

<b>Item No.</b>	<b>Application No. and Parish</b>	<b>Statutory Target Date</b>	<b>Proposal, Location, Applicant</b>
(3)	21/02145/FULEXT Newbury	22 November 2021 <sup>1</sup>	Construction of 18 no. new homes composed of one and two bed dwellings, all with associated access, parking, amenity and landscaping.  Land adjacent to Phoenix Centre, Newtown Road, Newbury  Homes for West Berkshire LLP

<sup>1</sup> Extension of time agreed with applicant until 20 January 2023

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02145/FULEXT>

**Recommendation Summary:** To delegate to the Service Director of Development & Regulation to grant planning permission subject to conditions and completion of a section 106 agreement within four months (or such longer period that may be authorised). If a section 106 agreement is not completed within four months to delegate to the Service Director of Development and Regulation to refuse planning permission.

**Ward Member(s):** Councillor David Marsh  
Councillor Tony Vickers  
Councillor Adrian Abbs

**Reason for Committee Determination:** Major application on Council owned land and where the Council is an applicant.

**Committee Site Visit:** 15 September 2022

#### **Contact Officer Details**

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

## **1. Introduction**

- 1.1 This application seeks planning permission for the construction of 18 new homes composed of one and two bedroom dwellings, with associated access, parking, amenity and landscaping. The site is located in the settlement of Newbury and in an area of archaeological interest. There is a public right of way to the southern boundary of the site. There are existing trees and hedges as well as fencing around the site. There is an existing access and an area of hardstanding to the south of the site, but it is otherwise undeveloped.
- 1.2 The proposal consists of two apartment blocks set towards either side of the northern boundary, and a turning area and parking between the two proposed buildings in the centre of the site. There would be 6 one bedroom units and 12 two bedroom units. Towards the east, west and south boundaries are outbuildings for bin and cycle storage. To the southern boundary there would be further parking and landscaping. The total parking proposed would be 30 spaces including 4 visitor spaces.
- 1.3 The existing trees within the red line to the south east and the west would be retained, whilst an area of hedge to the south west would be removed to provide access and pedestrian footway. Eight trees to the south of the site would also be removed.
- 1.4 The main apartment buildings would be 3 storey and L shaped with the longest elevations facing towards the centre of the site and hipped roofs to the south and east/west shorter elevations. Each building would have 3 flats per floor and each flat would have a balcony/ground floor terrace.

## **2. Planning History**

- 2.1 None of direct relevance. There was a formal hospital on site which was demolished in 2004 and the site has been undeveloped since that time.

## **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 Site notices were displayed on 19 October 2021 on telegraph poles; the deadline for representations expired on 9 November 2021. A public notice was displayed in the Newbury Weekly News on 2 September 2021.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL 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). 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>	Support.
<b>WBC Highways:</b>	No objection subject to condition following receipt of amended plans and additional information.
<b>Environmental Health:</b>	No objection subject to conditions.
<b>Environment Agency:</b>	Unable to comment, refer to standing advice.
<b>Archaeology:</b>	No objection.
<b>Natural England:</b>	No comments to make.
<b>Thames Water:</b>	No objection subject to informatives.
<b>SPOKES West Berkshire:</b>	Request all homes have safe, secure cycle storage and cycle lanes provided from the site to link with existing cycle lanes.
<b>Public Rights of Way:</b>	Contribution sought for future upkeep of extension to bridleway 4/1. Safe and adequate provision required for pedestrians, cyclists and equestrians forming the link and extension to the bridleway.
<b>Ecology:</b>	No objection subject to conditions.
<b>Waste Management:</b>	No objection subject to condition following receipt of amended plans.
<b>Tree Officer:</b>	Objection to insufficient proposed landscaping and potential impact on root protection area of retained trees.
<b>Local Lead Flood Authority:</b>	No objection subject to condition following receipt of amended plans.
<b>Access Officer:</b>	No comments received.
<b>Police:</b>	No comments received.
<b>West Berkshire Fire and Rescue Service:</b>	No comments received.
<b>Countryside:</b>	No comments received.

<b>Ramblers' Association:</b>	No comments received.
<b>Southern Electric:</b>	No comments received.

### ***Public representations***

4.2 No public representations have been received on the application.

## **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, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1, RL.1, 2 and 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)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD
- Newbury Town Plan
- Manual for Streets

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of development
- Affordable housing and housing mix
- Design, character and appearance
- Amenity and green infrastructure
- Highways
- Flooding and drainage
- Ecology
- Sustainable Construction

### ***Principle of Development***

- 6.2 Where the site is in a settlement boundary there is a presumption in favour of residential development under policy C1 of the Housing Site Allocations DPD. Being within Newbury the site is also in one of the main urban areas of the district – a location into which development is directed by policy ADPP1. Furthermore the site is considered to be suitable land within settlement boundary for residential development under policy CS1 of the Core Strategy.

### ***Affordable Housing and Housing Mix***

- 6.3 Policy CS6 requires 30% provision of affordable housing on development sites of 15 dwellings or more. This equates to 5 units. One unit is required to be a First Home (government requirement for 25% of affordable homes to be First Homes), and a tenure split of 70% social rent and 30% intermediate affordable units will be sought for the other 4 units.
- 6.4 The proposal is for 100% affordable housing. The 30% required by policy CS6 is to be secured by a planning obligation (S106). The remainder would be operated by Sovereign Housing using grant funding from Homes England. The grant funding could be used in any of the 31 local authority areas Sovereign operate in, and they have chosen to deliver all of it in partnership with West Berkshire Council. On this basis the proposal would comply with the Council's affordable housing policy.

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

- 6.5 The site is on a hill which slopes downwards to the north. To the north, east and south are larger scale buildings of the Phoenix Centre, resettlement unit, and blocks of flats. The Phoenix Centre and blocks of flats are narrower on the elevation towards Newtown Road, with the main length of the buildings set into the site roughly west/east. The flats to the south are at a higher ground level and are three storeys in height. The Phoenix Centre is at a lower ground level and two storeys in height.
- 6.6 On the west side of Newtown Road are predominantly detached properties also slightly set back from the road and at a higher ground level of single, two and three storeys. There is a strong building line on this side of Newtown Road, and to a lesser extent on the east side.
- 6.7 Policy ADPP1 states that the scale and density of development will be related to the site's current or proposed character and surroundings. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, with design and layout informed by the wider context. Policy CS19 relates to landscape character with particular regard to be given to the sensitivity of the area to change and ensuring new development is appropriate in location, scale, design and context of the settlement form, pattern and character.
- 6.8 The proposed buildings would maintain a good separation distance to surrounding buildings. The height would be stepped down from the existing flats to the south, to the application site, to Phoenix House to the north. The materials would be similar to those used in the vicinity. The main difference compared to the existing flats locally would be the inclusion of balconies for every unit. Whilst it would not be fully screened, much of the hedging alongside Newtown Road is proposed to be retained, and the proposed building fronting Newtown Road would be set a similar distance from the highway as the adjacent buildings. Overall the proposed buildings are considered to comply with the development plan with regard to design, character and appearance.

## ***Amenity and Green Infrastructure***

- 6.9 Policy CS14 relates to quality of life. The Quality Design SPD which refers to the House Extensions SPG outlines the factors to consider with regard to loss of light, overshadowing and overlooking. The main part of the proposed buildings would be set at least 21 metres back to back distance which is the distance considered acceptable to prevent any direct overlooking into adjacent properties. Where the buildings are 3 storey and at a higher ground level than the Phoenix Centre to the north they will introduce some additional overshadowing. However, where it would be predominantly over the car parking area it is not considered materially detrimental to the amenity of the occupants of the Phoenix Centre. Similarly there would be overshadowing towards Newtown Road in the morning, but where the properties on the opposite side of the road are set up off the road any loss of daylight is not considered harmful.
- 6.10 Under the Quality Design SPD there should be at least 450m<sup>2</sup> communal amenity space provided for the development (25m<sup>2</sup> per flat). The block plan shows small areas to one side of each of the proposed buildings, although the one to the eastern boundary would not be of particularly high quality where it would be overshadowed by the trees beyond the boundary to the east and by the building to the west. Each unit would also have a balcony. In total these areas are approximately 255m<sup>2</sup>. This would be an under provision of 195m<sup>2</sup> or around 43%.
- 6.11 Policies OVS.5 relates to environmental nuisance and pollution control. Development proposals need to not give rise to unacceptable pollution of the environment and the policy lists a number of criteria considerations. Policy OVS.6 relates to noise pollution with development required to minimise any adverse impacts from noise generation.
- 6.12 The Council's Environmental Health have been consulted on the application. The submitted phase 1 contamination report identified further investigations were required, which include possible contamination due to the previous history of the site, historic gravel pit, potential for ground gases and the nearby electricity substation. Subsequently a remediation method statement and phase two ground investigation report was submitted. It recommends a watching brief during construction, the made ground recorded elevated levels of arsenic and lead such that areas of soft landscaping require remediation, and the made ground infill material at the south east corner of the site is not to be removed until treated and further tested has been undertaken. Environmental Health were consulted on and accepted its findings. A remediation method statement was submitted which was acceptable to Environmental Health and is to be conditioned.
- 6.13 Environmental Health also advise that the site may be subject to elevated noise levels due to the proximity to the road, and as such a noise survey to identify if mitigation measures are required should be applied. And finally an hours of work condition to minimise disturbance to nearby residents.
- 6.14 All new developments of 10 or more dwellings are required to provide public open space under policy RL.1 to RL.3. The proposed development does not have sufficient area on site to provide public open space. Policy RL.2 makes provision for off site contribution or for other land within the applicant's control to be used. The public open space required for the development would be between 0.2 and 0.29 hectares. Details are awaited from the Council's Countryside team on the sum payable based on the calculation set out in the Planning Obligations SPD. The sum would be secured by S106 legal agreement.
- 6.15 Policy CS18 seeks to protect and enhance the District's green infrastructure and expects new developments to make provision for high quality and multifunctional open spaces and links to existing green infrastructure.

- 6.16 The site has Newbury Bridleway 4/1 running east/west to the south of the site. The Council's Public Rights of Way have been consulted on the application. Where the Highways Authority requires the adoption of the access to the site safe and adequate provision for pedestrians, cyclists and equestrians along the adopted section to link between Newtown Road and the extension of the bridleway which then goes over the dual carriageway. The development would involve an increase in the use of the Bridleway by the residents and a contribution is sought for its upkeep. The sum identified by Public Rights of Way is £5,860.
- 6.17 The Council's Tree Officer has been consulted on the proposal. The submission includes a tree protection plan, arboricultural method statement, and arboricultural impact assessment. The Tree Officer notes that extent of trees to be removed, removal and cut back of the hedges around the site. They also consider the impact on the Leyland cypress hedgerow G1 to be a significant feature and its roots to primarily be on site where there is parking beyond the boundary of the site inhibiting root growth. They consider the roots would be damaged by the proposal and have objected.
- 6.18 Additional information including an existing services plan and planting plan to show the constraints for planting and a landscaping scheme respectively were provided. Furthermore information that the foundation design for the building closest to the retained trees just off site could be altered if it were to impact on their root protection areas. The Tree Officer considers foundation design changes would need to be made late in the process and likely to incur additional development cost, and they remain disappointed with the proposed landscaping scheme and recommend trial pits within the root protection areas to inform foundation design.
- 6.19 The proposed development is considered to have an acceptable impact on the amenity of the adjacent properties, and conditions can mitigate the potential impacts of land contamination and noise. There would be an under provision of on site for amenity space for the occupants of the development and in terms of public open space provision would be required off site by way of financial contribution. The public rights of way issues can be mitigated by financial contribution and a condition for trial pits within the root protection area of the trees just off site to establish foundation design.

### ***Highways***

- 6.20 Policies CS13 and TRANS.1 relate to highways matters. The Highway Authority were consulted on the application and advised that the proposed access is from a private access road. The section leading to the access would need to be adopted by the Highway Authority, and it has been demonstrated that the land in question is within the control of the Council. An extension to the visibility splay to the east was requested to provide clear visibility to the access to the east.
- 6.21 With regard to pedestrian access further improvements were requested for drop kerb and a crossing point with tactile paving, and the extension of the existing footway to the proposed access would be secured by a Section 278 agreement. The agreement would also include the shared surface road and amendments were required to the service margin around the turning head and to the east of the carriageway to 2 metres. Tarmac surfacing would be required for the carriageway and footway.
- 6.22 The trip rates likely generated by the development are considered to have been understated. However, even a greater level of vehicle movements the Highway authority advice would be acceptable in its impact on the local highway network.
- 6.23 The number of car parking spaces proposed is acceptable under policy P1. However, the space sizes appeared small and annotations on the plans were requested. Details were also requested to the electric vehicle charging points to ensure there is sufficient

space on site and further details were requested on the cycle and motorcycle parking facilities.

- 6.24 Following receipt of amended plans the Highways Authority consider the parking spaces layout and hard surfacing can be addressed by conditions. The requested conditions are for details of electric vehicle charging points, construction method statement, site layout for road and footpath design, footway provision, visibility splays provided before occupation, vehicle parking to standards, cycle parking provision, and refuse provision. With the identified conditions the scheme is considered acceptable with regard to highways impacts.

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

- 6.25 Policy CS16 relates to flooding and drainage. The policy requires development not to have an impact on the capacity of an area to store floodwater or to have a detrimental impact on the flow of flood and surface water. Whilst the site is in flood zone one drainage is an important consideration where the site is located on a gradient.
- 6.26 The submitted drainage strategy outlines that surface water onto the roof and hardstanding would be directed to a surface water sewer via permeable paving and modular attenuation with a flow control. Soakaways are not proposed due to the potential for contamination. Finished floor levels would be raised 150mm above average ground level to mitigate potential surface water flooding.
- 6.27 The Local Lead Flood Authority were consulted on the application. They noted infiltration is not feasible on site due to the clay geology with surface water to drain to water sewer at 2 litres per second. They requested details of the existing drainage as to whether it also drains to the same water sewer. They identified some discrepancies in the rainfall calculations and requested these be addressed as well as being updated to reflect the drainage strategy which has two areas of permeable paving compared to the one in the calculations. Confirmation was also sought that the gas main nearby had been taken into account with the proposed surface water and foul sewers.
- 6.28 The Local Lead Flood Authority noted no green sustainable drainage features had been included contrary to the SPD. They considered there to be scope for rainwater harvesting and rain gardens and therefore requested water conservation measures be included. For the permeable paving lateral baffles were required to maximise potential surface water storage. Finally finished floor levels had not been set to 150mm above the adjacent external levels and should be set in accordance with BS8533 part 13.
- 6.29 Amended drainage details and additional information has been submitted. The Local Lead Flood Authority has confirmed their comments have been addressed with regard to connection between permeable paving and crate system, inclusion of filter drain to mitigate flood risk from run off leaving the site, appropriate invert levels modelling, finished floor levels raised sufficiently above surrounding ground levels, run off water storage systems supported by calculations and warnings on drawing regarding the uncertainty of the location of utilities on site. Subject to a condition for the drainage to be provided the proposal is acceptable with regard to drainage and flood risk.

### ***Ecology***

- 6.30 Policy CS17 requires biodiversity is to be conserved and for development to maximise opportunities to achieve net gains in biodiversity. A phase 1 ecological appraisal has identified measures for protected species and enhancements.



- 6.31 The Council's Ecologist has been consulted and they raise no objections subject to conditions for a landscape environmental management plan, construction environmental management plan, external lighting strategy, along with updates to protected species surveys and mitigation measures.

### ***Sustainable Construction***

- 6.32 Policy CS15 relates to sustainable construction and energy efficiency. With regard to construction standards these are covered by building regulations and the Design and Access Statement includes details on additional measures on the sourcing of building materials and managing waste from construction. An energy and sustainability statement outlines other sustainability measures including water conservation.
- 6.33 The other part of the policy is renewable energy which requires major development to achieve reductions in emissions from renewable or low/zero carbon energy generation on site or directly connected to such energy generation within the locality. The proposal includes an air source heat pump to provide for the hot water demand of the development. The submitted information indicates a 57.10% reduction of emissions for a two bedroom flat with air source heat pump for hot water, electric panel heating, compared with Part L 2021 compliant building regulations.

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

- 7.1 The benefits of the proposal are considered to be as follows. The provision of housing, with full provision of the policy requirement of 30% affordable housing, and with all units affordable through grant funding. This attracts significant weight. There will be moderate economic benefits of the proposal both in terms of employment during construction but also from future residents to the local economy. Minor weight is given to those matters which are policy compliant including ecological mitigation and enhancement, drainage, highways, land contamination, public rights of way and public open space off site contribution.
- 7.2 The adverse impacts of the proposal are considered to be as follows. The under provision by approximately a third of private amenity space for residents on site which attracts moderate adverse weight. The loss of trees on site and impact on root protection areas which attracts minor adverse weight. And that the buildings will not be zero carbon through onsite renewable energy generation which attracts minor adverse weight.
- 7.3 The local development plan is considered up to date and as such the tilted balance of the National Planning Policy Framework is not considered to be engaged. Having taken into account all of the relevant policy considerations and other material considerations referred to above it is considered that the benefits of the proposal are both greater in number and weight such that they outweigh the adverse impacts. The recommendation is therefore that the application be approved subject to the conditions identified and subject to a planning obligation (S106).

## **8. Full Recommendation**

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 31 January 2022 (or such longer period that may be authorised by the Service Director of Development & Regulation, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

- 8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Service Director of Development & Regulation to REFUSE PLANNING PERMISSION for the reasons listed below.

### **Conditions**

1.	<p><b>Commencement of development</b> 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> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan 6362-P-001 Proposed Site Layout 6362-P-105 Q Proposed Elevations Block A 6362-P700 C and -701 C Proposed Elevations Block B 6362-P-703 and -704 Proposed Ground Floor Block A 6362-P-200 C Proposed First Floor Block A 6362-P-201 C Proposed Second Floor Block A 6362-P-202 C Proposed Roof Plan Block A 6362-P-203 A Proposed Ground Floor Block B 6362-P-204 Proposed First Floor Block B 6362-P-205 Proposed Second Floor Block B 6262-P-206 Proposed Roof Plan Block B 6362-P-207 Site Visibility 0702 P04 Cycle Stores 6362-P-212 Bin Stores 6362-P213 A Private Drainage 0400 P01. Private Drainage 0400 P02 Planting Plan and Schedule PP-001 Vehicle Manoeuvres &amp; S38 Areas 0700 P11 Site Sections 6363-P-702 F Existing and Proposed Levels 0100 P11 Proposed Drainage 0200 P11</p> <p>Cotswold Transport Planning Transport Statement July 2021 CTP-20-1053 Issue 01 Abricon Ltd Preliminary Ecological Appraisal August 2021 001SOVE100 Geo-Integrity Phase I Desk Study May 2020 20-02-11 Geo-Integrity Phase II Factual and Interpretative Geotechnical and Geo-Environmental Report September 2021 21-05-02 Quattro Design Architects Design and Access Statement July 2021 6362-P-4000 Hydrock Remediation Method Statement September 2021 21097-HYD-XX-XX-TN-GE-1001 Hillside Trees Ltd Arboricultural Impact and Method Statement, Tree Protection Plan January 2022 Version 1.3 and email correspondence Infrastructure CS Ltd Drainage Strategy August 2021 4229-PHCT-ICS-XX-RP-C-07.001 and calculations XX-M3 P04 AES Sustainability Consultants Ltd Energy and Sustainability Statement April 2022 Rev 1</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>

3	<p><b>Materials</b></p> <p>No development shall take place above ground level 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>
4.	<p><b>Affordable housing</b></p> <p>The affordable housing shall be provided and retained for all residential units hereby permitted which are not secured by the associated planning obligation and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it.</p> <p>Reason: To ensure that the affordable housing is provided in accordance with the submission in accordance with policies CS4 and CS6 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.</p>
5.	<p><b>Implementation of Approved Remediation Scheme</b></p> <p>The approved Remediation Statement by Hydrock dated 3/9/21 must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS14 of the West Berkshire Core Strategy 2006-2026 and policies OVS.5, OVS.7 and OVS.8 of the West Berkshire District Local Plan Saved Policies 2007 and the National Planning Policy Framework.</p>
6.	<p><b>Reporting of Unexpected Contamination</b></p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and undertaken which is subject to the approval in writing of the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,</p>

	<p>property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS14 of the West Berkshire Core Strategy 2006-2026 and policies OVS.5, OVS.7 and OVS.8 of the West Berkshire District Local Plan Saved Policies 2007 and the National Planning Policy Framework.</p>
7.	<p><b>Protection from external noise (prior approval)</b>  No dwelling shall be first occupied until external noise mitigation measures have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall be informed by an appropriately detailed investigation to address any noise sources in the area including the onsite air source heat pump. The details shall include a scheme of works for protecting occupants of the new dwellings from externally generated noise.</p> <p>Reason: To protect future occupants from the adverse effects of excessive noise levels that may be generated by the adjacent public house and any other noise sources in the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p>
8.	<p><b>Hours of work (construction/demolition)</b>  No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:  7:30am to 6:00pm Mondays to Fridays;  8:30am to 1:00pm Saturdays;  No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p><b>Trial Pits to Establish Foundation Design</b>  No development works within the root protection area of the trees identified as G1 on drawing XXX shall take place until details of foundation design for Block XX have been submitted and approved in writing by the Local Planning Authority. The details shall include the findings of trial pits establishing the roots of the G1 trees. The foundations shall be provided in accordance with the approved details.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p><b>Electric vehicle charging points (prior approval)</b>  No dwelling shall be first occupied until electric vehicle charging points have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
11.	<p><b>Construction method statement</b>  No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority.</p>

	<p>Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) 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) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</li> <li>(f) Any temporary access arrangements to the site, and any temporary hard-standing;</li> <li>(g) Wheel washing facilities;</li> <li>(h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</li> <li>(i) A scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>(j) Hours of deliveries and preferred haulage routes;</li> </ul> <p>Incorporation of the environmental safeguarding measures in the approved Abricon Ltd Preliminary Ecological Appraisal August 2021 001SOVE100</p> <ul style="list-style-type: none"> <li>(k)</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
12.	<p><b>Layout and design standards</b></p> <p>The detailed layout of the site shall comply with the Highway Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design shall be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.</p> <p>Reason: In the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
13.	<p><b>Footway provision</b></p> <p>The use shall not commence until the following has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>A footway on the northern side of the access road from Newtown Road into the site;</li> <li>The footway on the southern side has been resurfaced;</li> <li>A set of dropped kerbs and tactile paving is provided across the access road from Newtown Road;</li> <li>Any statutory undertaker's equipment or street furniture located in the position of the works shall be re-sited.</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 imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>

14.	<p><b>Visibility splays (provision)</b></p> <p>No dwelling shall not be first occupied until visibility splays at the access have been provided in accordance with the approved plans. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
15.	<p><b>Parking (prior approval before occupation)</b></p> <p>No dwelling shall be occupied until vehicle parking and turning spaces, including any surfacing arrangements and marking out, have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring of private cars and/or private light goods vehicles at all times.</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 P1 of the Housing Site Allocations DPD 2006-2026.</p>
16.	<p><b>Cycle parking/storage (approved plans)</b></p> <p>No dwelling shall be occupied until cycle parking/storage facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
17.	<p><b>Refuse Storage</b></p> <p>No dwelling shall be occupied until storage for refuse and recycling receptacles has been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
18.	<p><b>Drainage</b></p> <p>No dwelling shall be occupied until the drainage measures have been provided in accordance with the approved drawings and documents. Thereafter the drainage shall be maintained.</p>

	<p>Reason: To ensure that surface water is managed in a sustainable way in accordance with policy CS16 of the West Berkshire Core Strategy 2006-2026, the Supplementary Planning Document Sustainable Drainage, and the National Planning Policy Framework.</p>
19.	<p><b>Air Source Heat Pump and Sustainable Construction</b></p> <p>No dwelling shall be occupied until the air source heat pump or pumps for the hot water demand of the development has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and type of air source heat pump or pumps and evidence/confirmation that it or they can provide hot water for all units.</p> <p>Reason: To ensure that onsite renewables to reduce carbon emissions are provided in accordance with policy CS15 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.</p>
20.	<p><b>Biodiversity measures</b></p> <p>The development shall be undertaken in accordance with the Appraisal Ltd Preliminary Ecological Assessment for clearance and construction to follow a precautionary method of working in Appendix E and no breathable roofing membrane shall be used on the buildings.</p> <p>No dwelling shall be occupied until the biodiversity enhancements have been provided in accordance with the Abricon Ltd Ecological Appraisal paragraph 6.9.2 and Appendix D for one bat box and one bird box on each of the buildings, as well as 10 swift boxes on the north and eastern sides of the buildings at a height of over 5 metres.</p> <p>Reason: To ensure biodiversity mitigation and 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>
21.	<p><b>Lighting strategy</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ol style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</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.</li> <li>(c) Include isolux contour diagram(s) 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) Be informed by the recommendation of 6.4.2 of the Abricon Ltd Ecological Appraisal.</li> </ol> <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. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
22.	<p><b>Time limit on development before further surveys are required</b></p>

	<p>If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within a year from the date of the planning permission, the approved ecological measures secured through Condition 20 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of bats and (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 original approved ecological 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 (or, in the case of the suspension of development after commencement prior to the development resuming). Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p><b>IMPORTANT:</b> If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence or continue. Advice should be sought from Natural England and/or a suitably qualified ecologist.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
23.	<p><b>Hard landscaping (prior approval)</b></p> <p>No dwelling shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
24.	<p><b>Soft landscaping (approved plans)</b></p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme Planting Plan and Schedule PP-001 within the first planting season following completion of building operations / first occupation of a new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>



### ***Heads of Terms for Section 106 Agreement***

1.	<b>Affordable housing</b> Provision arrangements to be agreed. 30% of the overall number of homes to be provided as affordable housing through a registered provider except for any provided under the First Homes initiative.
2.	<b>Public open space</b> Provision arrangements to be agreed. Contribution for off-site provision and management to be agreed based on the calculation in the Planning Obligations SPD.
3.	<b>Public Rights of Way</b> Provision arrangements to be agreed. Commuted sum of £5,860 for off-site Bridleway upkeep from additional use from residents (including the extension required as part of the development by the Highways Authority).

### ***Refusal Reasons***

2.	<b>Planning obligation</b> The application fails to provide an appropriate planning obligation to mitigate the impact of the development with regard to affordable housing, public open space, and public rights of way. The District has a high affordable housing need and an affordability ratio above the national average. Public open space and upgrades to the public rights of way are required from the development. Without these planning obligations the proposed development conflicts with policies CS5, CS6, CS13, and CS18 of the West Berkshire Core Strategy 2006-2026, policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan Saved Policies 2007, the Planning Obligations SPD and the National Planning Policy Framework.
----	---