***

- 12 X 1 bedroom units (49sqm – 57sqm) (National space GIA = min 39 sqm)
- 8 X 2 bedroom units (62sqm – 80sqm) (National space GIA = min 61 sqm)
- 6 X 3 bedroom units (93sqm – 97sqm) (National space GIA = min 93 sqm)
- 3 X 4 bedroom units (108 sqm) (National space GIA = min 97 sqm)

***Intermediate (Total = 12 units - 30% of affordable units)***

- 7 X 2 bedroom units (80.5 sqm) (National space GIA = min 61 sqm)
- 2 X 3 bedroom units (93sqm – 97sqm) (National space GIA = min 93 sqm)

- 6.24 The affordable housing is as secured under the section 106 legal agreement and the remaining three (3) affordable housing units are provided on the covered reservoir site for a proposed 11 dwellings.
- 6.25 In terms of market housing at total of 5 x 5 bedroom units; 42 x 4 bedroom units, 8 x 3 bedroom units are proposed.
- 6.26 The proposed mix of market dwellings is acceptable as discussed in this report given the location and edge of settlement context. The affordable housing mix is in accordance with the Housing Development Officer's comments.
- 6.27 In terms of the scale of the dwellings proposed (excluding garages) and their height and massing the proposed dwellings would be up to 9m in height, with dwelling footprints of approximately 90 to 183 sqm. The proposed plots are smaller than those in the immediate surrounding area, but are comparable to those slightly further south



west. The proposed mix of development would meet the requirement for the proportion of market and affordable dwellings to be provided on site. The affordable housing units whilst not fully in accordance with local housing need, is a better mix than the market housing proposed.

- 6.28 The scale of development in terms of massing and size would be in keeping with other properties in the area, with slightly smaller plots but not uncharacteristic of the area. With regard to the affordable housing units these are already secured by the legal agreement associated with the outline permission. Overall the proposed scale of development is considered to comply with local development plan policies.

### ***Layout***

- 6.29 Policies GS1 and HSA2 of the Housing Site Allocations DPD outline a number of criteria to be applied to the allocated housing site. The officer report on the outline permission reviewed these considerations. In principle an integrated water supply and drainage strategy was considered capable of being accommodated, no objections were raised by Thames Water, and conditions were applied to secure a drainage strategy.
- 6.30 The accessibility of the site and measures to mitigate the impact of the development on the local road network were considered by Highways and found acceptable under the outline permission. These measures included numerous offsite highway works discussed in this report to improve access and highway safety. The outline permission considered the biodiversity impacts of the development with conditions applied accordingly. The outline permission also included a landscape visual impact assessment and the parameters plan for the developable area of the site was informed by this assessment. These are matters already approved and inform the Reserve Matters through the Parameters Plans.
- 6.31 With regard to this reserved matters application the proposed layout complies with the parameter plan with regard to the developable area, the creation of a footpath open space through the middle of the site, provision of drainage pond features and landscaping. With regard to drainage policy CS16 of the Core Strategy requires all development sites to manage surface water in a sustainable manner via sustainable drainage methods with attenuation to greenfield run-off rates and volumes, and where possible other benefits such as water quality, biodiversity and amenity.
- 6.32 The Lead Local Flood Authority has been consulted on the application and they raise no objection subject to a condition on the outline and a watercourse consent.
- 6.33 The conditions applied to the outline permission would still need to be complied with such as run-off and capacity calculations, permeable paving and maintenance including that of the ponds. The proposed off-site discharge would also require an Ordinary Watercourse Consent from the Council as land drainage authority. This will be added to the drainage condition recommended by the lead local flood authority under the outline section 73 application. The lead local flood authority advice is that the proposed layout still enables a sustainable drainage system to be incorporated into the development. As such the layout would comply with policy CS16 on flooding.
- 6.34 Policy P1 of the Housing Site Allocations DPD outlines the parking requirements for residential development, this site being within zone 2. The requirements in this zone for the development proposed are 1.25 spaces per 1 bedroom flat, 2 spaces per 2 bedroom house, 2.5 spaces per 3 bedroom house, and 3 spaces per 4 bedroom house. Garages are not included as a parking space. In total for this part of the wider development site 210 car parking spaces are required. The amended plans have been

checked and they show 239 parking spaces, excluding garages and including shared unallocated spaces for flats.

6.35 Policy P1 also requires electric vehicle charging points which can be communal for flats and shared parking areas and individual points incorporated into houses. It also requires cycle storage in accordance with the Council's standards. The electric vehicle charging points can be secured by condition. The amended plans include sheds to accommodate cycle storage, as well as a refuse strategy for the location of refuse storage. Both the cycle and refuse storage were secured by condition on the outline permission. The proposed layout accords with the development plan with regard to parking provision and location of bin and cycle storage.

6.36 The Highway Officer expressed concerns that the proposal had a shortfall in car parking across the site. The initial Highways consultation comments requested that the following points are addressed:

- The emergency link to Station Road will also need to be adoptable
- A stage 2 Road safety audit will be required for the internal site layout. For information, one will also be required for the Section 278 access works
- Plans showing proposed levels and contours should be submitted. Levels to a maximum of 1 in 20 (5%) gradient should be provided. Plans showing proposed longitudinal sections and cross sections at no more than 20 metre centres should be submitted.
- Vehicle tracking of emergency vehicles accessing the emergency access route from Station Road.
- Vehicle tracking for refuse vehicles across the site is also required.
- Footways consisting of hoggins should not be provided alongside the carriageway as loose material can spread onto the carriageway.
- 2.0 metre service margins are required alongside all adoptable carriageways that can either be footways or grass verges.
- A footway connection is required fronting plot 54 to the PROW.
- Plans showing forward visibility and visibility splays should be provided.
- Drop kerb and tactile paving are required at all road crossing locations.
- A concern from us in highways is compliance with the car parking standards set out within Policy P1 of the Housing Site Allocations DPD.
- Plans showing electric vehicle charging points should be submitted.
- Plans showing electric vehicle charging points should be submitted.

6.37 Amended plans were submitted to address the points raised by the Highway Officer, however no comments have been received from the Highway Officer at the time of writing the report. With regard to the layout of the internal road and footpaths, officers consider that the amendments have sought to address the comments from the Highways Officer. The internal road and footway layout could therefore potentially accord with policies TRANS.1 and CS13.

6.38 Policy CS17 requires biodiversity assets to be conserved and enhanced and outlines the approach to development in proximity to locally designated sites, habitats, species, wild flora and fauna. Policy CS18 requires green infrastructure, such as trees covered by tree protection orders and public rights of way to be protected and enhanced. The Council's Tree Officer, Public Rights of Way and Ecology contact were consulted on the application.

6.39 The outline permission considered the ecological impacts and applied conditions which will need to be complied with, as well as informing the developable area of the parameter plan. The Council's Tree Officer has raised no objections to the proposed layout in terms of impact on the trees which are to be retained, or impact on the amenity of future occupants of dwellings.

- 6.40 The Council's Ecologist advised that the conditions would need to be applied to update the ecology surveys for the site. Overall the layout complies with the development plan with regard to biodiversity and green infrastructure.
- 6.41 Thames Valley Police did not comment on the layout. In terms of urban design principles, the layout design provides natural surveillance of the public areas. The public and private areas are clearly defined. The proposed boundary treatments and most of the amendments to the parking strategy would now provide adequate security of private property.
- 6.42 The Environmental Health Officer has stated that the main concern is road traffic noise. The submitted noise assessment concludes that some of the dwellings located with line of sight of the roads will need provision of alternative ventilation as to open their windows would cause internal noise levels above the recommendation level. The assessment has not provided the detailed specifications for glazing and ventilation, only the details of what sound reduction is needed in each location. There is no glazing and ventilation scheme listed in the submitted documents so the Environmental Health Officer has recommend a condition to ensure that the recommendations of the noise assessment are met. Therefore the Environmental Health Officer has no objection to the noise mitigation subject to a condition. The applicant will be required to address the above when discharging the outline noise condition for the whole site.
- 6.43 The proposed LEAP area is set to the southwest of the site. Ideally this should be located in the centre of the site, however given the LEAP will also serve the 11-dwelling site to the southwest, the location is acceptable. In addition the LEAP will be overlooked by plots 12, 13, 14, 73 and 74.
- 6.44 Policy CS14 of the Core Strategy requires development to make a positive contribution to quality of life. Policy HSA2 of the Housing Site Allocations DPD for this site required an appropriate landscape buffer adjacent to the Sydings to minimise any impact on residents, and the outline parameter plan excluded an area in this location from the developable area of the site. The Quality Design SPD on residential development outlines factors to be considered with regard to privacy, overlooking, daylight and outlook, and private amenity space.
- 6.45 Amended plans were submitted which increased the landscape buffer to The Sydings. With regard to separation distances the design guidance states that 21m 'back to back' is an established minimum distance for privacy, and a greater distance may be required where living rooms or dining rooms are located above the ground floor. Proposed plot 42 is approximately 17m from The Annex at No 5 The Sydings and approximately 22 metres from No 4 The Sydings. Plot 43 would be approximately 16 metres from the gable protrusion at Nos 5 The Sydings. There may be some outlook impact on No 5 The Sydings, particularly at first floor with one window which I understand serves a bedroom as a second window and not a living, officers consider the impact to be minimal on this basis. A separation distance to the developable area was established at the outline and as part of the site allocation's developable area. Whilst the impact to the Sydings is acknowledged, officers are satisfied that the separation distances are sufficient to prevent any significant impact on amenity and it is also noted that the landscaping buffer also creates a degree of separation visually and physically.
- 6.46 The location of the proposed dwellings is such that there would be no loss of light into the adjacent buildings from overshadowing.
- 6.47 Under the Quality Design SPD private garden areas should be 70m<sup>2</sup> for 1 and 2 bedroom properties and 100m<sup>2</sup> for 3 or more bedroom properties. Flats should have

25m<sup>2</sup> per flat to calculate the communal open space. The proposed garden areas have been checked, as well as the useable garden areas. Some of the plots are small, however the size of the plot is less important to the shape and whether the garden area is useable. Some of the gardens to the north and east will be set on a slope, such that they have been designed with a step down in level. Despite these constraints all the plots are considered to have sufficient space for garden sheds, washing lines, area for sitting out and children's play as required by the guidance.

- 6.48 Policy CS19 of the Core Strategy requires that development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Part of the proposed layout involves some alterations to the existing ground levels within the site and consideration needs to be given to the level of engineering works and their impact on the character of the area. The external elevations drawing, site levels and contours plan and street scene elevations drawing show that in general the ground levels within the site will slope from the west to east but to an extent that the site will be largely engineered to create a gentle slope from the western footpath to the eastern developable area boundary. Numerous brick retaining walls are also proposed between the drainage ponds and the new dwellings. Areas of banking are proposed to the drainage ponds constructions. The Tree Officer and Ecology contact raise no objection to the levels.
- 6.49 In terms of the impact on the wider character of the area and within the plot the engineering works required are considered to be appropriate under policy CS19. The overall layout of the site and its impact are considered to accord with the development plan with regard to drainage, parking, internal road layout, biodiversity, green infrastructure, quality of life and character of the area, subject to the conditions identified.

### ***River Lambourn Nutrient Neutrality Impact Zones***

- 6.50 The proposed development falls within the catchment of the River Lambourn Special Area of Conservation (SAC) and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission.
- 6.51 The Council's Nutrient Neutrality Officer has received copies of correspondence received by David Hilson Homes from Thames Water, which provided the following:
1. A letter dated 10th October 2023 from Thames Water confirming that the foul sewers in Bath Road and Station Road to which the above residential developments will connect, are connected to the Newbury wastewater treatment works (WwTW);
  2. A letter dated 6th November 2023 from Thames Water confirming that the Newbury WwTW has the capacity to treat all the foul wastewater from the above residential developments.
- 6.52 Based on this confirmation of connectivity to and capacity at the Newbury WwTW, The Council's Nutrient Neutrality Officer has advised that there will be no likely significant effects on the River Lambourn SAC from the treatment and discharge of foul wastewater.

- 6.53 Furthermore, as the above residential developments were approved by the local planning authority without the requirement for an Environmental Impact Assessment (EIA), then based on the previous advice we have received from Natural England, the changes in nutrient export levels resulting from the changes in land use and land management can be disregarded and it is not considered that these will be significant even though the application sites are located within the Lambourn catchment. And in any case, a revised nutrient budget calculation submitted by the applicants consultants, indicated that the post-development land use would be nutrient neutral.
- 6.54 The Council's Nutrient Neutrality Officer advises that taking all of the above information and evidence into consideration, the above planning applications, neither individually nor in combination with each other or with other projects, are likely to result in significant effects on the River Lambourn SAC and therefore do not require further Appropriate Assessment under Regulation 63 of the Habitats Regulations based on the previous advice the Council has received from Natural England.

### ***Representations***

- 6.55 Members of the public have written representations expressing objection. The points raised have been acknowledged in this report and mainly focus on the matters previously considered and approved at outline stage.

### ***Planning Balance and Conclusion***

- 6.56 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 outline development proposed is acceptable and is recommended to members for approval as set out in Section 8 of the report.
- 6.57 As the application is for reserved matters the recommendation for approval does not result in a planning permission, which has already been granted with the outline permission. In terms of the reserved matters there are a few matters of under provision but are not of such impact that there is direct conflict with the development plan. These are the area of housing mix, the exact tenure of affordable housing units, and some areas of private amenity space. There will also be some impact on the properties to the east of the site with regard to boundary treatments, proximity to the neighbouring properties and the potential for overlooking if additional windows were to be added to the side elevation of plots 43 to No 5 The Sydings, however the distance between the dwellings is considered acceptable. The appearance, scale, landscaping and layout otherwise meets the parameters set at outline and the requirements of policy and guidance of the development plan.
- 6.58 Matters relating to a Section 106 planning obligations (including relevant off-site financial contributions and allotments) were agreed at outline stage. The Section 106 legal agreement directs that the affordable housing tenure and mix can be agreed at Reserve Matters stage.
- 6.59 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

## **7. Full Recommendation**

- 7.1 To delegate to the Development Manager to GRANT RESERVED MATTERS APPROVAL subject to the conditions listed below.

## Schedule of Conditions

1.	<p><b>Link between reserved matters and outline</b></p> <p>This approval relates solely to the reserved matters referred to in condition No 39 of the outline planning permission granted on 18th February 2020 under original outline application reference 17/02092/OUTMAJ and any subsequent Section 73 applications. Nothing contained in this proposal, or this notice shall be deemed to affect or vary the conditions applied to that outline planning permission.</p> <p>Reason: For the clarity and the avoidance of doubt. The reserved matters cannot be considered separately from the permission to which they relate, and the conditions applied on that outline permission are still applicable.</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents.</p> <p>Amended plans received on 10 January 2024:</p> <ul style="list-style-type: none"> <li>• Planning Layout Drawing No 0766-RM1-102 H</li> <li>• Housetype Booklet Drawing No 0766-RM1 HTB Issue 3</li> <li>• Street Scenes Drawing No 0766-RM1-103-1 D</li> <li>• External Works Drawing No 0766-RM1-104-1-G</li> <li>• External Works Drawing No 0766-RM1-104-2-G</li> <li>• External Works Drawing No 0766-RM1-104-3-G</li> <li>• External Works Drawing No 0766-RM1-104-4-G</li> <li>• External Works Drawing No 0766-RM1-104-5-G</li> <li>• External Detailing Drawing No 0766-RM1-106 C</li> <li>• Adoption Plan Drawing No 0766-RM1-107 F</li> <li>• Building Heights Plan Drawing No 0766-RM1-110 F</li> <li>• Refuse Strategy Drawing No 0766-RM1-111 F</li> <li>• Tenure Plan Drawing No 0766-RM1-112 F</li> <li>• Phasing Plan Drawing No 0766-RM1-113 F</li> <li>• EVCP Plan Drawing No 0766-RM1-115 C</li> <li>• Parking Matrix Drawing No 240109</li> <li>• Landscape General Arrangement Plan Drawing No 2099.10/03O– Sheet 1</li> <li>• Landscape General Arrangement Plan Drawing No 2099.10/04O – Sheet 2</li> <li>• Vehicle Tracking Drawing No 0766-RM1-105 F</li> <li>• General Arrangement Plan Drawing No 12758/1120-RM1 (Rev P1)</li> <li>• Highways Constraints Plan Drawing No 12758/1128 (Rev P1)</li> <li>• Noise Impact Assessment Drawing No C10683 - 2.2</li> </ul> <ul style="list-style-type: none"> <li>• Transport Assessment 50400733</li> <li>• Transport Technical Note – Increased Development Quantum 50400733</li> <li>• Transport Technical Note 2 – Response to WBC Comments 50400733</li> <li>• Bath Road Access Plan Drawing No 0733/SK/002 (Rev E)</li> <li>• Ecological Technical Note – Land at Speen (Reply to Ecology Comments for 23/00373/RESMAJ and 23/00310/RESMAJ)</li> </ul>

	<ul style="list-style-type: none"> <li>• Statement of Compliance Part 1 and 2</li> <li>• Garages, Bin and Cycle Store Drawing No 0766-RM1-109</li> <li>• Composite affordable housing plan Drawing No 0766-C-1000 D</li> <li>• Oil easement plan Drawing No H8697/OP/001</li> <li>• Great Crested Newts Technical Note 13.11.23 -</li> <li>• Long Sections Drawing No 12758/1127-RM1 (Rev P1)</li> <li>• Cross Sections Drawing No 12758/1125-RM1 (Rev P1)</li> <li>• Road Section Key Plan Drawing No 12758/1129</li> <li>• Detailed Ornamental Planting Plan No 2099.10/13C Sheet 1 of 4</li> <li>• Detailed Ornamental Planting Plan No 2099.10/14C – Sheet 2 of 4</li> <li>• Detailed Ornamental Planting Plan No 2099.10/15C – Sheet 3 of 4</li> <li>• Detailed Ornamental Planting Plan No 2099.10/16D – Sheet 4 of 4</li> <li>• Structural Planting Plan Drawing No 2099.10/17C – Sheet 1 of 2</li> <li>• Structural Planting Plan Drawing No 2099.10/18D – Sheet 2 of 2</li> <li>• Landscape and Habitat Management Plan 7929</li> <li>• Emergency Access Design Drawing No 12758/1130 Rev P1</li> <li>• Drainage Strategy Report 12758 – Part 1</li> <li>• Drainage Strategy Report 12758 12758 – Part 2</li> <li>• Drainage Strategy Drawing 12758/1122</li> <li>• Refuse Tracking Drawing No 12758/1171-RM1 (Rev P1)</li> <li>• Fire Tender Tracking Drawing No 12758/1172-RM1 (Rev P1)</li> <li>• General Arrangement Plan Drawing No 12758/1120-RM1 (Rev P1)</li> <li>• Site Levels &amp; Contour Plan Drawing No 12758/1121-RM1 (Rev P1)</li> <li>• Pond Details Drawing No 12758/1123</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Schedule of planting phases</b></p> <p>No occupation of dwellings shall commence on site until a schedule of planting phases and a long-term management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the areas of existing landscaping, proposed wildlife areas, new tree planting and any areas of proposed landscaping other than areas of private domestic gardens.</p> <p>Reason: To ensure the long term management of existing and proposed Landscaping. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026</p>
4.	<p><b>Nationally described space standards</b></p> <p>No above ground development shall take place until details of how the internal bed spaces and storage areas of the dwellings hereby permitted meet the national space standards as prescribed in the Technical housing standards – nationally described space standard – (Department for Local Communities and Government March 2015) (as amended). Thereafter the proposed dwellings shall be completed in accordance with the approved details.</p> <p>Reason: to ensure the proposed dwellings meet national space standards and are well designed for occupation. This condition is applied in accordance with the National Planning Policy Framework, Technical housing standards –</p>

	nationally described space standards, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.
5.	<p><b>Sample of materials</b></p> <p>Irrespective of the submitted details, no development above ground level shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the development hereby permitted, 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 materials.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
6	<p><b>Public Rights of Way SPEE/6/2</b></p> <p>The footpaths running between the southern site boundary at Cromwell Terrace and the intersection with the internal road, to the west of plots 24, 25, 26, 27 and plots 43,44, 45, 46 shall be completed before the occupation of the 60<sup>th</sup> dwelling. Details of the precise route, construction and surfacing shall first be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of any diversion order if the route does not follow the existing definitive line. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interest of highway safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists using the local PROW network. This condition is applied in accordance with the National Planning Policy Framework and Policies CS13 and CS18 of the West Berkshire Core Strategy (2006-2026).</p>

### **Informatives**

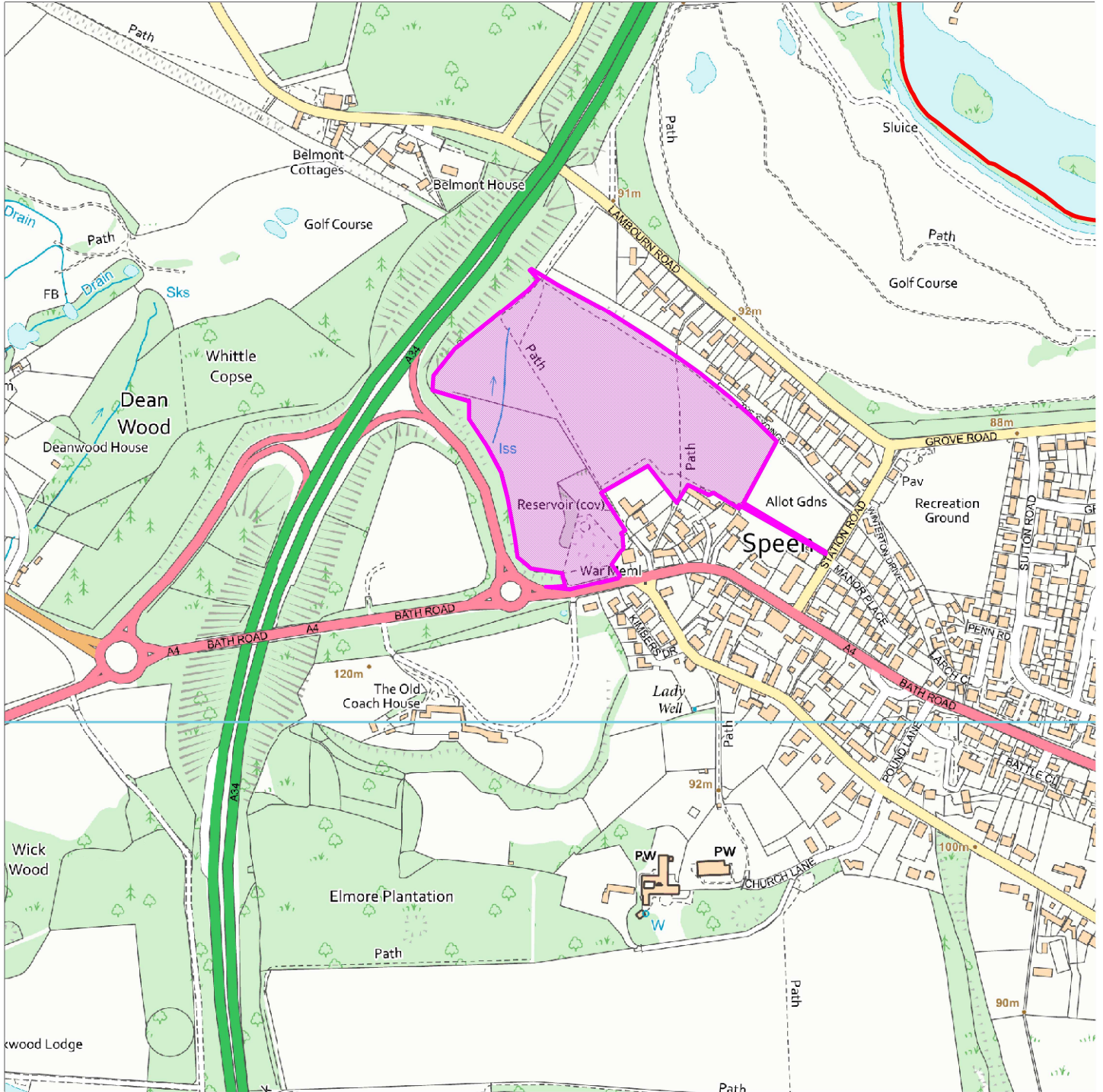
1.	<p><b>Approach of the LPA</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered a development, which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>CIL</b></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</p>



<p>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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
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Covered Reservoir Speen



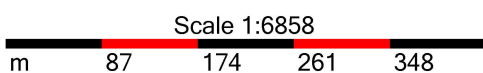
Map Centre Coordinates :

Scale : 1:6857

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	08 February 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(3)	23/00373/RESMAJ  Speen Parish Council	24 February 2023*		Approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: Appearance, Landscaping, Layout and Scale.  Land Off, Lambourn Road, Speen Newbury  David Wilson Homes (Southern)

\*Extension of time agreed until 29 February 2024.

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00373/RESMAJ>

**Recommendation Summary:**

To delegate to the Development Manager to GRANT RESERVED MATTERS APPROVAL subject to the conditions listed below.

**Ward Members:**

Councillor Antony Amirtharaj  
Councillor Martha Vickers

**Reason for Committee determination:**

Referred to the Planning Committee by the Development Manager.

**Committee Site Visit:**

19 February 2024

**Contact Officer Details**

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

## 1. Introduction

- 1.1 This application seeks approval of the reserved matters of appearance, landscaping, layout and scale following grant of Planning Permission 17/02093/OUTMAJ. The outline permission granted approval for up to 14 dwellings and the access to the site.

### ***Background to proposal***

- 1.2 The original outline planning permission approved the access matter at outline, and reserved all other matters relating to appearance, landscaping, layout and scale for consideration under the reserved matters applications.
- 1.3 The application site forms part of a wider parcel of land that is allocated for approximately 100 dwellings under Policy HSA2 of the Housing Site Allocations DPD. The remainder of the parcel of the land is the subject of a separate hybrid planning application under 17/02092/OUTMAJ for outline permission for 93 dwellings, new public open space: extension to existing allotments and a detailed full application of 11 new dwellings, new access to Bath Road and associated works.

### ***Reserved Matters Proposals***

- 1.4 Application 17/02093/OUTMAJ included approved parameters plan showing the access from Lambourn Road and the public rights of way link to the west of the site. The approved outline parameter plans are listed below:
- Land use plan - 1361 P1 01 rev A
  - Building heights - 1361 P1 02 rev B
  - Access parameters - 1361 P1 03
  - Hybrid parameters - 1361 P1 04
- 1.5 The permission also had an accompanying Section 106 legal agreement dated 27 February 2020 and highways agreements which covered: the provision of local bus contributions, 6 affordable housing residential units - 4 social rented dwellings and 2 shared ownership dwellings; public open space, ecological mitigation and off-site highways works.
- 1.6 The proposed layout has been amended during the consideration of this application and would have all 14 plots facing onto the proposed internal road. Plots 4,5,6,7,8 and 9 will also face onto the public rights of way footpath SPEE/7/1. Plots 31 and 32 will front the elevations facing the allotments and Station Road. Plots 10,11,12,13 and 14 will face onto the highway to the south. The plots will provide surveillance of the public areas. The drainage pond is located away from residential properties to the north, southwest and southeast of the site. The parking for each property would either be to the front or side of the dwellings, or as a combination of both.
- 1.7 With regard to appearance and scale three of the dwellings would be 4+ bedroom market units, three of the dwellings would be three bedroom market units. Four of the units would be one and two bedroom units. The materials are submitted on the materials plan and would be a combination of Wienerberger or Ibstock multi facing brick in brown or red and chalk render in some sections. Detailing brick is set as Slate Blue. The proposed roofing material is brown and grey roof tile. The majority of the proposed garage doors and front doors will be set in black finish. The roofing to the proposed porches and bay windows will match the main roof colour. All rainwater goods will have a black finish. The proposed dwellings would be up to two storeys in

height, according to the approved parameters plan and will be mostly designed with front and side gables with first floor windows below eaves. The majority of the dwellings will be designed with front facing gable end protrusion.

- 1.8 The landscape buffers to the north and south are provided and will include grassland and amenity planting to create a landscape gap buffer. It is considered that the approved parameters plan has been maintained. Planting is proposed around the site, with new trees and large standard trees and garden ornamental planting. Site boundary hedging exists between the site and No 31 and 32 Lambourn Road to the east and the existing hedging is retained. Ornamental shrubs, grasses and bulbs are also proposed within the public open space areas to the south and north.
- 1.9 The hard landscaping is primarily the main internal road and footpaths, driveways and private footpaths to dwellings. The materials for these include tarmac, concrete block paving, permeable block paving and retaining walls.
- 1.10 The application site comprises grassland covering approx. 0.72 hectare in area. The site topography gently slopes away from Lambourn Road with an increase in height of approximately 1.94m above the road. The site is bordered by housing to the south-east, mature trees protected by a Tree Preservation Order and a redundant railway line to the south, and a live oil pipe (outside of the application site) that broadly follows the railway line near the site. The A34 is located to the west and the Lambourn Road is to the north. Further south is the land parcel that is subject to Reserve Matters planning application 22/01235/RESMAJ, that is also before Members.
- 1.11 The site has an existing field gate access from Lambourn Road adjacent to which is an existing Public Right of Way (PROW) Speen 7/1 that runs along the western portion of the site and then connects to the wider PROW network including Speen 37/1 (Lambourn Way) and Speen 7/2.
- 1.12 The site is also within Flood Zone 1 (lowest risk of flooding) according to Environment Agency flood mapping.

## 2. Relevant Planning History

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

Application	Proposal	Decision / Date
15/02883/SCREEN	EIA Screening Opinion.	Not Required / 02.11.2015
17/02092/OUTMAJ	Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	Approved / 18.02.2020
17/02093/OUTMAJ	Outline planning application for up to 14 dwellings and associated works - all matters	Approved /

	reserved except access.	18.02.2020
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### 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. 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 under application reference: 15/02883/SCREEN.
- 3.2 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. It is concluded that the proposed development, is not “EIA development” according to the 2017 EIA Regulations and an Environmental Statement is not required.
- 3.3 A site notice was displayed on 27 September 2022 and the deadline for representations expired on 20 October 2022.
- 3.4 An amended plans notice was displayed on 22 September 2023 and the deadline for representations expired on 13 October 2023. Press notices were advertised in the Newbury Weekly News on 23 June 2022. Whilst additional minor amendments were received, officers considered that it was not necessary for the display of additional amended plans notices.
- 3.5 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. Under the CIL regulations, CIL is not sought at the Outline stage of applications and will be calculated at the reserve matters stage. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 4. Consultation

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

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

<b>Speen Parish Council</b>	No objections.
<b>WBC Highways Officer:</b>	Amended plans requested and submitted. No comments received on amended plans
<b>WBC Drainage Officer:</b>	No objection, subject to wider condition and watercourse consent
<b>WBC Ecology</b>	No objection on Nutrient Neutrality, No objection subject to



<b>Officer:</b>	condition
<b>Natural England:</b>	No objection subject to letter from Thames Water and connection to Newbury WwTWs on Lower Way
<b>WBC Housing:</b>	Objection no affordable housing provision  No comments received on amended information, including affordable housing provision.
<b>National Highways</b>	No objection
<b>WBC Trees Officer:</b>	No objection subject to condition
<b>WBC Environment:</b>	No comment response received
<b>WBC Archaeology:</b>	No objection
<b>WBC Environmental Health:</b>	No objection subject to condition
<b>Thames Water:</b>	No comments to make response
<b>Environment Agency:</b>	No comments response received
<b>WBC Economic Development:</b>	No comment response received
<b>Berkshire News Officer</b>	Additional information requested.  No comments received on additional information.
<b>North Wessex Downs</b>	No comments received
<b>Transport Policy</b>	No comments received
<b>Planning Policy</b>	No comments received
<b>Historic England</b>	No comments received
<b>WBC Education</b>	No comments received

### ***Public representations***

- 4.2 Representations have been received from two (2) contributors in objection to the proposal. The full responses may be viewed with the application documents on the

Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

- lack of partnership with the current community on this development
- lack of green and general protection given to the Sydings
- buffer of trees and greenery should be planted to protect the private road.
- the development is detrimental to wildlife.
- old fuel pipes that run under the field will be impacted.
- no consideration for the character of Speen
- increased traffic on Station Road.
- too many car parking spaces being provided.
- no parking provisions for the Enterprise Newbury Car Club
- The proposed bus clearway will result in parking on adjacent roads.
- traffic surveys were conducted 8-years ago. Traffic levels have increased since.
- proposed pedestrian crossing near the on the A4 is dangerous.
- pedestrian crossing of the A4 is included near the Station Road junction.
- No provisions for safe pedestrian / cycle crossing of Lambourn Road

## 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, ADDP5, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA2, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, RL.1, RL.2 and RL.3 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 (2017)
- Conservation of Habitats and Species Regulations 2017
- Manual for Streets
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014
- North Wessex Downs AONB Management Plan 2014-19
- Planning Obligations SPD (2015)
- Speen Village Design Statement (2002)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Landscaping
- Appearance
- Scale
- Layout
- River Lambourn Nutrient Neutrality Impact Zone
- Representations
- Planning balance and conclusion

6.2 Principle of development

6.3 The site is part of a wider parcel of land which was allocated for housing development under the Housing Site Allocations DPD by policy HSA2 and is within the settlement boundary of Newbury, with the western public open space dissected by the settlement boundary. Outline permission 17/02093/OUTMAJ has been granted for this part of the site for 93 dwellings and the main access into the site. The principle of development has therefore been established and there have been no changes to the local development plan policies since the outline permission was granted. planning permission 17/02093/OUTMAJ.

### ***Landscaping***

6.4 Policy CS18 of the Core Strategy expects new development to provide open spaces of an appropriate size and links to existing green infrastructure. It states specific standards in new developments are to be identified in the Site Allocations DPD.

6.5 Policy HSA2 of the Housing Site Allocations DPD for this site requires the following landscape measures:

- Limitation of built form to below the higher ground as shown in the site plan to avoid introducing prominent development on the skyline.
- Retention of the allotments in situ, with consideration of additional provision.
- A tree planted landscape buffer to the A34, slip road and A4 to maintain the rural character of the western approach into Newbury.
- Tree belts to be provided to the rear gardens of the adjacent houses linking into the tree line along the former railway line.
- The rural character of the existing Public Rights of Way across the site will be protected.

6.6 The Council's Tree Officer and Public Rights of Way were consulted on the application. The Tree Officer has raised no objection outlining that the proposed extra tree and native hedgerow planting has been proposed on the northern, eastern and southern boundaries was acceptable. The Trees Officer also indicated that the planting schedule of planting phases, a long-term management plan (5-10 years) and maintenance schedule are still requested and can be secured by a condition.

6.7 The Public Rights of Way Officer has not commented on the proposed application. The open space areas are set as a requirement of the legal agreement associated with the outline permission and requires that a landscape plan be approved. The legal agreement also sets out the maintenance requirements. As the scale of development is relatively unchanged from that indicated at outline stage, it remains the case that the area of open space is sufficient to meet the landscaping requirements.

- 6.8 In terms of the buffer to the properties at No 31 and 31 Lambourn Road, the submitted Landscape General Arrangement Sheet indicates additional tree and native hedgerow planting proposed on the northern, eastern and southern boundaries. In addition to the proposed planting, the existing hedge to the east will be retained. This approach has been accepted by the Tree Officer subject to condition.
- 6.9 The hard landscaping, boundary treatments and footways are also outlined in the general arrangement sheets. The residential boundaries are mostly set as 1.8 metre high timber close board fencing to the rear gardens. Ornamental hedgerow to the front of the properties also adds to soften the character of the built form.
- 6.10 The proposed landscaping scheme would provide small open space areas to the west and south with natural surveillance from the proposed dwellings. There is the potential for increased biodiversity links with the establishment of the open spaces and planting.

### ***Appearance***

- 6.11 Policy CS14 of the Core Strategy requires high quality design that respects and enhances the character and appearance of the area, with regard to the immediate area and wider locality. Policy CS19 also requires regard to be given to ensuring new development is appropriate in design in the context of the existing settlement.
- 6.12 This report has outlined the types of dwellings and the materials proposed. In the surrounding area to the south and east of the site are mainly a mixture of terraced housing, semi-detached and detached edge of settlement dwellings in relatively large plots. The majority of dwellings in the area are of red brick with tile roof, with some painted white, and generally with front gable features facing the highway.
- 6.13 The proposed landscaping responds to the locality; the surrounding area having trees, low hedging, fencing and walls to front boundaries. The proposed landscaping also enhances the trees the subject of Tree Preservation Orders.
- 6.14 The exact specification of materials has been provided. The Council's Conservation and Design Officer has been consulted, however no comments have been received. As the site is not located in close proximity to any heritage assets, officers are content that the proposed materials are responsive to local character and ensure the proposed dwellings are in keeping with local design and detailing.
- 6.15 In this context the proposed dwellings are considered to be of a design that responds to the local context and has had regard to the immediate and surrounding area in the context of the existing settlement.

### ***Scale***

- 6.16 Policy HSA2 of the Housing Site Allocations DPD does not provide for a set mix of dwelling types and sizes on the allocated site. The policy directs for the comprehensive delivery of approximately 100 dwellings.
- 6.17 Policy ADPP1 states that the scale and density of development will be related to the site character and surroundings, and ADPP2 states that development will respect the historic environment of the town. Policy CS4 of the Core Strategy expects new development to contribute to an appropriate mix of dwelling types and sizes.
- 6.18 With regard to density and the site capacity under policy CS4, this was considered at outline stage, and it was established that this part of the allocated site was capable of accommodating 14 dwellings for which outline permission was granted.

- 6.19 The market housing would primarily be 3 and 4 bedroom houses only. The smaller units would be mainly affordable housing units. It is noted that in the surrounding context, larger sized dwellings would be in keeping with local character.
- 6.20 The Council's Housing Development Officer was consulted on the proposal. The Housing Development Officer initially objected to the proposal as the applicant had submitted the development with zero affordable housing on financial viability grounds. Following discussions between officers and the applicant, affordable housing provision has been reinstated on this part of the site. No comments have been received from the Housing Officer following the reinstatement of the affordable housing provision. Officers consider that the proposed housing mix is acceptable and consistent with the provision on the adjacent larger site and the provision within the legal agreement. The details submitted indicate that the minimum space size for each unit comply with the space standards in terms of Gross Internal Area. The applicant will be required to provide additional details to demonstrate how the internal bed space and storage dimensions will be met. Given the units meet the minimum Gross Internal Area requirements, officers consider that a reasonably worded condition can be attached requesting further details on the compliance with national space standards.
- 6.21 The current scheme will provide the following affordable housing mix distributed across the site:
- Social Rented (Total = 4 units - 70% of affordable units)***
- 2 X 1 bedroom units (National space GIA = min 39 sqm)
  - 2 X 2 bedroom units (National space GIA = min 61 sqm)
- Intermediate (Total = 2 units - 30% of affordable units)***
- 2 X 2 bedroom units (National space GIA = min 61 sqm)
- 6.22 The affordable housing is secured under the section 106 legal agreement as 4 social rented dwellings and 2 shared ownership dwellings.
- 6.23 In terms of market housing a total of 5 x 4 bedroom units and 3 x 3 bedroom units are proposed. The proposed mix of market dwellings is acceptable as discussed in this report given the location and edge of settlement context. The affordable housing mix is in accordance with the Housing Development Officer's comments associated with the adjacent site.
- 6.24 In terms of the scale of the dwellings proposed (excluding garages) and their height and massing the proposed dwellings would be up to 2 storeys in height. The proposed plots are smaller than those in the immediate surrounding area but are comparable to those slightly further southwest and to the east.
- 6.25 The proposed mix of development would meet the requirement for the proportion of market and affordable dwellings to be provided on site. The affordable housing units whilst not fully in accordance with local housing need are acceptable.
- 6.26 The scale of development in terms of massing and size would be in keeping with other properties in the area, with slightly smaller plots but not uncharacteristic of the area. With regard to the affordable housing units these are already secured by the legal agreement associated with the outline permission. Overall, the proposed scale of development is considered to comply with local development plan policies.

## **Layout**

- 6.27 Policies GS1 and HSA2 of the Housing Site Allocations DPD outline a number of criteria to be applied to the allocated housing site. The officer report on the outline permission reviewed these considerations. In principle an integrated water supply and drainage strategy was considered capable of being accommodated, no objections were raised by Thames Water, and conditions were applied to secure a drainage strategy.
- 6.28 The accessibility of the site and measures to mitigate the impact of the development on the local road network were considered by Highways and found acceptable under the outline permission. These measures included numerous offsite highway works discussed in this report to improve access and highway safety. The outline permission considered the biodiversity impacts of the development with conditions applied accordingly. The outline permission also included a landscape visual impact assessment and the parameters plan for the developable area of the site was informed by this assessment. These are matters already approved and inform the reserve matters through the Parameters Plans.
- 6.29 With regard to this reserved matters application the proposed layout complies with the parameter plan with regard to the developable area and the creation of a footpath link to the rest of the larger allocated site. This is all welcome. With regard to drainage policy CS16 of the Core Strategy requires all development sites to manage surface water in a sustainable manner via sustainable drainage methods with attenuation to greenfield run-off rates and volumes, and where possible other benefits such as water quality, biodiversity and amenity.
- 6.30 The Lead Local Flood Authority has been consulted on the application and they raise no objection subject to a condition on the outline and a watercourse consent.
- 6.31 The conditions applied to the outline permission would still need to be complied with such as run-off and capacity calculations, permeable paving and maintenance including that of the ponds. The proposed off-site discharge would also require an Ordinary Watercourse Consent from the Council as land drainage authority, which is separate from planning. This will be added as a drainage condition. The lead local flood authority advice is that the proposed layout still enables a sustainable drainage system to be incorporated into the development. As such the layout would comply with policy CS16 on flooding.
- 6.32 Policy P1 of the Housing Site Allocations DPD outlines the parking requirements for residential development, this site being within zone 2. The requirements in this zone for the development proposed are 1.25 spaces per 1 bedroom flat, 2 spaces per 2 bedroom house, 2.5 spaces per 3 bedroom house, and 3 spaces per 4 bedroom house. Garages are not included as a parking space. In total for this part of the wider development site is showing that the 4 bedroom units are showing an under provision of a single parking space each, however 3 unallocated roadside parking spaces are provided. Officers consider this is acceptable on balance.
- 6.33 Policy P1 also requires electric vehicle charging points which can be communal for flats and shared parking areas and individual points incorporated into houses. It also requires cycle storage in accordance with the Council's standards. The electric vehicle charging points can be secured by condition. The amended plans include sheds to accommodate cycle storage, as well as a refuse strategy for the location of refuse storage. Both the cycle and refuse storage were secured by condition on the outline permission. The proposed layout accords with the development plan with regard to parking provision and location of bin and cycle storage.

- 6.34 The applicant has provided amended plans in response to the Highways Officer's previous consultation comments, unfortunately no comments have been received from the Highways Officer at the time of writing the report. The amended plans could accord with the parking requirements and policies TRANS.1 and CS13.
- 6.35 Policy CS17 requires biodiversity assets to be conserved and enhanced and outlines the approach to development in proximity to locally designated sites, habitats, species, wild flora and fauna. Policy CS18 requires green infrastructure, such as trees covered by tree protection orders and public rights of way to be protected and enhanced. The Council's Tree Officer and Ecology contact were consulted on the application.
- 6.36 The outline permission considered the ecological impacts and applied conditions which will need to be complied with, as well as informing the developable area of the parameter plan. The Council's Tree Officer has raised no objections to the proposed layout in terms of impact on the trees which are to be retained and the subject of the Tree Preservation Order, or impact on the amenity of future occupants of dwellings.
- 6.37 The Council's Ecologist advised that the conditions would need to be applied to update the ecology surveys for the site. Overall, the layout complies with the development plan with regard to biodiversity and green infrastructure.
- 6.38 In terms of urban design principles, the layout design provides natural surveillance of the public areas. The public and private areas are clearly defined. The proposed boundary treatments and most of the amendments to the parking strategy would now provide adequate security of private property.
- 6.39 Policy CS14 of the Core Strategy requires development to make a positive contribution to quality of life. The Quality Design SPD on residential development outlines factors to be considered with regard to privacy, overlooking, daylight and outlook, and private amenity space.
- 6.40 The Environmental Health Officer has stated that the main concern is road traffic noise. The Environmental Health Officer has recommended a condition to ensure that the recommendations of the noise assessment are met. Therefore, the Environmental Health Officer has no objection to the noise mitigation subject to a condition. The applicant will be required to address the above when discharging the outline noise condition for the whole site.
- 6.41 With regard to separation distances the design guidance states that 21m 'back-to-back' is an established minimum distance for privacy, and a greater distance may be required where living rooms or dining rooms are located above the ground floor. Proposed plot 1 is approximately 20m from No 31 and 32 Lambourn Road. The location of the proposed dwellings is such that there would be no loss of light into the adjacent buildings from overshadowing from the dwellings.
- 6.42 Under the Quality Design SPD private garden areas should be 70m<sup>2</sup> for 1 and 2 bedroom properties and 100m<sup>2</sup> for 3 or more bedroom properties. Flats should have 25sqm per flat to calculate the communal open space. The proposed garden areas have been checked, as well as the useable garden areas. The gardens for plots 10 and 11 are small. Despite these constraints all the plots are considered to have sufficient space for garden sheds, washing lines, area for sitting out and children's play as required by the guidance.
- 6.43 Policy CS19 of the Core Strategy requires that development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Part of the proposed layout involves some alterations to the existing ground levels within the site and consideration needs to be given to the level of engineering works and their impact on the character of the area. The external elevations drawing,

site levels and contours plan and street scene elevations drawing show that in general the ground levels within the site will slope from the west to east but to an extent that the site will be largely engineered to create a gentle slope from the western footpath to the eastern developable area boundary. The Tree Officer and Ecology contact raise no objection to the levels.

- 6.44 In terms of the impact on the wider character of the area and within the plot the engineering works required are considered to be appropriate under policy CS19. The overall layout of the site and its impact are considered to accord with the development plan with regard to drainage, parking, internal road layout, biodiversity, green infrastructure, quality of life and character of the area, subject to the conditions identified.

### ***River Lambourn Nutrient Neutrality Impact Zones***

- 6.45 The proposed development falls within the catchment of the River Lambourn Special Area of Conservation (SAC) and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission.

- 6.46 The Council's Nutrient Neutrality Officer has received copies of correspondence received by David Hilson Homes from Thames Water, which provided the following:

- A letter dated 10th October 2023 from Thames Water confirming that the foul sewers in Bath Road and Station Road to which the above residential developments will connect, are connected to the Newbury wastewater treatment works (WwTW).
- A letter dated 6th November 2023 from Thames Water confirming that the Newbury WwTW has the capacity to treat all the foul wastewater from the above residential developments.

- 6.47 Based on this confirmation of connectivity to and capacity at the Newbury WwTW, The Council's Nutrient Neutrality Officer has advised that there will be no likely significant effects on the River Lambourn SAC from the treatment and discharge of foul wastewater.

- 6.48 Furthermore, as the above residential developments were approved by the local planning authority without the requirement for an Environmental Impact Assessment (EIA), then based on the previous advice we have received from Natural England, the changes in nutrient export levels resulting from the changes in land use and land management can be disregarded and it is not considered that these will be significant even though the application sites are located within the Lambourn catchment. And in any case, a revised nutrient budget calculation submitted by the applicant's consultants, indicated that the post-development land use would be nutrient neutral.

- 6.49 The Council's Nutrient Neutrality Officer advises that taking all of the above information and evidence into consideration, the above planning applications, neither individually nor in combination with each other or with other projects, are likely to result in significant effects on the River Lambourn SAC and therefore do not require further Appropriate Assessment under Regulation 63 of the Habitats Regulations based on the previous advice the Council has received from Natural England.



## **Representations**

6.50 Members of the public have written representations expressing objection. The points raised have been acknowledged in this report and in the assessment of the proposed development.

## **Planning Balance and Conclusion**

**6.51** 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 outline development proposed is acceptable and is recommended to members for approval.

6.52 As the application is for reserved matters the recommendation for approval does not result in a planning permission, which has already been granted with the outline permission. In terms of the reserved matters there are a few matters of under provision but are not of such impact that there is direct conflict with the development plan. These are the area of housing mix, separation distances between buildings and some areas of private amenity space. The appearance, scale, landscaping and layout otherwise meets the parameters set at outline and the requirements of policy and guidance of the development plan.

6.53 Matters relating to a Section 106 planning obligations (including relevant off-site financial contributions and allotments) were agreed at outline stage. The Section 106 legal agreement directs that the affordable housing tenure and mix can be agreed at Reserve Matters stage.

6.54 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

## **7. Full Recommendation**

7.1 To delegate to the Development Manager to GRANT RESERVED MATTERS APPROVAL subject to the conditions listed below.

### **Schedule of Conditions**

1.	<p><b>Link between reserved matters and outline</b></p> <p>This approval relates solely to the reserved matters referred to in condition No 39 of the outline planning permission granted on 18th February 2020 under application reference 17/02093/OUTMAJ. Nothing contained in this proposal, or this notice shall be deemed to affect or vary the conditions applied to that outline planning permission.</p> <p>Reason: For the clarity and the avoidance of doubt. The reserved matters cannot be considered separately from the permission to which they relate, and the conditions applied on that outline permission are still applicable.</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents.</p> <p>Amended plans received on 13 September 2023:</p>

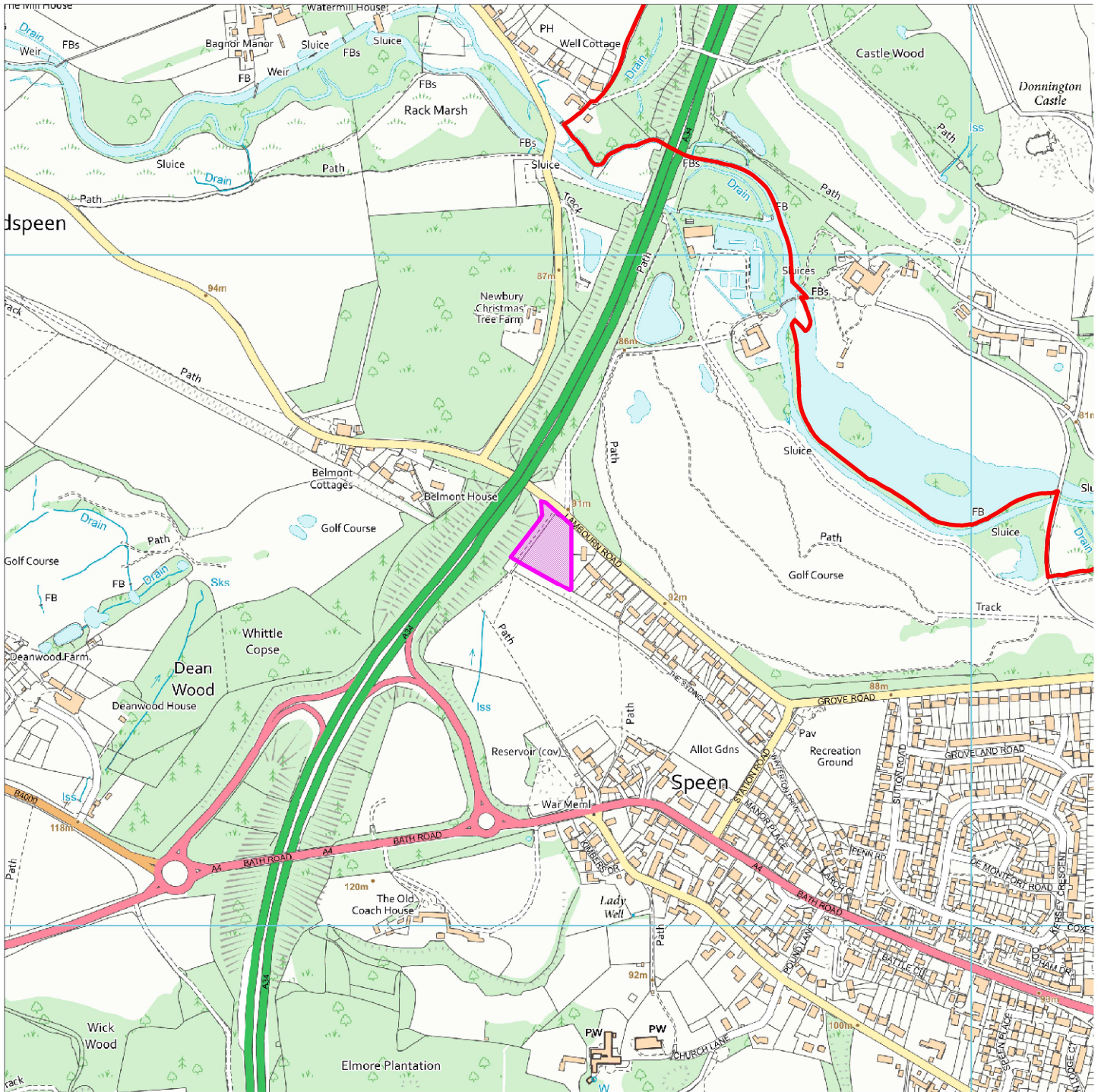
	<ul style="list-style-type: none"> <li>• Drawing No: 0766-RM2-100 – Topographical Survey</li> <li>• Design Statement of Compliance Issue 2</li> <li>• Drawing No: 0766-RM2-SK31 A – Architectural Detailing</li> <li>• Drawing No: 0766-RM2-HTB Issue 2 – House type Booklet</li> </ul> <p>Amended plans received on 10 January 2024:</p> <ul style="list-style-type: none"> <li>• Drawing No: 0766-RM2-102 C – Planning Layout</li> <li>• Drawing No. 0766-C-1000 D – Composite Planning Layout Showing Affordable Housing</li> <li>• Drawing No: 0766-RM2-102 – COL C – Colour Planning Layout</li> <li>• Drawing No: 0766-RM2-103 B – Street Scenes</li> <li>• No change</li> <li>• Drawing No: 0766-RM2-107 B – Adoption Plan</li> <li>• Drawing No: 0766-RM2-108 B – Materials Layout</li> <li>• Drawing No: 0766-RM2-110 B – Building Heights</li> <li>• Drawing No: 0766-RM2-111 B – Refuse Strategy Layout</li> <li>• Drawing No: 0766-RM2-112 B – Tenure Plan</li> <li>• Drawing No: 0766-RM2-113 B – Phasing Plan</li> <li>• Drawing No: 0766-RM2-116 B – EVCP Plan</li> <li>• Drawing No: 0766-RM2-115 A – Bicycle Storage Plan</li> <li>• Drawing No: 0766-RM2-114 A – Boundary Treatments Plan</li> <li>• Drawing No. 2099.10.07</li> <li>• Revision G – Landscape General Arrangement Sheet</li> </ul> <ul style="list-style-type: none"> <li>• Drawing No. 2099.10.19 Revision B – Structural Planting Plan</li> <li>• Drawing No. 2099.10.20 Revision B – Ornamental Planting Plan</li> <li>• Noise Impact Assessment – January 2024 (Ref: C10863/NIA/1.3)</li> </ul> <ul style="list-style-type: none"> <li>• GCN eDNA Technical Note – 13.11.23 (Ref: Ecology 7929) – Pro Vision</li> <li>• 7929 Landscape and Habitat Management Plan</li> <li>• General Arrangement Plan 12758/1120 - RM 2 (Rev P1)</li> <li>• Site Refuse Tracking 12758/1171 – RM 2 (Rev P1)</li> <li>• Fire Tender Tracking 12758/1172 – RM 2 (Rev P1)</li> </ul> <ul style="list-style-type: none"> <li>• Drainage Strategy Drawing 12758/1122</li> <li>• Drainage Strategy Report Part 1 and 2</li> <li>• Site Levels &amp; Contour Plan 12758/1121-RM 2 (Rev P1)</li> <li>• Pond Details 12758/1123</li> <li>• Cross Sections 12758/1125-RM 2 (Rev P1)</li> <li>• Road Sections Key Plan 12758/1129</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Schedule of planting phases</b></p> <p>No occupation of dwellings shall commence on site until a schedule of planting phases and a long-term management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the areas of existing landscaping, proposed wildlife areas, new tree planting and any areas of proposed landscaping other than areas of private domestic gardens.</p>

	<p>Reason: To ensure the long-term management of existing and proposed Landscaping. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026</p>
4.	<p><b>Nationally described space standards</b></p> <p>No above ground development shall take place until details of how the internal bed spaces and storage areas of the dwellings hereby permitted meet the national space standards as prescribed in the technical housing standards – nationally described space standard – (Department for Local Communities and Government March 2015) (as amended). Thereafter the proposed dwellings shall be completed in accordance with the approved details.</p> <p>Reason: to ensure the proposed dwellings meet national space standards and are well designed for occupation and quality of life. This condition is applied in accordance with the National Planning Policy Framework, Technical housing standards – nationally described space standards, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.</p>
5.	<p><b>Sample of materials</b></p> <p>Irrespective of the submitted details, no development above ground level shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the development hereby permitted, 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 materials.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
6	<p><b>Sustainable drainage measures</b></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> <p>a) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; 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</p>

	<p>Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
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### ***Informatives***

<p>1.</p>	<p><b>Approach of the LPA</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered a development, which improves the economic, social and environmental conditions of the area.</p>
<p>2.</p>	<p><b>CIL</b></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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>

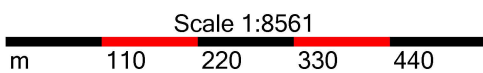


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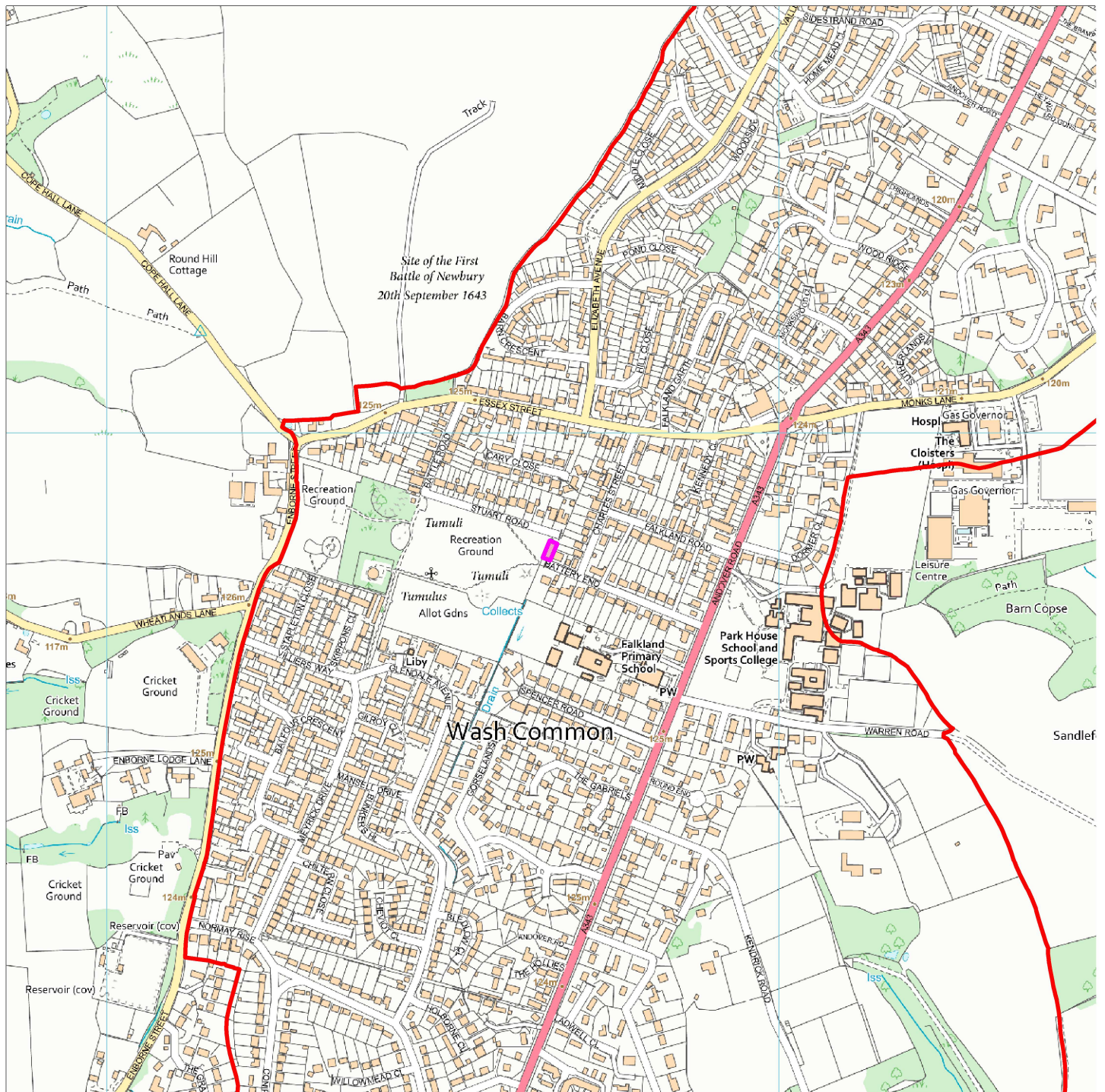
<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	08 February 2024
<b>SLA Number</b>	0100024151

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23/02915/FUL

Battery End Hall, Battery End, Newbury



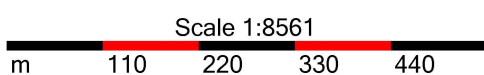
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<b>Organisation</b>	West Berkshire Council
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<b>Date</b>	08 February 2024
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Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4)	23/02915/FUL Newbury Wash Common	23.02.2024	One 4 bed two storey dwelling with parking, cycle and refuse storage.(Re-submission of Approval 19/00995/FULD without any amendments)  Battery End Hall Battery End Newbury RG14 6NX  Prudential Properties

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02915/FUL>

**Recommendation Summary:** The Service Director Development and Regulation be authorised to grant Planning Permission subject to conditions

**Ward Member(s):** Councillor David Marsh  
Councillor Patrick Clark  
Councillor Adrian Abbs

**Reason for Committee Determination:** The application has received more than 10 public objections.

**Committee Site Visit:** 19 February 2024

#### Contact Officer Details

**Name:** Patrick Haran  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Patrick.haran1@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the erection of two storey 4 bed dwelling following the demolition of the existing hut on site with carparking for 3 vehicles to the front of the site and cycle and refuse storage to the rear. The application is a re-submission of approved application 19/00995/FULD without any amendments to that approved scheme.
- 1.2 It is noted that planning consent was refused under delegated powers for application reference 22/03007/FUL, which was also a re-submission of approved application 19/00995/FULD without any amendments to that approved scheme. The sole reason for refusal of that application was due to the lack of an appropriate ecological survey to assess potential impacts arising from the development on protected species or their habitats. The current application drawings are identical to the two previous applications in terms of site layout and the red line application site.
- 1.3 The current application is supported by a Preliminary Ecological Appraisal (PEA) together with a Phase 2 Bat Survey which was previously requested but which was not submitted prior to the determination of the previous application.
- 1.4 The proposed development is situated in the settlement boundary of Newbury, on the site of the former Scout hut located to the western end of Battery End. The existing hut is in a dilapidated state, having been originally erected on the site in 1909 as a working men's club. It is understood that the Scouts first set up in the hall in 1957 but have since relocated to a site at the Falkland Cricket Club approved under application reference 20/02842/FUL.
- 1.5 Battery End is an established residential street to the south of Newbury comprising predominantly of detached 2 storey dwellings with car carping to the frontages and constructed in red brick with tiled roofs, though there are examples of rendered and pebble dash elevations and a bungalow on the opposite side of the road.
- 1.6 The site is not within a conservation area and there are no listed buildings or locally listed heritage assets in proximity to the site. The site however does lie within 25m of a Scheduled Monument, one of the barrows of the Wash Common Bronze Age barrow cemetery. These nationally designated barrows are also associated with the Civil War First Battle of Newbury.
- 1.7 There is a large hedge adjacent the western boundary of the site that is not within the applicant's ownership and is not the subject of a Tree Preservation Order (TPO) however it is shown on the 1891-1912 OS County Series map and is considered to provide amenity benefits and screening to the adjacent recreation ground and brings biodiversity, pollution and carbon sequestration benefits.

## 2. Planning History

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

Application	Proposal	Decision / Date
22/03007/FUL	One 4 bed two storey dwelling with parking, cycle and refuse storage.(Re-submission of Approval 19/00995/FULD without any amendments).	Refused

21/00547/NONMAT	Nonmaterial Amendment of approved application 19/00995/FULD - One 4 bed two storey dwelling with parking, cycle and refuse storage. Amendments: Inclusion of a 1.8m high timber fence along the northwest boundary to delineate the ownership of the plot within the approved domestic curtilage.	Approved
19/00995/FULD	One 4 bed two storey dwelling with parking, cycle and refuse storage	Approved
95/46536/FUL	Extension and minor alterations to scout group headquarters..	Approved

### 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed on 24 January 2024 at the application site; the deadline for representations expired on 14 February 2024.
- 3.3 Further to the display of the site notice the applicant placed an advert in the Newbury Weekly News on 14 December 2023 under Article 14 Certificate D where the applicant is not the sole owner of all the land and where any other owners are not known. These steps meet the procedural requirements of the Town and Country (Development Management Procedure) Order 2015
- 3.4 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 4. Consultation

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

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

<b>Newbury Town Council:</b>	No response received.
<b>WBC Highways:</b>	As with 19/00995/FULD the highway recommendation is for conditional approval with the additional request for an electric vehicle charging point – minimum of 7kw.  Conditions:  Electric Charging Point (details to be submitted)

	<p>CONS1 - Construction method statement  HIGH7 - Surfacing of access  HIGH12 - Parking/turning in accord with plans  HIGH19 - Cycle parking</p>
<b>Archaeology</b>	<p>Did not provide comments for this application but did on the previous application requesting a condition to secure an archaeological watching brief during the excavation of the foundations and any related groundworks for the new build.</p> <p>This site is of some archaeological interest as it lies within 25m of a Scheduled Monument, one of the barrows of the Wash Common Bronze Age barrow cemetery. These nationally designated barrows are also associated with the Civil War First Battle of Newbury, so there is reasonably high archaeological potential in the immediate area.</p>
<b>Environmental Health</b>	No comments to make.
<b>Lead Local Flood Authority</b>	The applicant has been advised that they will need to prove that infiltration is possible on site through appropriate testing or prove that there is an alternative means to discharge surface water runoff. The Local Lead Flood Authority will require additional information.
<b>Trees</b>	While a Hedge retention plan was submitted it does not state the protective measures they will put in place to ensure this. Therefore I cannot comment further and would request the inclusion of a tree protection condition.
<b>Ecology</b>	No comment received at time of writing.

## **Public representations**

4.2 18 public representations were received with the full responses available to view with the application documents on the Council's website, using the link at the start of this report, but summarised below:

- Supportive of proposals to replace existing hut but the existing hedge should be retained as it is of biodiversity and cultural importance.
- Reject any plans to remove hedge.
- The cul-de-sac is used for parking for school drop offs/pick ups and to access the recreation ground so on-site parking must be provided.
- Plot is larger than previous and appears to be a land grab.
- Overlooking to houses on Stuart Road.
- Overlooking to velux windows on east side.
- Inaccurate site survey.
- Land to west is not in applicant's ownership.
- Strange that applicant has submitted the same drawings as previously refused.

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate

otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, CS5, CS13, CS14, CS16, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- West Berkshire District Local Plan 1991-2006 Saved Policies 2007 Policies: TRANS.1, OVS 5 and OVS6

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- SuDS Supplementary Planning Document (Dec 2018)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of Development
- Impact on Character of the Area
- Amenity
- Highways matters
- Flood Risk
- Green Infrastructure
- Biodiversity
- Archaeology

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

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where most new development will be focussed, primarily on previously developed land and within settlement boundaries.

6.3 The application site is located within the defined settlement boundary of Newbury on previously developed land where the principle of residential development and a new dwelling is generally acceptable. However, the specific impacts of the development must also be considered and fully justified and these material considerations carry significant weight in determining the planning application.

### ***Design, Character and Appearance***

6.4 The NPPF states, among other things, that planning should always seek to secure high quality design. In line with that, Policy CS14 of the Core Strategy seeks to ensure that new development demonstrates high quality and sustainable design which respects and enhances the character and appearance of the area whilst Policy CS19 seeks to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.5 In this case, it is noted that a building of the same form and scale was approved on the site in 2019 and that no objections were raised by officers to the form and scale of the re-submitted dwelling through the course of the most recently refused application. It is

also noted that the existing building is in a poor state of repair and quite probably beyond its life span.

- 6.6 The proposal is for a detached, 2-storey dwelling which is the predominant form and pattern of development in the local area and the design of the dwelling and its features are consistent with local vernacular. The height and the proposed footprint are considered consistent with the layout and scale of existing adjacent residential development within the area, with some of the existing properties appearing larger in footprint and scale than the proposed development. It is considered that the fenestration design is acceptable within the street scene and the roof form, which incorporates a hipped roof with forward gable, is also appropriate.
- 6.7 As such it is considered that only the materials of the external finishes of the dwelling would need to be considered further to ensure the external appearance remains consistent with the surrounding dwellings. This could be secured by a condition requesting the submission of final details of materials if consent is granted.
- 6.8 Further to the above, notwithstanding the details approved under application 21/00547/NONMAT, it is considered reasonable to secure details of any fencing or means of enclosure by condition to ensure a satisfactory form of development and it is also considered reasonable to remove permitted development rights for extensions or outbuildings to ensure the site is not overdeveloped. A condition is also recommended to secure details of finished floor levels to ensure a satisfactory relationship between the proposed development and adjacent land.
- 6.9 Overall officers consider that the development sufficiently respects the character and appearance of the site and the area. The proposal therefore complies with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and the West Berkshire Supplementary Planning Document Series: Quality Design.

### ***Residential Amenity***

- 6.10 With regard to the impact on neighbour amenity, Policy CS 14 of the West Berkshire Core Strategy seeks all development to have a positive impact on quality of life in the district. Conversely, developments that have a negative impact on quality of life would not accord with the policy. In terms of a developments impact on amenity, SPG 04/2: House Extensions, is a useful guide which identifies loss of light (natural and direct), overshadowing, overbearing and loss of privacy as the issues of primary concern.
- 6.11 Having regard to the above, the proposed dwelling has a depth which is approximately in line with the adjacent property at No 23A Battery End, as such there will be no detrimental impact on neighbouring amenity in terms of overshadowing. Indeed, it can also be said that the removal of the existing building which extends deep into the plot would be beneficial to adjoining occupiers in terms of their outlook.
- 6.12 There are windows proposed at first floor level on the eastern side elevation of the proposed dwelling but these windows are not to habitable rooms as they would serve bathrooms and could be conditioned to be obscure glazed and top hung to ensure that there are no direct views through the velux windows of the property to the east. There are rear facing windows but they would be set some 36m from the nearest front facing windows on Stuart Road to the north and would only allow views to the more public facing front gardens of those properties. Those rear facing windows would allow views to the rear gardens of some properties along Charles Street but this would be restricted by existing vegetation and is not a particularly unusual relationship in the local area or in urban settings more generally.

- 6.13 In terms of the amenity for future occupiers, the garden amenity space is of a sufficient size and shape such that it would comply with the guidance within the Council's Quality Design SPD of 100 square metres for houses with 3 or more beds. There would be some potential for views into the external space from the rear of houses on Charles Street but the distance from the rear of those houses to the boundary of the subject site is some 27m and the relationship would be similar to others in the local area where development is around perimeter blocks.
- 6.14 On balance, the proposed development is considered to sufficiently secure a good standard of amenity for the existing occupiers of the land and buildings within the immediate vicinity and the wider area. The level of amenity space for the proposed new dwelling is considered to be of a size and shape to provide sufficient outside private amenity space for future occupiers and the proposal is therefore considered to comply with policy CS14 and the Quality Design SPD.
- 6.15 Having said that, given the rather close-knit setting of development in the area together with the limited width of the highway in this location it is considered that an hours or work condition would be appropriate to limit construction impacts to appropriate hours.

### ***Highways Matters***

- 6.16 Core Strategy Policy CS 13 relates to development that generates a transport impact and Saved Local Plan Policy TRANS.1 relates to the transport needs of new development and refers to the Council's residential parking standards, which are set out in the Housing Site Allocations DPD Policy C1.
- 6.17 The Council's Highways Officer was consulted and has raised no objection to the scheme as adequate parking provision is provided. The proposal includes for a new dropped kerb to provide access to the parking area and this would be subject to an agreement with the Highways Authority under Section 278 of the Highways Act 1980.
- 6.18 It is noted that the access and parking arrangements are not uncommon along Battery End Road and that the arrangement proposed here is the same as that approved under 19/00995/FULD and as that proposed under 22/03007/FUL where no objections were raised by officers.
- 6.19 Conditions have been recommended to ensure the access and parking arrangements comply with the Highways Authority standards as well as to secure an Electric Vehicle Charging Point (EVCP) and a Construction Method Statement (CMS) so as to avoid significant disruption to pedestrians and other road users throughout the construction process.
- 6.20 Road safety in West Berkshire is a key consideration for all development and it is considered that the proposed development is in accordance with Core Strategy Policy CS13 and Policy P1 of the HSA DPD and TRANS.1 of the Saved Policies of the Local Plan.

### ***Flooding and Drainage***

- 6.21 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district. The application site is located within Flood Zone 1, which has the lowest probability of flooding and is considered suitable for new residential development.
- 6.22 The Local Lead Flood Authority has reviewed the application and notes that the applicant has specified that they will discharge runoff from the site via soakaway.

However, according to records the Local Lead Flood Authority indicate that the site might be underlain by clay, and this may prevent the use of soakaways. The applicant has been advised that will need to prove that infiltration is possible on site through appropriate testing or prove that there is an alternative means to discharge surface water runoff. The Local Lead Flood Authority will require additional information, however, it is considered that a reasonably worded condition could be attached to request that additional information if consent is granted.

- 6.23 Subject to receipt of further acceptable detail it is considered that the proposal would comply with the National Planning Policy Framework and Policy CS16 of the Core Strategy.

### ***Hedge and Landscaping***

- 6.24 Core Strategy Policy CS18 outlines that the district's green infrastructure will be protected and enhanced and that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. This Policy requires the retention of valued green infrastructure which contribute to the character of the landscape and the area.
- 6.25 Further to this, 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.
- 6.26 Those Policies are compatible with the NPPF which states, among other things, that planning permission should be refused for development resulting in the loss of aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.27 In that regard, it is noted that the Council's Tree Officer advised in relation to application 22/03007/FUL that the hedge is not "important" under the terms of the Hedgerow Regulations 1997 as it has too few species and is not directly connected to the monument. However, the Tree Officer acknowledged that the hedge is on historic maps and is over 100 years old and that it brings biodiversity benefits and pollution and carbon sequestration benefits and provides screening for users of the recreation ground. The applicant has stated that the hedge will be retained.
- 6.28 The Tree Officer previously stated that the proposed dwelling is close to the hedge and potentially could damage its root protection area and that if it were to be lost or lost in part, this would be counter to policy CS18. The Council's Tree Officer has stated that it would be possible to construct the new building with appropriate tree protection (including ground protection) and previously recommended a condition to secure appropriate detail prior to the commencement of development, including of any demolition or ground clearance.
- 6.29 The Tree Officer has reiterated a request for a tree protection condition to be included on this application if consent is granted and based on advice received, officers are satisfied that the hedge can be retained and that the proposed development would therefore comply with the NPPF, and Policies CS18 and CS19 of the Core Strategy.

### ***Biodiversity***

- 6.30 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.

- 6.31 It is noted that a Preliminary Roost Assessment (PRA) has been submitted with this application together with a Phase 2 Bat Survey which reports on the results of a bat emergence survey undertaken at the site on 23 July 2023. The emergence survey was undertaken as a result of recommendations made in the PRA which was submitted to support application 22/03007/FUL, but the emergence survey had not been submitted to the LPA at the time of determination of that application which, as noted, resulted in the single reason for refusal of that application.
- 6.32 The Council's Ecologist has not responded to consultation on this current application at the time of writing this report and any comments received will be set out to Members in an update report prior to their meeting. However, it is noted that the Ecologist did provide comments in respect of application 22/03007/FUL which were to the effect that consent could not be granted until the results of the emergence survey had been received and approved. This was based on guidance within Government Circular 06/2005 which states, among other things that:
- "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
- 6.33 The bat emergence survey did not record any bats entering or emerging from Battery End Hall but did observe the emergence of a common pipistrelle from a neighbouring property two houses to the east. The survey also recorded bats commuting and foraging around the site and concluded that the hedgerows to the west and south of the site are of local importance for common pipistrelle bats, myotis bats, noctule bats and serotine bats as well as for breeding birds and that it may function as a corridor for other terrestrial or aerial species.
- 6.34 In light of the findings of the submitted ecological reports it was concluded that a European Protected Species Licence (EPSL) would not be required to undertake the development. However, a number of recommendations have been set out which include retention of the hedge along the western boundary, the provision of a Precautionary Method of Works (PMoW) statement whereby features should be reinspected immediately prior to the works of demolition commencing and details of a scheme of lighting both during and post development. Further to this, the reports recommend the installation of bat boxes on the new development which would provide local bats with safe roosting opportunities and the Council's Ecologist previously recommended conditions to secure a Construction Environmental Management Plan (CEMP) and a Landscape Environmental Management Plan (LEMP).
- 6.35 Having regard to the above, there are a number of measures set out that would conserve and enhance ecological features in accordance with Policy CS17 but, as noted above, the hedge along the western boundary is not within the ownership of the applicant and it is not therefore within the scope of the Planning Act to put the onus on the applicant to ensure its retention in perpetuity. However, based on comments received from the Council's Tree Officer it is considered that with appropriate protection through the construction process the hedge can be retained and continue to provide biodiversity and amenity benefits.
- 6.36 It is also the case that if consent is granted other measures could be secured by conditions, including a lighting strategy, the installation of bat boxes and a CEMP. However, in officers opinion, a condition to secure a LEMP for a relatively small scale

development as that proposed here would not be necessary or reasonable and would not pass the tests set out in the NPPF for the imposition of conditions.

- 6.37 Notwithstanding that, subject to appropriate conditions it is considered that the proposal would be acceptable having regard to the provisions of the NPPF and Cotswold Strategy Policy CS17 in respect of biodiversity.

## **Archaeology**

- 6.38 As noted above, The Council's Archaeologist did not provide comments for this application but did on the previous application requesting a condition to secure an archaeological watching brief during the excavation of the foundations and any related groundworks for the new build.
- 6.39 This site is of some archaeological interest as it lies within 25m of a Scheduled Monument, one of the barrows of the Wash Common Bronze Age barrow cemetery. These nationally designated barrows are also associated with the Civil War First Battle of Newbury, so there is reasonably high archaeological potential in the immediate area.
- 6.40 The comments made previously are still considered relevant to this current proposal and if consent is granted a condition to secure a watching brief would be appropriate.

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

- 7.1 The proposal before the Council is one which would provide a public benefit in terms of increasing the overall housing stock in the district, albeit limited to a single new dwelling. The existing building on site is quite probably past its useful lifespan and its demolition and replacement in the form proposed is not considered to detract from the character of the area. There are not considered to be any significant impacts arising from the development on the amenities currently enjoyed by neighbouring occupiers and the proposal would provide sufficient amenity for future occupiers of the new dwelling.
- 7.2 Subject to appropriate conditions the proposal is considered acceptable on highways grounds and conditions could also be imposed on a grant of consent to ensure an appropriate drainage scheme and to protect and enhance the environmental capacity of the district. An appropriately worded condition could also secure heritage benefits in terms of understanding the archaeological potential of the immediate area.
- 7.3 The site is within a sustainable location for new housing and taking account of all relevant policy considerations and the material considerations referred to above, it is considered that the development proposed is acceptable and conditional approval is justifiable.

## **8 Full Recommendation**

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1.	<b>Commencement of development</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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	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.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>073 Existing Site Plan  081 Proposed Block Plan  082 Proposed Site Plan  083 Proposed Floor Plans  084 Proposed Elevations  085 Proposed Sections  L-01 Proposed Site Plan (Hedge Retention Plan)  Design and Access Statement  Preliminary Ecological Appraisal and Bat Roost Assessment by Nature Bureau dated April 2023  Phase 2 Bat Survey by Nature Bureau dated August 2023</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Tree protection scheme</b></p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees and hedges to be retained is submitted to and approved in writing by the Local Planning Authority.</p> <p>Such a scheme shall include:</p> <ul style="list-style-type: none"> <li>• a plan showing the location and type of the protective fencing and ground protection.</li> <li>• All such fencing and ground protection shall be implemented prior to any development works.</li> <li>• At least 2 working days notice shall be given to the Local Planning Authority that it has been erected.</li> <li>• 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.</li> <li>• No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</li> </ul> <p>Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2.  Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
4	<b>Construction method statement</b>

	<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"> <li>(a) The parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> <li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control the emission of dust and dirt during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(h) A site set-up plan during the works</li> </ul> <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>
5	<p><b>Surfacing of access</b></p> <p>No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
6	<p><b>CEMP</b></p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> <li>(a) Risk assessment of potentially damaging construction activities.</li> <li>(b) Identification of "biodiversity protection zones".</li> <li>(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).</li> <li>(d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>(e) The times during construction when specialist ecologists may need to be present on site to oversee works.</li> <li>(f) Responsible persons and lines of communication.</li> <li>(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>(h) Use of protective fences, exclusion barriers and warning signs.</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p>

	<p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and wider area in accordance with Policy CS17 in the West Berkshire Core Strategy (2006 to 2026) and the National Planning Policy Framework. A pre-commencement condition is required as environmental management measures apply through all stages of the development.</p>
7	<p><b>Lighting</b></p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <p>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</p> <p>(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.</p> <p>(c) Include isolux contour diagram(s) of the proposed lighting.</p> <p>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>(e) Address the recommendations at Section 5 of the Phase 2 Bat Survey by Nature Bureau dated August 2023 for both demolition and construction phase and operational phase.</p> <p>No external lighting shall be installed on site except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and wider area. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
8	<p><b>SuDS</b></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.</p> <p>These details shall:</p> <p>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;</p> <p>b) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;</p> <p>c) 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;</p> <p>d) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;</p> <p>e) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;</p> <p>f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</p>

	<p>g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;</p> <p>h) 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;</p> <p>i) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</p> <p>u) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;</p> <p>v) 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;</p> <p>w) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);</p> <p>x) 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 immediately following construction to be approved by the Local Planning Authority. 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.</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 (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p> <p>A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
9	<p><b>Archaeology</b></p> <p>No 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.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 211 of the 2023 National Planning Policy Framework.</p>
10	<p><b>Levels</b></p> <p>No development shall take place until details of the finished floor levels of the dwelling hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.</p>

	<p>Reason: To ensure a satisfactory relationship between the proposed development and adjacent land. 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 Supplementary Planning Document Quality Design (June 2006).</p>
11	<p><b>Materials</b></p> <p>No development above foundation slab level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
12	<p><b>Fencing</b></p> <p>No development above foundation slab level shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected around the dwelling have 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 dwelling hereby permitted is occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition.</p> <p>The approved boundary treatment shall thereafter be retained.</p> <p>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 CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).</p>
13	<p><b>Vehicle Parking</b></p> <p>The dwelling hereby permitted shall not be first occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space 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>
14	<p><b>Biodiversity</b></p> <p>The dwelling hereby permitted shall not be first occupied until the following biodiversity mitigation and enhancement measures have been installed/constructed:</p> <p>Bat boxes in accordance with the submitted enhancement measures</p>

	<p>within paragraph 4.3 of the Preliminary Ecological Appraisal and Bat Roost Assessment by Nature Bureau dated April 2023;</p> <p>in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
15	<p><b>EVCP</b></p> <p>The dwelling hereby permitted shall not be first occupied until details of an electric vehicle charging point (minimum of 7kw) has been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicles. 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>
16	<p><b>Obscure glazed</b></p> <p>No additional windows shall be constructed at first floor level or in the roof of the eastern western elevation of the approved dwelling. The dwelling shall not be occupied until the windows approved at first floor level in the eastern side elevation have been obscure glazed and top hung. The windows shall remain obscured and top hung in accordance with the requirements of this condition at all times thereafter.</p> <p>Reason: In the interests of neighbouring amenity and the privacy of future occupants in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Local Plan (2006-2026) 2012.</p>
17	<p><b>PDR</b></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, AA, 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 and neighbouring amenity and ensuring the proposed new dwelling has adequate amenity space. 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 Supplementary Planning Document Quality Design (June 2006).</p>
18	<p><b>Demolition</b></p> <p>The existing scout hut shall be demolished as outlined on the approved plans. The new dwelling hereby permitted shall not be occupied until the site has been cleared of the entire existing scout hut to be demolished as stated within the</p>



	<p>approved documents.</p> <p>Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the area. 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 Supplementary Planning Document Quality Design (June 2006).</p>
19	<p><b>Hours of work</b></p> <p>No demolition or 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; 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>

### **Informatives**

1.	Conditions
2.	Highways
3.	Proactive

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# Agenda Item 4.(5)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(5)	23/01916/HOUSE Cold Ash	16.10.2023	Erection of a single timber shed to the western side of the property  Birkdale, The Ridge, Cold Ash  RG18 9HT  Mr Martin Sutherland

<sup>1</sup> Extension of time agreed with applicant until 01.03.2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01916/HOUSE>

**Recommendation Summary:** That the Service Director of Development and Regulation be authorised to APPROVE conditional permission.

**Ward Member(s):** Councillor Codling  
Councillor Dick

**Reason for Committee Determination:** The number of objections exceeds 10.

**Committee Site Visit:** 19 February 2024

## Contact Officer Details

**Name:** Helen Robertson  
**Job Title:** Assistant Planning Officer  
**Tel No:** 01635 519111  
**Email:** Helen.robertson@westberks.gov.uk

## **1. Introduction**

- 1.1 This application seeks planning permission for the erection of a single timber shed to the western side of the property.
- 1.2 The site is a new build dwelling, one of five substantial detached dwellings approved under Appeal Reference APP/W0340/W/20/3256565. Each of the dwellings has a slightly different design approach.
- 1.3 The application site occupies a prominent position on the southern side of The Ridge and is elevated to the countryside to the south where expansive views are available from the property.
- 1.4 Surrounding residential development comprises a ribbon of development, that extends along both sides of The Ridge. Dwellings vary in terms of their design and height, there is also a range of materials which includes brick, render and weather boarding.
- 1.5 The application site is identified as lying within the settlement boundary and was part of a larger site allocated for development under Policy HSA7 of the Housing Site Allocation Development Plan Document (HSADPD). Amongst other things, Policy HSA7 sought to ensure that development reflects the existing settlement pattern, with gaps to be provided in the built form to allow views of the open landscape to the south.
- 1.6 The appeal decision removed permitted development rights for additions or buildings or enclosures incidental to the enjoyment of the dwellinghouses to protect the character of the area. This does not preclude such development from taking place but enables the LPA to assess and consider the impact of development proposals.
- 1.7 A public right of way (COLD/23/1) runs across the fields to the south of the site.
- 1.8 The proposed shed measures 2.43 metres by 3.04 metres and is 2.21 (max) metres in height and will be constructed from tongue and groove pressure treated timber with a felt roof covering.
- 1.9 It would be located in a tucked away position to the western side of the property which is currently used for storage and which is of a lower ground level than the property.
- 1.10 The application originally proposed two sheds, one to each side of the property. During the course of the application amended plans were submitted at Officers request to remove the shed to the eastern side of the property which would have been slightly visible above the fence from the front view and which would have spread the built footprint to each side of the property.

## **2. Planning History**

- 2.1 There is an extensive planning history relating to the development of the wider site however this is the first application in relation to the dwelling in question.

## **3. Procedural Matters**

- 3.1 Given the scale and nature of this householder development, it is not considered to within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

- 3.2 Site notice displayed on 31.08.2023; the deadline for representations expired on 21.09.2023.
- 3.3 CIL: Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.4 Pre-Commencement Condition: Agreed on 11.01.2024

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Parish Council:</b>	<p>Objection – Unanimous</p> <ul style="list-style-type: none"> <li>- Not in keeping with neighbouring properties</li>   <li>- Overdevelopment of site</li>   <li>- Contradicts original development planning consent stating that any views between properties should not be obstructed with additional development.</li>   <li>- The importance of gaps between the houses extends back to the West Berkshire Housing Site Allocations Development Plan Document (HAS DPD) published in September 2014, and the Landscape Capacity Assessment (LCA) of 2015. The site referred to as COL006 highlighted the importance of gaps in the built form to allow views through the development to the open landscape to the south. This is included below. This was reiterated throughout the planning process by ProVision on behalf of TA Fisher, the intonation being that the proposed plans and resultant houses recognised the importance of this and would conform to it.</li>   <li>-The planning application for the successful Reserved Matters submission (19/00832/REM, approved by the planning inspector) is attached and includes reference to the HAS DPD and LCA (Section 5.9) and specifically states that the housing conforms to and incorporates substantial gaps in built form (Section 6.9 below).</li> </ul>
<b>WBC Highways:</b>	No objections

<b>Berkshire Newt Officer:</b>	No comments received
	<b>AMENDED PLANS:</b>
<b>Parish Council</b>	<p>OBJECT - Councils view was that any structures between the houses on the new development that block the views from The Ridge will be in conflict with the planning approval. It was therefore agreed to object to the application.</p> <p>Clerk to action in line with the wording on the previous objection. (as detailed above)</p>
<b>WBC Highways:</b>	No objections
<b>Berkshire Newt Officer:</b>	No comments received

### ***Public representations***

- 4.3 Representations have been received from 11 contributors, none of which support, and 11 of which object to the proposal.
- 4.4 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- There is an unacceptable degree of urbanisation from the five houses already built, any further development should be resisted
  - Overdevelopment and setting the precedent for further development of an already overdeveloped site
  - Questioning the need for additional outbuildings. There is adequate storage space on the site in the existing garage
  - Importance and principle of gaps between the houses (Reference to HASDPD and the Landscape Character Assessment)
  - Importance of retaining the remaining views through the site
  - Impact on AONB
  - Design not in keeping
  - In breach of the condition that removed permitted development rights
  - Support for the Parish Council objection
  - Impact on views from the footpath and Lawrences Lane
  - Previous objections reiterated following the submission of amended plans
  - Objections remain the same regardless of the number of sheds proposed

## **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 ADPP5, CS13, CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- HSA7 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies CAP1, CAP2, CAP3, CAP6, CAP10 of the Cold Ash Neighbourhood Development Plan (NDP) (Because the NDP has been successful at examination it now carries weight in the decision-making process)

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Cold Ash and Ashmore Green Village Design Statement (2002)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The impact on the character of the area
- The impact on neighbouring amenity
- The impact on protected species

### *Principle of development*

6.2 The principle of development within the curtilage of an existing dwelling within the settlement boundary is in general accordance with the development plan. The acceptability of the proposal is subject to its design and specific impacts.

6.3 The site is within a risk zone for great crested newts.

### *Character and appearance*

6.4 In assessing the impact on the character and appearance of the area particular attention has been given to the sensitivities of the site in relation to the visual gaps provided between the properties which allow views of the open landscape to the south. Consequently amended plans were requested to remove the originally proposed shed to the eastern side of the site.

6.5 The design of the remaining proposed shed is considered in keeping with a residential setting and will be constructed of appropriate materials.

6.6 The proposed shed is of a relatively modest scale and height and would not be visible in views from the front of the site given that it would be set below the existing fence height due to the topography. Consequently it would not impact any views that are currently available through the site to the western side of the property. The existing visual gap to the boundary between the properties would be unaffected by the proposal.

6.7 From Lawrences Lane and the footpath to the south limited direct views would be available of the proposal given that it would be tucked away to the western side of the

property and given that the wall and fence above to the boundary of the neighbouring property are of a significant height. Given its scale it would also appear as a modest structure in relation to the scale of the property and the existing outbuilding on the site from these wider public viewpoints.

- 6.8 Furthermore, an outline landscaping plan has been submitted to indicate that further screening will be undertaken in the rear garden adjacent to the proposal including some short hazel hurdles and additional planting. A condition is recommended that more detailed information of the landscaping be provided prior to commencement of the development.
- 6.9 Regarding the impact of the proposal upon the AONB (now known as the North Wessex Downs National Landscape). Whilst the site lies outside of the National Landscape, the statutory duty to conserve and enhance the area's natural beauty applies to proposals close to the designated area. Having considered the scale and impact of the proposal it is not considered to cause harm to the National Landscape.
- 6.10 Given the nature of the development it is not considered that dark skies will be affected.

### ***Neighbouring Amenity***

- 6.11 Given the scale, location and nature of the proposal and the significant boundary screening to the side boundary in the location of the proposal there is not considered to be any impacts on the amenities of current or future occupants of the adjacent property.

### ***The Impact on Protected Species***

- 6.12 The Berkshire Newt Officer has been consulted but has not commented on the proposal.
- 6.13 The site contains a recently landscaped residential rear garden. The area to the western side of the property consists of slate chippings.
- 6.14 An assessment of the scale, nature and location of this proposed shed has led us to conclude that a biodiversity appraisal is not required.
- 6.15 An Informative will be applied to remind the Applicant of the legal responsibility towards protected species.

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

- 7.1 The proposal has been carefully assessed to ensure that the proposal is appropriate in scale and design whilst taking into consideration the impact on the character and appearance of the area including whether the proposal affects the important visual gap between the properties.
- 7.2 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore recommended for APPROVAL

## **8. Full Recommendation**

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.



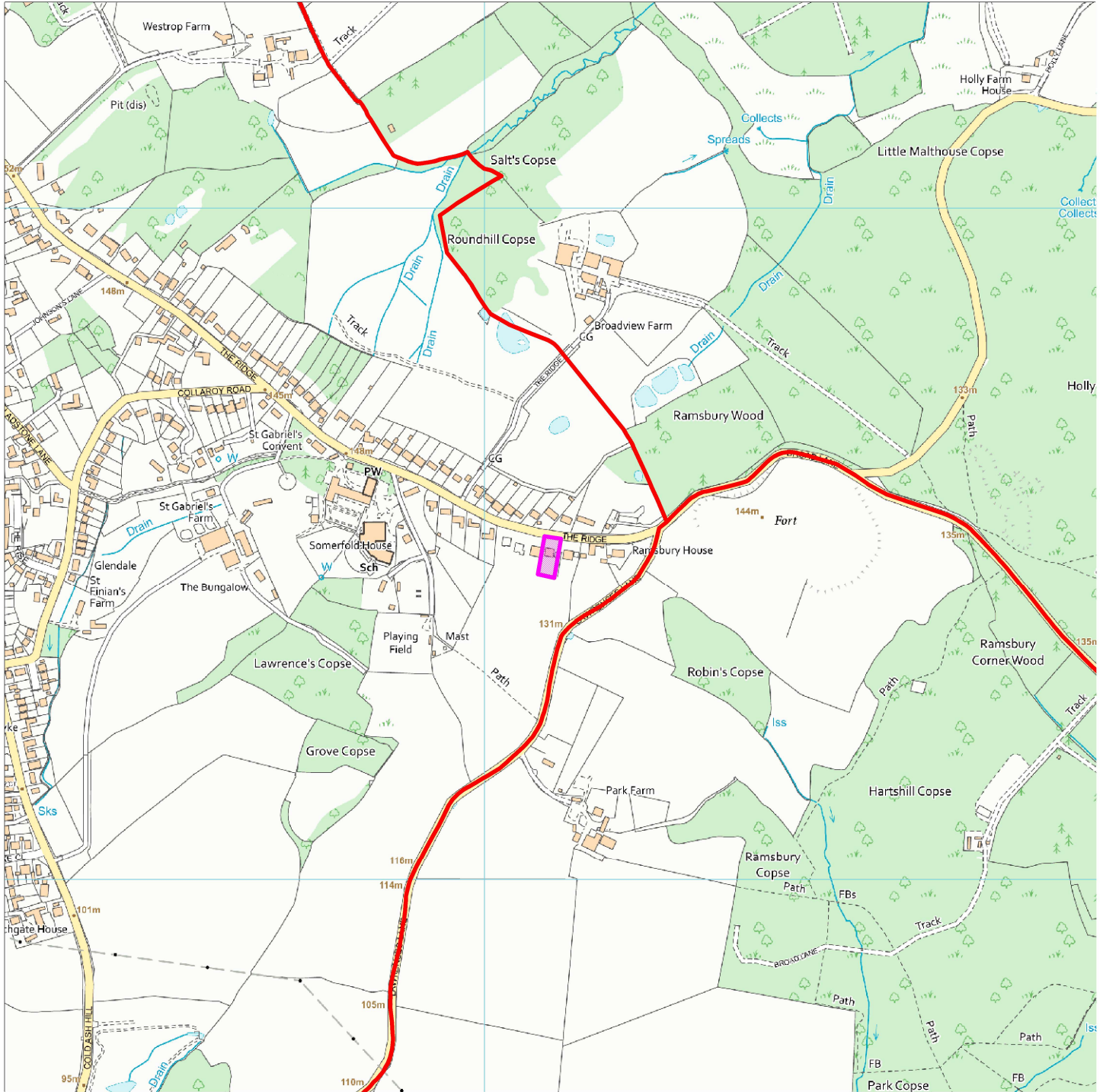
## Conditions

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans listed below:</p> <p>Block Plan for Proposed Shed, Front and Rear Elevations for Proposed Shed, Side Elevations for Proposed Shed, Floor Plan for Proposed Shed, Additional Landscaping; received on 20.11.2023.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Materials as specified</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p><b>Landscaping</b></p> <p>No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>- schedules of plants noting species, plant sizes and proposed numbers/densities</li> <li>- an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and plant establishment.</li> </ul> <p>The scheme shall ensure;</p> <ol style="list-style-type: none"> <li>a) Completion of the approved landscape scheme within the first planting season following completion of development.</li> <li>b) Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</li> </ol> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>

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**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 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.
2.	<p><b>Protected Species</b></p> <p>Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter <a href="http://www.gov.uk/guidance/wildlife-licences">www.gov.uk/guidance/wildlife-licences</a></p>
3	<p>The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.</p>



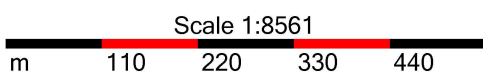
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	08 February 2024
<b>SLA Number</b>	0100024151



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