

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/02079/COMIND Kintbury Parish Council	16 th December 2020 ¹	Redevelopment of land within the existing walled garden to provide 22 additional units of C2 accommodation as an extension to the Audley Inglewood care community and a new pavilion with associated landscaping, infrastructure and parking. Inglewood House Templeton Road Kintbury Hungerford RG17 9AA Audley Group

¹Extension of time agreed until 24th August 2023.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02079/COMIND>

Recommendation Summary:

To **DELEGATE** to the **Development Control Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8 of the report) and the completion of a Section 106 legal agreement to secure the review of the Affordable Housing Viability.

OR

If the legal agreement is not completed by the 19th October 2023 (3 months of the committee meeting), or such other date as agreed in writing by the Development Control Manager in consultation with the Chairman of the Committee, to **DELEGATE** to the Development Control Manager to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8 of the report.

Ward Members:

Councillor Dennis Benneyworth
Councillor Denise Gaines
Councillor Tony Vickers

Reason for Committee determination:

Call in by Ward Member and more than 10 letters of objection.

Committee Site Visit:

13th July 2023

Contact Officer Details

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

1. Introduction

- 1.1 This application seeks full planning permission for the redevelopment of land within an existing walled garden to provide 22 additional extra care units of C2 accommodation and the construction of a new pavilion as an extension to the Audley Inglewood care community with associated landscaping, infrastructure and parking.
- 1.2 The proposed 22 units will all have 2 bedrooms and be arranged entirely within the walled garden and are classified under Use Class C2 (residential institutions). The proposed units will be accessed from Inglewood Road using the existing secondary access to the site. The existing internal road on the eastern boundary of the walled garden will remain.
- 1.3 Currently the wider care community site provides 140 parking spaces (including 50 resident spaces, 70 visitor spaces, 17 disabled bays, and 3 Electric Vehicle Charging Points (EVCs)). An additional 22 parking spaces will be provided for the proposed additional units, and this is proposed at 1 parking space per unit. The new parking is proposed to the north of the walled garden on the northern site boundary and west of the secondary site access. It is proposed that 3 of the parking spaces will have EVCs.
- 1.4 The proposal is supported by a sustainability statement which proposes the use of an air source heat pump as the main energy source for heating and hot water needs of each of the units. The sustainability statement proposes various other measures to manage water consumption include metering, low consumption sanitary fittings and controls, sustainable urban drainage systems (SUDS) and rainwater harvesting. The development is proposed with a solar power system. The proposed solar system will be installed and fixed on the flat roof of each unit. The solar array will have a total rated output of approximately 5kW. It is proposed that an insulated factory storage cylinder will be installed for domestic hot water storage.
- 1.5 It is proposed that the new occupants/residents of the development will have access to the Audley Club which is located on the main care community site. The Audley Club facilities on the main care community site include a swimming pool, sauna, stream room, gym, salon and treatment rooms, lounge, library, hobbies room, restaurant and bistro and meeting rooms.
- 1.6 In addition, it is proposed to build a small pavilion building adjacent to the old cricket field located to the east of the walled garden. The proposed pavilion would be approximately 128 square metres in floor area and comprise an open area, storage spaces and toilets.

Background and planning application history

- 1.7 The application has been delayed mainly due to the applicant seeking to resolve three matters of objection on the application:
 - Insufficient information due to a lack of protected species surveys.
 - Impact on highway safety – access to the site for construction and HGV vehicles.

- Failure to make a provision for Affordable Housing (this is following a viability review)
- 1.8 The Local Planning Authority's Planning Managers had a meeting with the applicant to discuss the above matters and the applicant requested additional time to address the outstanding points. The Head of Planning agreed that the applicant or their Viability Consultant could engage with the LPA's Viability Consultants to reach a common ground on the affordable housing appraisal information and viability figures. The applicant also requested additional time to submit the required protected species surveys for the site.
- 1.9 Details of the Highway passing places were also submitted following a site meeting between the applicant and the Highway Authority Officers.
- 1.10 The application has therefore been the subject of numerous additional and amended documents submitted over the period.
- 1.11 Audley Inglewood care community granted planning permission under application 06/01018/FULEXT and the subsequent Section 73 application under reference 09/01071/FULEXT as an extra care community consisting of 96 residential units of accommodation with shared communal facilities. The proposed 22 units will expand the existing development.
- 1.12 The site is located outside a defined settlement and in the countryside, to the west of the settlement of Kintbury. The buildings of Audley Inglewood to the east of the walled garden include a listed clock tower, the rebuilt Inglewood Park mansion and an existing Audley Inglewood development. To the west of the development site, there are several detached houses, namely Ingleville, Walmsley House and Athnassey House.
- 1.13 The rectangular walled garden is a former kitchen garden, consisting of walls made from redbrick, with alternative stretcher and header courses. The red brick walls rise to approximately 3 metres on the west, east and south and approximately 5 metres on the north. Access to the garden is gained via entrances in the walls near the northwest and northeast corners, at the central point of the east wall, and near the southeast corner. On the northern side external of the walled garden there is a lean-to with a slate roof.
- 1.14 The proposal has benefited from pre-application advice from the Local Authority.

2. Relevant Planning History

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

Application	Proposal	Decision / Date
17/00292/CERTE	To seek confirmation that the use of the two cottages as ancillary accommodation in connection with the Audley Care Community is lawful.	Approved
14/01377/FUL	Construction of solar array.	Approved

11/01808/FUL	Facing work to Clock Tower	Approved
09/01071/FULEXT	Section 73 variation of Condition 2 (Amended plans) to include "And subsequent revised plans including demolition of existing house on site" and removal of Condition 34 (Internal feature retention) of approved planning permission 06/01018/FULEXT.	Approved
06/01018/FULEXT	Conversion and redevelopment of Inglewood House and associated buildings and grounds to an extra care community consisting of 96 residential units of accommodation with shared communal facilities.	Approved
02/01211/COMIND	Redevelopment of existing Health Farm and which includes road improvements to Templeton Road.	Approved

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. An EIA screening exercise has been completed. The proposed development does not exceed the threshold in column 2 of Schedule 2 (number of dwellings and the site area does not exceed 5 hectares). It is concluded that an EIA statement is not required in terms of the EIA Regulations.
- 3.2 A site notice was displayed on 08th October 2020 and the deadline for representations expired on 29th October 2020.
- 3.3 The development has been amended on numerous occasions and additional information has been submitted. The main amendment plans and additional supporting information package was received in response to officer-level feedback. According to the Planning Practice Guidance, where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, considering a number of considerations including previous objections, and the significance of the changes. These amendments have been to address specific technical and expert concerns raised by consultees, and the amendments have been made publically available via the Councils planning website where legislation allows. Given that these amendments have been in response to technical issues and did not alter the originally proposed scheme, it has not been necessary to post an amended plans site notice.

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 will be charged on residential (C3 and C4) and retail (A1 - A5) development. The development is CIL liable and chargeable as residential development.

3.5 More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

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

Kintbury Parish Council:	<p>Objection:</p> <ul style="list-style-type: none"> • Development within the AONB • Development is outside the settlement boundary. • Site is not allocated for housing and local housing allocations are sufficient. • Proposal is considered overdevelopment. • Additional traffic generation impacts. • Access via Templeton Road is unsatisfactory as it cannot accommodate the current traffic. • Development is out of keeping with existing Inglewood House
WBC Highway Authority:	No objection
WBC Ecology Officer	No objection subject to conditions
WBC Archaeology Officer	No objection
WBC Tree Officer	No comments received
WBC Local Lead Flood Authority	No comments received
WBC Environmental Health	No objection
WBC Conservation:	No objection
Royal Berkshire Fire and Rescue	No objection subject to informative
WBC Viability Consultant	No objection subject to section 106 review mechanism for affordable housing and viability
WBC Housing	No objection, subject to affordable housing provision as

Development	a contribution.
WBC Public Rights of Way	No objection subject to informative
North Wessex Down AONB	No comments received
Environment Agency	No comments to make response received
Berkshire Garden Trust	No objection, submission of a Conservation Management Plan for the whole site recommended.
Thames Water	No objection subject to informative

Public representations

4.2 Representations have been received from 59 contributors in objection and one impartial contributor.

Objectors = 55

Supporters = 11

Impartial = 0

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

Objection points:

- Development will have an impact on the AONB.
- light pollution should be avoided in the AONB
- Development is outside the settlement boundary.
- The site is not allocated for housing and local housing allocations within the area are sufficient
- Proposal is considered overdevelopment of the walled garden.
- The development will result in additional traffic generation which will impact on highway safety.
- Local lanes are extremely hazardous and dangerous.
- Increased parking requirements
- Access via Templeton Road is unsatisfactory as it cannot accommodate the current traffic.
- Development is out of keeping with existing Inglewood House
- Facilities and Services at Audley Inglewood are already overloaded.
- Local GPs are overstretched.
- Development will have an impact on Biodiversity including protected species .
- The proposal is not providing Biodiversity Net Gain
- The walled garden was supposed to be used as allotments for residents in the Village.
- No acoustic appraisal has been submitted.
- Trees within the walled garden will be lost
- bus stop walk is unrealistic for the majority of Inglewood owners
- The garden wall should be restored and maintained.
- Water supply and water quality is not addressed

- By seeking C2 use, the proposal is avoiding affordable housing provision.

Support points:

- very attractive property within 38 acres of beautiful parkland
- no detrimental impact on existing residents
- the houses only reaching to the top of the walls and within an attractive garden.
- facilities in the main house are adequate to cope with further residents.
- highway outside is to be widened.
- Audley Inglewood is a large site and should be fully utilised
- Pavilion will provide space for meetings and games.
- The walled garden is derelict.
- Walled garden cannot be demolished but should be restored.
- Proposal will make it possible for another 30/40 elderly people to enjoy the security and care that Audley provides

5. Planning Policy

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

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

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB Position Statement: Housing (October 2012)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2017)
- Planning Obligations SPD (2015)
- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Council Landscape Character Assessment 2019
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014.

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Affordable Housing
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- On-site amenity and facilities
- Highways safety
- Trees and Landscaping
- Flooding and drainage
- Infrastructure
- Sustainability
- Biodiversity
- Objections and representations

Principle of development

- 6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land. Policy ADPP5 provides that landscape protection is of paramount importance within the North Wessex Downs AONB. The North Wessex AONB has a statutory designation under the Countryside and Rights of Way Act 2000. Specific to planning, the NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty.
- 6.3 According to Policy ADPP5, the North Wessex Downs AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities.
- 6.4 Policy C 1 of the Housing Site Allocation DPD outlines that there will be a presumption against new residential development outside of the settlement boundaries. The proposal is clearly for a C2 use (residential institution) as set out in the description of the proposal.
- 6.5 Policies ADPP1 and ADPP5 provide the area spatial strategy for the AONB within West Berkshire. Policy ADPP1 sets out the settlement hierarchy for the district and further outlines that only appropriate limited development is to be allowed in the open countryside focused on addressing identified needs and maintaining a strong rural economy.
- 6.6 The submitted extra care needs assessment report outlines that demand continues to increase for the provision of extra care accommodation due to an ageing population. The statement also outlines that extra care accommodation has evolved and requires provision to respond to the growing demand from older members of the population with demands for greater choice, quality and independence. As set out in the next section, Officers have liaised with the Council's Adult Social Care and Housing Development Officers and the Council's own evidence within the Council's Housing

Strategy 2020-2036 and the Icen Housing Needs Evidence Report (May 2020) indicates an identified need for extra care accommodation within the district.

- 6.7 The existing extra care use of Audley Inglewood is also a material consideration. As a specialist kind of residential development, Officers are satisfied that the need for extra care accommodation for specific specialist C2 units in the form of dementia care has been demonstrated. It is therefore considered that the proposal sufficiently overcomes the presumption against new residential development in this location, by justifying an identified need. It will be necessary to ensure the units remain within C2 use, this will be secured by a condition.

Affordable housing

- 6.8 Policy CS6 of the WBCS is concerned with the provision of affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development.
- 6.9 The submitted supporting plans and documents show the proposed units to provide residential accommodation with facilities for day-to-day independent living and therefore should be classified as a 'dwelling' which clearly falls within the Council's affordable housing policy and should therefore deliver policy compliant affordable accommodation.
- 6.10 In a High Court decision on 31 July 2020, concerning Rectory Homes Limited vs Secretary of State for Housing Communities and Local Government and South Oxfordshire District Council, the High Court Judge concluded that C2 use class or "Extra Care" units should provide affordable housing in the same manner as C3 use class dwellings.
- 6.11 As with the West Berkshire Core Strategy Policy CS6, both the South Oxfordshire Core Strategy and the neighbourhood plan required that, subject to viability considerations, that every development above a set threshold should provide affordable homes or that developers should make a financial contribution to enable such provision to be made off-site.
- 6.12 The Judge stated that it is well established that the terms "dwelling" and "dwelling house" in planning legislation refer to "a unit of residential accommodation which provides the facilities for day-to-day private domestic existence." As such the Judge added that it could include an extra-care dwelling, in the sense of a private home with the facilities needed for "independent living but where care is provided to someone in need of care."
- 6.13 In this specific case, Officers consulted the West Berkshire Housing Development Officer and Adult Social Care Service. The Adult Social Care Service indicated that they are looking to increase the amount of extra care accommodation in the district, and they were able to indicate to Officers that there was a Council waiting list for extra care housing. The Housing Officer also evidenced that there is an emerging increase in the older population in the district as a projected population change trend to 2036. This has been identified both in the Council's Housing Strategy 2020-2036 (Part 5 Table 1) and the Icen Housing Needs Evidence report (May 2020) (Table 5.2).

- 6.14 Adult Social Care were also concerned that the proposed new units would be unaffordable for most residents due to the likely purchase cost. Due to these concerns Adult Social Care indicated that a financial contribution would be preferable for this specific site.
- 6.15 The applicant then submitted a viability report which concluded that providing a financial contribution to the Council would render the development unviable, the applicant therefore proposed “nil” financial contribution.
- 6.16 Officers instructed the Council’s Viability Consultants to review the submitted viability report. The first review by the Council’s Consultants concluded that the development would remain viable if a contribution was paid to the Council. The Council’s Consultants indicated that they were unable to support the submitted approach which assumed no Section 106 contributions or affordable housing. This was due to the applicant’s submitted build cost being above the average rates suggested by the Building Cost Information Service (BCIS) for standard C3 housing.
- 6.17 The Local Planning Authority’s Planning Managers had a meeting with the applicant to discuss the above matters and the applicant requested additional time to address the outstanding points. The Head of Planning agreed that the applicant or their Viability Consultant could engage with the LPA’s Viability Consultants to reach a common ground on the Affordable Housing appraisal information and viability figures.
- 6.18 After a lengthy process and having tested various scenarios and sought a second opinion from a Quantity Surveyor on the build costs, the Council’s Viability Consultant agreed with the submitted conclusion that the scheme will not support a contribution to Affordable Housing. However, the Council’s Viability Consultant recommended that the Council considers a review mechanism within a Section 106 agreement given the uncertainty around sales values, the marginal viability position, and the likelihood of a high specification and the build cost translating into upper end values. The review mechanism will provide certainty for the Council on the viability position.
- 6.19 In conclusion, having considered the identified need for extra care accommodation as outlined above the principle of development is considered acceptable on balance in accordance with Policy ADPP1. The wider development plan policies and other material planning considerations are further considered below.

Design, function, character and appearance of the area

- 6.20 The site is located within a location forming part of the AONB, as such the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any from the proposed development.
- 6.21 A Landscape Visual Impact Assessment (LVIA) has been submitted and provides an acceptable assessment of the development impacts from various public receptor points. The assessment has included potential views from residential properties and public viewpoints. A Public Rights of Way footpath KINT/20/1 runs in a south easterly direction along the southern boundary of the site. Another Public Rights of Way footpath KINT/40/1 is located to the northwest of the site beyond Inglewood Road and runs in a northerly direction.

- 6.22 The views towards the development area are restricted by the height of the walls of the walled garden, which provides a visually well contained site that has restricted views from Public Rights of Way, residential properties and the public highways. Views of the northern area of the development area are restricted to the north-eastern corner at the entrance off Inglewood Road.
- 6.23 The area proposed for the car park has been located adjacent to the northern boundary, which makes use of the screening offered by the existing hedgerow and existing bund. A landscaping strategy has been provided within the LVIA and focusses on restoring the garden through appropriate layout of paths, seating and planting set into a formalised garden. The design is focused on the end user and is submitted as being based on dementia garden design principles.
- 6.24 The design of the buildings would be different from those within the locality, being single storey and with a flat roof. The proposed units have been designed such that their layout, size and scale does not appear out of context in relation to the existing garden wall and adjacent properties to the west and east. The height of the units is contained within the retained garden walls. The proposed design and scale will lessen the visibility of the development from the surrounding countryside and setting in an Area of Outstanding Natural Beauty. Officers have also considered that the character and appearance of the area can nevertheless be impacted by the use of land. It is considered that the proposal would intensify the existing use of the whole site and utilise more heavily a secondary access off Inglewood Road.
- 6.25 The proposed pavilion is sympathetically designed in size and scale and will be located within the field surrounding by mature vegetation. The pavilion is considered to not present an adverse impact on the character of the area.

Heritage

- 6.26 Policy CS19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings. This approach is supported by the NPPF. Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.27 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.28 West Berkshire Council considers the walled garden to be a non-designated heritage asset. Putting the walled garden to a viable use adds weight to the principle of the development in this location.
- 6.29 The walled garden has heritage significance as it is considered an ancillary feature typical of an English country house. The walled garden at Inglewood is one element of a historic estate which has individual elements within the parkland of Inglewood that are listed by Historic England. The buildings of the Audley site to the east of the walled garden include a listed clock tower, listed gate piers and overthrow, the rebuilt Inglewood Park mansion and a more recent Audley expansion development.
- 6.30 As part of the walled garden, there are key heritage features such as the crucifix and stone plaques shown mounted on the outside of the east facing wall. A small private graveyard lies adjacent to the east boundary wall of the historic kitchen garden. The square enclosure is bound by a formal hedge. The west boundary of the graveyard is formed by the garden wall and is ornamented by a large stone crucifix and some memorial plaques. A second memorial lies at the centre of the grassed interior of the enclosure. The submitted Heritage Statement states that the graveyard is associated with the Catholic Order De La Salle who purchased Inglewood House as a training centre for the Order in 1929.
- 6.31 The Council's Conservation and Archaeology Officers have been consulted on the application and have reviewed the submitted Heritage Impact Assessment.
- 6.32 The Conservation and Archaeology Officers have no objections. The Conservation Officer has indicated that the original house at Audley was originally a small Georgian country house which was significantly remodelled and extended through the 19th and 20th centuries. The country house was demolished and replaced by a new house of similar scale and form in 2012 under application 09/01071/FULEXT. A new development of two storey residential units was also constructed to the west of the house, in between the house and the walled garden. The Conservation Officer considers that the walled garden is of local historic and architectural interest.
- 6.33 The application originally included the conversion of the existing small brick lean-to attached to the exterior elevation of the west wall to a 2 bedroom unit. However the Conservation Officer objected to this element and this element has now been removed from the proposed development. The Conservation Officer was concerned that the creation of a residential curtilage outside the walls would have a harmful impact on the setting and character of the garden wall. The Conservation Officer stated that the proposal within the walled garden has been sympathetically designed and will maintain the character of the historic walled garden and will provide the redundant walled garden with a new purpose, thereby helping to sustain its significance and ensure its long term future.
- 6.34 The Conservation Officer has no objection to the proposed pavilion as it will be located approximately 80 metres to the north of the Grade II listed Clock tower, and will be screened from the clock tower by mature trees.
- 6.35 The Archaeology Officer has no objections and has agreed that the garden holds evidential, historic and aesthetic value. Given the submitted drawings and photographs, the Archaeologist has concluded that there is no requirement for a

building recording condition or any specific archaeological implications. The proposed development has no impact on the graveyard. The monuments attached to the east facing wall of the walled garden will remain and continue to be maintained by the De La Salle Brothers.

- 6.36 The Berkshire Garden Trust were consulted and raised no objections and have welcomed the amended proposals to contain the residential development within the walls of the kitchen garden. The Berkshire Gardens Trust raised some concerns with the cumulative development of the whole site and Inglewood Park, particularly how this may have impacted on its significance. The Berkshire Gardens Trust suggested that a Conservation Management Plan may be required for the whole Inglewood Park,. Officers consider that this is not reasonable and necessary as the site's heritage assets have been individually considered and are not affected by the proposed development.

The North Wessex Downs AONB Management Plan 2019 – 2024

- 6.37 The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019 – 2024 describes the sense of remoteness and tranquillity associated with the North Wessex Downs as fundamental to the character of the AONB and vital to the enjoyment and appreciation of the landscape, the North Wessex Downs' vision seeks to make the North Wessex Downs AONB a place where development is low-impact. Officers consider that the proposed units and landscaping are of an acceptable standard of design, size and scale within the context of the character and appearance of the area. the proposed development adequately respects and enhances the distinctive character of the site and this part of the North Wessex Downs AONB.
- 6.38 Given the careful design, scale and proposed landscaping strategy, Officers consider that the proposed development would have no detrimental impact on the character and appearance of the area and would comply with Policies ADPP1, ADPP5, CS14 and CS19 of the Core Strategy and policy C3 of Housing Site Allocation DPD. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design and the North Wessex Downs AONB Management Plan 2019 – 2024.

Impact on neighbouring amenity and quality of life

- 6.39 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance regarding the potential impact upon neighbouring amenity.
- 6.40 The nearest dwellings are located to the west and east of the site, however the dwellings are located a sufficient distance away from the development.
- 6.41 Overall, the impact on neighbouring amenity from the proposed development is considered minimal and it is considered that the contained development would not have a materially harmful impact on neighbouring residents such that the proposal accords with CS14 and the SPD on Quality Design.

On-site amenity and facilities for future occupiers

- 6.42 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 70 square metres for houses with 2 bedrooms.
- 6.43 It is indicated by the applicant that the occupiers of the units would have access to the courtyard garden area within the walled garden and the rest of the care community site. It is considered that the shared courtyard garden provision and the wider site would provide sufficient amenity for future occupants.
- 6.44 The units are designed with fenestration away from the walls. Given the height of the walls and orientation of most of the windows, it is considered that there would be no adverse impact on daylight.
- 6.45 The Environmental Health Officer has no environmental health objections to the proposed development. Whilst the Environmental Health Officer has no objections, there are potential noise impacts from air source heat pump machinery and equipment. As required by standard conditions, all plant, machinery and equipment installed or operated in connection with the carrying out of the development will be required to be enclosed and attenuated such that any noise that may be generated does not exceed at any time a level of 5dB (A) below the existing background noise level, or 10dB (A) if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property. These measures are considered necessary particularly with regard to mitigating the effects of the air source heat pump.
- 6.46 Overall, and subject to the conditions, the proposed development is considered to comply with policy CS14 of the West Berkshire Core Strategy 2006-2026 and Quality Design SPD in providing sufficient amenity.

Highway safety

- 6.47 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.48 The planning application has been submitted with a Transport Statement (TS) which has been reviewed by the Highway Officer.
- 6.49 Currently the site provides 140 parking spaces including 50 parking spaces for residents and 70 spaces for visitor's spaces. Within this provision, there are 17 spaces for the disabled, and three with electric Vehicle Charging Points (EVCs). It is proposed to provide an additional 22 parking spaces providing one space per each new unit. The car parking will be provided to the north of the walled garden adjacent to the existing access off Inglewood Road. Two to three of these parking spaces will have EVCs. The Highways Officer has indicated that one parking space per unit is acceptable.
- 6.50 The Highways Officer expressed concerns regarding construction traffic with a requirement put forward for a haul route avoiding Kintbury and taking construction traffic west towards Hungerford. The Highway Officer has highlighted this as a historical requirement during the expansion of the site. Due to the narrowness of

Inglewood Road west of the site, the Highway Officer has requested the provision of additional passing places along the section of road from the site to Inkpen Road.

- 6.51 Following numerous discussions and meetings at the site between the Highways Officer and the applicant's Highway Consultants, amended plans showing the highway passing places and swept paths analysis have now been submitted and are shown on the plans included in the committee pack.
- 6.52 A Travel Plan has been submitted and will aim to encourage staff and residents of the site to use sustainable forms of travel. This is welcome and will be secured by condition to ensure the measures proposed and monitoring will be implemented and reviewed accordingly.
- 6.53 The Council's Public Rights of Way Officer has no objection provided the surface water drainage does not increase flooding to the public footpath.
- 6.54 The proposal has the potential to comply with the development plan regarding highways matters, subject to details secured by condition. 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

- 6.55 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. Regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.56 The significant boundary tree cover will remain and no high category trees or trees subject to statutory protection will be removed. In addition, the proposed landscape strategy will enhance the existing landscape assets. Whilst it is acknowledged that some trees within the garden will be lost, these trees are not protected and the benefit of restoring the garden and providing a future use will outweigh the loss of the trees.
- 6.57 Overall, It is therefore considered that the proposed development would conserve the existing natural landscape features in accordance with advice contained within the NPPF, and Policy CS19 of the WBCS.

Flooding and drainage

- 6.58 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.59 The application site is located within Flood Zone 1, which has the lowest probability of flooding. It is essential that Sustainable Drainage Methods (SuDS) are adopted to mitigate the cumulative impacts of development on flooding within an area and the wider district. A Flood Risk Assessment has been submitted and the final surface water drainage measures will be secured by condition.
- 6.60 It is considered that the proposal would comply with Policy CS16 of the WBCS..

Water / Sewerage / Fire infrastructure

- 6.61 Thames Water is the statutory sewerage undertaker responsible for maintaining the water and wastewater infrastructure in the local area. Thames Water did not raise any objections to the proposed development, subject to the informative on ground water monitoring.
- 6.62 The Royal Berkshire Fire and Rescue Service has no objection, subject to an informative to make the applicant aware of potential additional site-specific infrastructure requirements necessary to meet the Fire Authority's requirements critical to the delivery of an effective response. These matters will be addressed during the formal statutory Building Regulations consultation.

Sustainability

- 6.63 Policy CS15 of the Core Strategy requires all non-residential development to achieve a BREEAM Excellent rating. Officers consider that attaching a condition requiring the proposed development to achieve BREEAM Excellent rating for the pavilion is reasonable in accordance with Policy CS15.
- 6.64 Policy CS15 states that major development shall achieve reductions in total carbon emissions through renewable energy or low/zero carbon energy generation on site or in the locality of the development as long as a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable. The assessment of energy and sustainability matters was moved to Building Regulations when the Code for Sustainable Homes was withdrawn from planning policy by the Written Ministerial Statement dated 22 April 2015.
- 6.65 The energy policies in the National Planning Policy Framework encourage renewable and low carbon energy generation. Other energy measures and standards are secured from performance metrics under Part L (Conservation of fuel and power) of the Building Regulations. Other provisions such as Fire safety (Part B), Ventilation (Part F), Sanitation hot water and water efficiency (Part G) and Heating and Appliances (Part J) will also be addressed through Building Regulations. Construction methods have also largely been moved into Building Regulations.
- 6.66 The proposal is supported by a sustainability statement which proposes the use of an air source heat pump as the main energy source for heating and hot water needs of each of the units. The air source heat pump will be powered by the proposed solar panels on each of the units and is considered to provide a more efficient and low carbon emission solution. The sustainability statement also proposes various other low carbon measures to manage water consumption including metering, low consumption sanitary fittings and controls, and rainwater harvesting. The development is proposed with a solar power system, which will be installed and fixed on the flat roof of each unit. The solar array will have a total rated output of approximately 5kW. It is proposed that an insulated factory storage cylinder will be installed for all domestic hot water storage. The sustainability statement concludes that the measures proposed will result in a net zero carbon development.
- 6.67 Officers consider that the proposed sustainability measures meet the requirements of the development plan and can be secured by condition.

Biodiversity

- 6.68 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.
- 6.69 Natural England had no comments to make on the application. The submitted Amended Biodiversity Net Gain (BNG) Report indicates that a range of enhancement measures will be incorporated into the proposals including wildflower planting, fruit orchards, gravelled areas with scrub, beech hedging, green wall planting, spring bulbs, raised planters for vegetable growing, scrubland, approximately 96 trees and bat boxes. The existing hedgerow along the northern boundary of the site will be retained and new native species hedgerow planting will be added around the parking spaces and within the walled garden. In addition to non-tangible enhancement gains, such as the installation of bird and bat boxes on the site, the BNG net gain was considered acceptable by the Council's Ecologist. Additional enhancements will be achieved through the Landscape Ecological Management Plan secured by condition. Overall the proposed development will achieve a positive BNG.
- 6.70 The Council's Ecologist has reviewed the updated protected species surveys and proposed biodiversity net gain enhancements. The Ecologist has recommended that the application can be approved with conditions attached to any planning permission. The recommended conditions include the requirement for the submission of a Landscape Ecological Management Plan which will ensure that all Biodiversity enhancements recommended for the various habitats are secured, implemented and maintained. It is therefore considered that the proposed development would comply with Policy CS17 of the WBCS.

Objections and representations

- 6.71 Letters of objection and support have been received from members of the public and the Parish Council. The planning related merits presented in these representations were addressed in the consideration of the application and in this report and considered in detail by the relevant consultees. In addition, conditions are also recommended to address some of the points raised.

7. Planning Balance and Conclusion

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal. Officers consider that the proposal will contribute to the wider economic dimensions of sustainable development and will support provision of new housing to address specialist needs. There are benefits arising from the development of the garden wall site, including the continued conservation of the non-designated heritage asset. Regarding the environmental role of fundamentally contributing to protecting

and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed using expert advice as outlined in this report. Officers consider that the final amended plans sufficiently preserve and enhance the existing natural environment on the site. Officers consider that the proposal makes a significant contribution to the wider social dimensions of sustainable development through the enhancements of the site within the AONB. Officers therefore consider that the proposed development is supported by the presumption in favour of sustainable development.

- 7.2 Officers consider that the proposed Sustainable Construction and Energy Efficiency measures comply with Policy CS15 and the NPPF in achieving a low/zero carbon energy generation which also weighs positively in the planning balance.
- 7.3 The applicant's extra care needs assessment and comments from the Council's Housing and Adult Social Care Officers indicate that there is an identified need for extra care accommodation within the district. This weighs in favour of the application in accordance with Policy ADPP1. Additional weight is applied in favour of the application given that the proposed development will restore a non-designated heritage asset and bring it back into a viable use.
- 7.4 Officers have balanced the restoration of a non-designated heritage asset with delivering a viable scheme. The achievement of both objectives is considered to carry significant weight in the planning balance.
- 7.5 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is acceptable on balance and is recommended to members for approval.
- 7.6 This decision has been considered using the relevant policies related to the proposal as outlined in the report.

8. Full Recommendation

- 8.1 Delegate to the Development Control Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below, and subject to:
 - a) The completion of a satisfactory Section 106 Planning Obligation securing the Heads of Terms detailed below by 19th October 2023 (or such longer period that may be authorised by the Development Control Manager in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).
- 8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Control Manager to **REFUSE PLANNING PERMISSION** for the reasons listed below.

Heads of Terms for Section 106 Agreement

1. Affordable housing

- To secure a clause requiring the submission of a final viability report before

occupation.

- The viability report will assess the viability of the development regarding providing an affordable housing financial contribution to West Berkshire Council.
- The viability report will be reviewed by a Council appointed Viability Consultant at the applicant's cost.
- Detailed requirements and specifications in accordance with the Planning Obligations SPD.

2 Council's Costs

- To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee.

Schedule of Conditions

1. Time Limit for commencement

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

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

2. Approved plans

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

Received on 09 September 2020:

- Refuse Store drawing No 15028 OB - GA-00-201 P1
- Proposed recreation pavilion plans drawing No 20008-PV-A-101
- Proposed recreation pavilion elevations drawing No 20008-PV-A-102
- Arboriculture assessment
- Barn Owl Survey
- Nocturnal Emergence and Dawn re-entry Survey
- Pavilion Ecological Survey
- Preliminary Bat Roost Assessment
- Preliminary Ecology Appraisal
- Reptile Survey

Received on 16 September 2020:

- Proposed block south – elevations and floor plans drawing No 15028-BS-GA-00-005-P2
- Proposed block south – roof plan drawing No 15028-BS-GA-00-006-P2
- Proposed block west – elevations and floor plans drawing No 15028-BW-GA-00-007-P2
- Proposed block west – roof plan drawing No 15028-BW-GA-00-008-P2
- Proposed block east – elevations and floor plans drawing No 15028-BE-GA-00-001-P2

- Proposed block east – roof plan drawing No 15028-BE-GA-00-002-P2
- Proposed block north – elevations and floor plans drawing No 15028-BN-GA-00-003-P2
- Proposed block north – roof plan drawing No 15028-BN-GA-00-004-P2

Received on 01 June 2021:

- Amended proposed site layout (walled garden) drawing No 15028-S-SL-00-200 P8
- Amended proposed site layout - all phases drawing No 15028-S-SL-00-201 P9
- Amended proposed elevations (inside and outside) drawing No 15028-SS(00)301-P3
- Amended Transport Statement
- Amended Travel Plan
- Amended Heritage Report
- Amended Heritage Report Addendum 2
- Amended Pavilion Historical analysis
- Amended Landscape Visual Impact Assessment and Landscape Strategy REVISION B
- Amended Flood Risk Assessment
- Extra Care Housing Needs Assessment
- Amended Planning Statement
- Amended Sustainability and Energy Statement
- Amended Proposed Bollard External Lighting drawing No SK E 01 REV A

Received on 16 June 2021:

- Heritage Report Addendum 3
- Amended Biodiversity Impact Assessment
- Ecology Statement Technical Note

Received on 26 October 2022:

- Amended Construction Route passing places plan 1 drawing No 2112024-01 REVISION B
- Amended Construction Route passing places plan 2 drawing No 2112024-02 REVISION B
- Amended Construction Route passing places plan – Swept Paths drawing No 2112024-TK01 REVISION B

Other documents:

- Amended location plan drawing No 15028-S-SL-00-001 P2 received 21 December 2020
- Heritage Statement Addendum 1 received 22 March 2021
- Audley agreed site traffic haulage route received 06 April 2021
- Traffic Management Plan received on 13 September 2021
- Phase 2 surveys – Supplementary Ecology Report received 30 June 2022
- Supplementary Ecological Report REVISION A received on 28 November 2022

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

3 External Materials

Prior to above foundation level works commencing, details of external facing materials for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.

Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the AONB 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 Hermitage Village Design Statement.

4 Means of Enclosure and gates

Notwithstanding the provisions of the plans hereby submitted, the development hereby permitted shall not be occupied until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments including gates on the site. The details shall include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site.

The approved details shall be completed in accordance with the approved scheme before the development hereby permitted is first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.

Reason In the interest of visual amenity and to protect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy, the Quality Design SPD (design guidance on safe and high quality environments) 2007) and the Hermitage Village Design Statement.

5 Landscape and Ecological Management Plan

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

- a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.
- b) Provision of features for protected and priority fauna as outlined within the Ecological Assessment Reports and deliver the recommendations to ensure the appropriate protection and conservation of protected habitats and species.
- c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, public open space, and ecological mitigation area.
- d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.
- e) A plan showing the design, location and installation details of all the habitat boxes and features.

- f) A plan showing the location of integrated enhancements for species such as birds and bats, bee bricks to the areas near the formal walled garden.
- g) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.
- h) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- i) Persons responsible for implementing the works.
- j) Details of initial aftercare and long term maintenance;
- k) Details for monitoring and remedial measures.

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

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

6 **Construction Environmental Management Plan (CEMP)**

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

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

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

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

7 Natural England licence (bats)

Any works which affect bats or great crested newts, or result in loss or deterioration of their habitats (including site clearance) shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

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

Reason: The approval of this information is required before development commences because insufficient information accompanies the application and licence can only be issued after planning permission is granted. Mitigation will be required before any site clearance or development takes place. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

8 Natural England licence (badger sett)

Any works which affect a badger sett or result in loss or deterioration of their habitats (including site clearance) or the provision of a replacement badger sett shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

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

Reason: The approval of this information is required before development commences because insufficient information accompanies the application and licence can only be issued after planning permission is granted. Mitigation will be required before any site clearance or development takes place. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

9 Surface water drainage measures

The above ground development shall not commence until the surface water drainage measures have been submitted and approved in writing by the Local Planning Authority.

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

Reason: To ensure that surface water will be managed in a sustainable manner.

This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

10 Parking and turning

The development shall not be brought into use until the associated vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of private motor cars at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11 Cycle parking

No dwelling shall be occupied until details of cycle parking has been submitted and approved in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with the submitted Travel Plan. 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).

12 Construction and submitted traffic management plan

No development shall take place until the approved highway passing places have been constructed in accordance with the approved plans.

- a) Thereafter the highway passing places shall be kept available through the construction of the approved development.
- b) The construction of the development shall proceed in accordance with the submitted Traffic Management Plan by LLS Logistics

Reason: In the interest of road safety and 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).

13 Electric Charging Point

No unit 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.

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

14 Refuse Storage

No unit shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved drawings and these facilities shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. 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 Supplementary Planning Document Quality Design (June 2006).

15 External lighting

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

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

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

Reason: Firstly, to ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Secondly, to conserve the dark night skies characteristics of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

16 Hours of work (construction)

No construction works shall take place outside the following hours:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;

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

Reason: To safeguard the amenities of 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).

17 Sustainability Measures

The development hereby permitted shall proceed in accordance with the

sustainability measures outlined within the Sustainability Statement by Gallese Design received on 01 June 2021. The development shall not be first occupied until the sustainability measures have been implemented in full.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

18 **BREEAM**

The pavilion hereby permitted shall achieve a rating of “Excellent” under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The development shall not be first occupied until a final certificate has been issued certifying that this rating has been achieved, and a copy of the certificate has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

19 **Landscaping**

All landscape works shall be completed in accordance with the submitted Landscape Visual Impact Assessment and the Landscape Strategy Plan by Kirkham Landscape Planning dated February 2021 (REVISION B) including the schedule of planting and design components and features.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.

20 **Landscaping**

All landscape works shall be completed in accordance with the submitted Landscape Visual Impact Assessment and the Landscape Strategy Plan by Kirkham Landscape Planning dated February 2021 (REVISION B) including the schedule of planting and design components and features.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.

21 **Travel Plan**

The development hereby permitted shall proceed in accordance with the travel measures outlined within the Amended Travel Plan by Cottee Transport Planning received on 01 June 2021. The development shall not be first occupied until the sustainability measures have been implemented in full.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

22 **Noise attenuation**

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

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

23 **Permitted Use Classes Order - removal of rights**

The 22 units hereby approved shall be used for Use Class C2 (Residential Institution) as part of extra care accommodation at Audley Care Community site and for no other purpose, including any other purpose in [Classes C2 and C3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Any other use may not be acceptable on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy (2006-2026), and Policies C1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informatives

1. Approach of the LPA

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. **CIL**

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

3. **Legal agreements - Section 106**

This Decision Notice must be read in conjunction with the terms of the Legal Agreement. You are advised to ensure that you have all the necessary documents before development starts on site.

4. **Fire infrastructure**

The Fire Authority seeks to raise the profile of these requirements and requests that the relevant documentation is made available to the applicant and/or planning agent by means of web link:

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

Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation.

5. **Waste (Thames Water informative)**

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

6. **Water (Thames Water informative)**

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

7 **Obstructing public right of way**

The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.

8 **Public right of way encroachment**

Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.

9 **Ground Levels**

Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.

10 **Ecology Updated Surveys**

If development has not commenced 3 years from the date of this permission, an updated Ecological Appraisal will be required. The updated surveys shall be used to inform the updated mitigation measures for the development.

Refusal reason

If the legal agreement is not completed by the 19th October 2023, to **DELEGATE** to the Development Control Manager to **REFUSE PLANNING PERMISSION**, or to extend the period for completion if it is considered expedient to do so.

S106 Planning Obligation Refusal Reason

The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

(a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.