

**WESTERN AREA PLANNING COMMITTEE
21 SEPTEMBER 2022**

UPDATE REPORT

Item No: 4(3) **Application No:** 21/02145/FULEXT **Page No.** 67-86

Site: Land Adjacent to the Phoenix Centre, Newtown Road, Newbury

Planning Officer Presenting: Lydia Mather

Member Presenting: N/A

Town Council Representative speaking: Newbury Town Council - Councillor Nigel Foot (in person)

Objector(s) speaking: N/A

Supporter(s) speaking: N/A

Applicant/Agent speaking: Nick Fisher, Sovereign (in person)

Ward Members: Councillors Billy Drummond
Erik Pattenden
Phil Barnett

1. Public Open Space

Countryside have advised the commuted sum sought for offsite provision and maintenance for public open space, based on the Planning Obligations Supplementary Planning Document, is £13,130. The sum is to be included in the heads of terms for the S106 planning obligation.

The calculation is as follows:

- Planning Obligations SPD total maintenance cost per person per annum = £16.38
- Planning Obligations SPD paragraph 7.18 that the figure is multiplied by 20 years including compound growth based on the General Index of Retail Prices (all items) applicable at the time of the agreement = 12.3%
- £16.38 + 12.3% retail price index x 20 years = 367.80 per person per year x 35.7 people (number of occupants of 18 flats) = £13,130.

2. First Homes

The S106 Heads of Terms for affordable housing have been amended to remove the First Homes requirement. This is because NPPF paragraph 65 states that where development is exclusively for affordable housing the requirement for at least 10% affordable housing does not apply. Where First Homes is a type of affordable housing the Written Ministerial Statement 'Affordable Homes Update' May 2021 clarifies that the exemption to provide at least 10% affordable housing under the NPPF includes an exemption from First Homes.

3. Corrections

There was a mistake on the agenda regarding the Ward the application site is within; it is within the Eastfields ward of Newbury Town which is within the Greenham ward of West Berkshire (and not Falkland).

4. Condition Corrections

Condition 2 for approved plans now includes drawings from the drainage strategy and corrections to revision numbers of the location plan, and elevations of block B (amendments shown in bold).

Condition 9 for the trial pits omitted the relevant drawing, which is now included.

Condition 14 – correction to first line for clarity to remove the double negative.

5. Updated Recommendation

The recommendation remains as set out in the agenda committee report, subject to the following amended conditions and S106 heads of terms.

Condition

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| 2. | <p>Approved Plans</p> <p>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 Rev A</p> <p>Proposed Site Layout 6362-P-105 Q</p> <p>Proposed Elevations Block A 6362-P700 C and -701 C</p> <p>Proposed Elevations Block B 6362-P-703 Rev A and -704 Rev A</p> <p>Proposed Ground Floor Block A 6362-P-200 C</p> <p>Proposed First Floor Block A 6362-P-201 C</p> <p>Proposed Second Floor Block A 6362-P-202 C</p> <p>Proposed Roof Plan Block A 6362-P-203 A</p> <p>Proposed Ground Floor Block B 6362-P-204</p> <p>Proposed First Floor Block B 6362-P-205</p> <p>Proposed Second Floor Block B 6262-P-206</p> <p>Proposed Roof Plan Block B 6362-P-207</p> <p>Site Visibility 0702 P04</p> <p>Cycle Stores 6362-P-212</p> <p>Bin Stores 6362-P213 A</p> <p>Private Drainage 0400 P01.</p> <p>Private Drainage 0400 P02</p> <p>Planting Plan and Schedule PP-001</p> <p>Vehicle Manoeuvres & S38 Areas 0700 P11</p> <p>Site Sections 6363-P-702 F</p> <p>Existing and Proposed Levels 0100 P11</p> <p>Proposed Drainage 0200 P11</p> <p>4229-PHCT-ICS-XX-RP-C-07.001-P05 Drainage Strategy Report</p> <p>4229-PHCT-ICS-01-XX-M3-DRAINS P04 Drainage Calculations</p> |
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| | <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> |
| 9. | <p>Trial Pits to Establish Foundation Design No development works within the root protection area of the trees identified as G1 on drawing 211223-PC-TPP-Rev B-NB Tree Protection Plan shall take place until details of foundation design for Block B 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> |
| 14. | <p>Visibility splays (provision) No dwelling shall 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> |

Heads of Terms for Section 106 Agreement

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| 1. | <p>Affordable housing Provision arrangements to be agreed. 30% of the overall number of homes to be provided as affordable housing through a registered provider.</p> |
| 2. | <p>Public open space Provision arrangements to be agreed. Contribution for off-site provision and management based on the calculation in the Planning Obligations SPD, £13,130.</p> |