

**WESTERN AREA PLANNING COMMITTEE**  
**21<sup>ST</sup> FEBRUARY 2024**

**UPDATE REPORT**

**Item No:** (2)                      **Application No:** 22/01235/RESMAJ                      **Page No.** 67-91

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

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## 1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

## 2. Additional Consultation Responses

### Highway Authority comments

Since the publication of the committee report, a consultation response has been submitted by the Council's Highways Officer. The full response may be viewed with the application documents on the Council's website, using the application reference. A summary of the Highways Officer's consultation comments is outlined below:

- Gradients and levels were agreed at a meeting held with the applicant's highway consultants on 15th December 2023 along with much that follows.
- Tracking drawings have been provided for an emergency vehicle accessing the emergency access route from Station Road on drawing 12758/1130 (Rev P1) (Emergency Access drawing).
- Refuse, fire and vehicle tracking for the remainder of the site is provided on drawings 12758/1171-RM1 (Rev P1) and 12758/1172- RM1 (Rev P1) prepared by GTA and drawing 0766-RM1-105 prepared by Focus.
- Some of the manoeuvres for the emergency access onto Station Road look tight in places and the body of a fire appliance may overlap some of the verges slightly, but that this will not cause harm. Highways is satisfied with the DB32 fore appliance used for the swept paths which accords to sizes used by the Royal Berkshire Fire and Rescue Service.
- A footway connection has been added to the PROW. The adoptable turning head between plots 95 and 60 will provide a tarmac footpath, and beyond that a hoggin footpath will run north around the pond to connect to the PROW). This is shown on the planning layout DWG No. 0766-RM1-102 H. I appreciate this, but it is a long way from the original road link that was envisaged a decade ago. However, with the outline consent, as a potential solution to upgrade the whole route to Lambourne Road, a £100,000 sum is available to the Council to at least upgrade the Public Right of Way Speen 7/1 to adoptable standard for use by pedestrians and cyclists.
- The General Arrangement Plan prepared by GTA (drawing no. 12758/1120-RM1 (Rev P1) shows forward visibility splays as requested. Roads within the site should be designed to 32 kph (20 mph).
- Visibility splays at junctions have been designed for 48 kph (30 mph), which is above the required level. Forward visibility splays around bends have been designed for 30 kph (19 mph), which would be slightly below the required level, but only marginally in my view.

- A tree pit detail and planting schedule has been provided for information purposes only. This suggests that the nine trees that are proposed in the adoptable highway are either *Tilia cordata* 'Greenspire' or *Acer campestre* 'Fastigiata'. These would be, as per our schedule, 3x Heavy Standard, clear stem 175 to 200 cm, minimum of 5 breaks, height 350 to 425 cm and a girth of 14 to 16 cm. This can be finalised going forward.
- Some of the verges are very small areas in some locations and may be best being hard surfaced for maintenance purposes.
- Drop kerbs and tactile paving have been added and are shown on the Planning Layout and Site Levels & Contour Plan (drawing No. 12758/1121-RM1 (Rev P1)). This seems to have been provided, but they may be a location missing fronting plot 67. This can be added going forward.
- Highways note the swept path diagrams for refuse vehicles. In a number of locations, the body of the vehicle may overlap some of the verges and footways, but I am of the view that this will not cause harm for a vehicle that will attend the site once a week.
- Some locations such as fronting plot 28, will need to ensure that the footway construction is adequate to support a refuse vehicle.
- Some locations, the ends of refuse vehicles protrude into private parking courts, but this shouldn't be an issue as any gates or structures near what will be public highway would need further planning consent.
- Highways have concerns regarding the swales within the service margins and the metal post and rail fences between them and alongside the carriageway. In any case, any structure should be at least 0.5 metres from the carriageway edge. This needs to be considered further working with SUDS. We have in any case applied conditions ensuring that roads are built to adoptable standards that could be used to amend this if required.
- There will be a pedestrian desire line within the open space alongside plots 12 and 23. Can this be secured?"

The details requiring further highway design including the potential pedestrian desire line within the open space between plots 12 and 23 can be secured through the Section 38 highway agreement and technical design requirement at condition 8 of the Section 73 application 23/00397/OUTMAJ.

### **Ecology Officer comments**

Since the publication of the committee report, a consultation response has been submitted by the Council's Ecology Officer. The full response may be viewed with the application documents on the Council's website, using the application reference. A summary of the Ecology Officer's consultation comments is outlined below:

### **Applications 22/01235/RESMAJ and 23/00397/OUTMAJ**

- Both applications are informed and supported by the same suite of ecological surveys and reports – except that no updated Preliminary Ecological Appraisal (PEA) could be found that covers the site with full approval for the development of 11 residential units in the southeast corner of the site.
- The last field surveys undertaken in connection with the application were in February 2022. This survey findings are therefore on the cusp of becoming outdated and unreliable for the purposes of assessing ecological impacts and therefore an updated PEA based on updated field surveys is also required for these applications as a condition for both sites approved under the hybrid application.
- A significant concern for both applications is that the ecological surveys undertaken for protected species were mostly undertaken in 2016 and are therefore no longer reliable for the purposes of assessing and avoiding and mitigating impacts. The most recent

field surveys undertaken in February 2022 described the habitats on site as being largely unchanged since the 2016 surveys.

- It is noted that with the exception of reptiles, no evidence of other protected species was found in the 2016 surveys.
- Many of the habitats and features previously identified as being of importance or potential importance for protected species are proposed to be retained within the submitted plans.
- For these reasons, it is advised that it is possible to make the updated protected species surveys a condition on planning approval should permission be granted. These updated surveys should include surveys for:
  - a) Badger.
  - b) Hazel dormouse.
  - c) Bats (preliminary roost assessment of trees and further surveys if the trees are assessed as having moderate to high potential for roosting bats and the trees will be impacted by the proposed development either during construction or operational phases); and
  - d) Breeding birds.
- No further surveys are required for great crested newts since recent surveys were carried out in April 2023 and concluded that there was no evidence of breeding in suitable waterbodies within 500metres of the application site.
- No further surveys are required for reptiles since a detailed precautionary methodology for the protection of the reptile population on site has been submitted and which can be made a condition of any planning approval.
- A Construction Environmental Management Plan (CEMP) has been submitted to fulfil Condition 24 of hybrid planning permission 17/02092/OUTMAJ. Overall, the CEMP requires a number of amendments. These will need to also be informed by the further surveys required under the other Biodiversity conditions including the requirement for updated ecological surveys. The Council must receive and approve the revised CEMP prior to construction (including site clearance) commencing because it is required to inform the process of site clearance.
- Pro Vision Ecology has produced a Biodiversity Enhancement Plan (BEP) to fulfil Condition 28 of hybrid planning permission 17/02092/OUTMAJ. The plan outlines species-specific measures for enhancement of the site at Speen. This includes the installation of bat and bird boxes within the new dwellings; enhancement of existing grassland and hedgerow habitat; and creation of new wet grassland areas within the new attenuation basins. The BEP needs to be updated to reflect the updated layout plans submitted in 2024.
- An updated Landscape and Habitat Management Plan (LHMP) dated January 2024 has been submitted with the most recent revisions to the submitted plans. The original LHMP was submitted to fulfil Condition 30 of hybrid planning permission 17/02092/OUTMAJ. This plan provides details of the habitats to be retained, created, and enhanced and the methods which will be used to deliver the habitat enhancement outlined in the BEP. The LHMP as currently submitted cannot be relied upon to successfully deliver the intended habitat creation and management and therefore must be substantially revised and amended. A condition is advised.
- There are no details of proposed methods for ensuring that artificial lighting of the new development will not adversely affect the current foraging and commuting patterns of the five species of bat found to be using the site during the bat activity surveys undertaken in 2016. Updated bat activity surveys should inform the lighting strategy, a condition is recommended.

The conditions recommended by the Ecology Officer have been amended or added to the list of conditions under Section 73 application 23/00397/OUTMAJ. The recommended conditions relate to the entire site as shown on the approved Site Location Plan. The conditions have

therefore not been duplicated on the Reserve Matters application. The conditions are recommended as follows under application 23/00397/OUTMAJ:

- Construction Environmental Management Plan (CEMP) (condition 24)
- External Lighting (condition 27)
- Biodiversity enhancements plan (condition 28)
- Landscape and Habitat Management Plan (condition 30)
- Ecological mitigation and management measures review and ecology survey updates (condition 39)
- Protected Species Licence (condition 40)

### **Environment Agency comments**

Since the publication of the committee report, a consultation response has been submitted by the Environment Agency.

- Please take account of any conditions, informatives or advice that we provided in our response to the outline application when making your determination of this reserved matters application.

The Environment Agency recommendations remain secured through condition 35 (Contamination Risks (Environment Agency) of the outline permission. Condition 35 is also attached to application 23/00397/OUTMAJ as a compliance condition following approval of the condition under application 22/00878/COND5.

### **Environment Team comments**

Since the publication of the committee report, a consultation response has been submitted by the Council's Environment Team. The full response may be viewed with the application documents on the Council's website, using the application reference. A summary of the consultation comments is outlined below:

"The applicant has stated the following in relation to CS15...

*Point 10. A Sustainability Statement was requested to demonstrate compliance with Policy CS15 and the Council's Environment Strategy 2020-2030. We do not feel a statement is necessary given that Policy CS15 was considered at the outline stage, and any additional sustainability requirements should have been added as a planning condition at the time, and cannot be imposed at RM stage. A recent Written Ministerial Statement issued in December 2023 states that "the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations." The development will be delivered in line with the relevant Building Regulations, which are currently at 31% carbon reduction compared to 2013 regulations, and dwellings constructed beyond June 2026 will be built to the Future Homes Standard (c. 75-80% carbon reduction), also known as net zero ready.*

With reference to the December 2023 Written Ministerial Statement, officers have reviewed and sought third party advice and our position is that Policy CS15 still applies to planning applications."

Officers agree with the applicant that as the sustainability position was considered at outline stage and it cannot be revisited at Reserved Matters. The original outline application 17/02092/OUTMAJ and the committee report considered sustainability and requirements accordant with Policy CS15 were not applied in the outline planning decision. The extant

outline permission currently represents a viable fallback position for the applicant. For members' benefit an extract on sustainability from the outline committee report is shown below.

### **Sustainable construction**

*6.107 According to Core Strategy Policy CS15, new residential development will meet a minimum standard of Code for Sustainable Homes Level 6. However, the Written Ministerial Statement of 25th March 2015 withdraws the Code for Sustainable Homes. According to the Planning Practice Guidance, local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans. There is no current policy with the statutory development plan that is consistent with this guidance.*

*6.108 Core Strategy Policy CS15 also requires major development to achieve minimum reductions in carbon dioxide emissions from the use of renewable energy or low/zero carbon energy generation on site or in the locality. For residential development the policy requirement is zero carbon. Following the withdrawal of the Code for Sustainable Homes, the baseline for this assessment no longer exists for the residential element of the development, and as such compliance is not possible for practical reasons.*

Officers consider that the sustainability aspects of the proposal can only be addressed through Building Regulations.

### **Speen Parish Council comments**

Since the publication of the committee report, a consultation response has been submitted by the Speen Parish Council.

- No additional objections to those already made

No additional representations have been received.

Following the submission of consultation comments from the Highways and Ecology Officers and discussions with the applicant, the Landscape and Habitat Management Plan and Ecological Technical Note – Land at Speen (Reply to Ecology Comments) have been removed from the approved plans condition 2 and will be addressed by separate conditions.

### **Approved plans**

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

Amended plans received on 10 January 2024:

- Planning Layout Drawing No 0766-RM1-102 H
- Housetype Booklet Drawing No 0766-RM1 HTB Issue 3
- Street Scenes Drawing No 0766-RM1-103-1 D
- External Works Drawing No 0766-RM1-104-1-G
- External Works Drawing No 0766-RM1-104-2-G
- External Works Drawing No 0766-RM1-104-3-G
- External Works Drawing No 0766-RM1-104-4-G

- External Works Drawing No 0766-RM1-104-5-G
- External Detailing Drawing No 0766-RM1-106 C
- Adoption Plan Drawing No 0766-RM1-107 F
- Building Heights Plan Drawing No 0766-RM1-110 F
- Refuse Strategy Drawing No 0766-RM1-111 F
- Tenure Plan Drawing No 0766-RM1-112 F
- Phasing Plan Drawing No 0766-RM1-113 F
- EVCP Plan Drawing No 0766-RM1-115 C
- Parking Matrix Drawing No 240109
- Landscape General Arrangement Plan Drawing No 2099.10/03O– Sheet 1
- Landscape General Arrangement Plan Drawing No 2099.10/04O – Sheet 2
- Vehicle Tracking Drawing No 0766-RM1-105 F
- General Arrangement Plan Drawing No 12758/1120-RM1 (Rev P1)
- Highways Constraints Plan Drawing No 12758/1128 (Rev P1)
- Noise Impact Assessment Drawing No C10683 - 2.2
- Transport Assessment 50400733
- Transport Technical Note – Increased Development Quantum 50400733
- Transport Technical Note 2 – Response to WBC Comments 50400733
- Bath Road Access Plan Drawing No 0733/SK/002 (Rev E)
- Statement of Compliance Part 1 and 2
- Garages, Bin and Cycle Store Drawing No 0766-RM1-109
- Composite affordable housing plan Drawing No 0766-C-1000 D
- Oil easement plan Drawing No H8697/OP/001
- Great Crested Newts Technical Note 13.11.23 -
- Long Sections Drawing No 12758/1127-RM1 (Rev P1)
- Cross Sections Drawing No 12758/1125-RM1 (Rev P1)
- Road Section Key Plan Drawing No 12758/1129
- Detailed Ornamental Planting Plan No 2099.10/13C Sheet 1 of 4
- Detailed Ornamental Planting Plan No 2099.10/14C – Sheet 2 of 4
- Detailed Ornamental Planting Plan No 2099.10/15C – Sheet 3 of 4
- Detailed Ornamental Planting Plan No 2099.10/16D – Sheet 4 of 4
- Structural Planting Plan Drawing No 2099.10/17C – Sheet 1 of 2
- Structural Planting Plan Drawing No 2099.10/18D – Sheet 2 of 2
- Emergency Access Design Drawing No 12758/1130 Rev P1
- Drainage Strategy Report 12758 – Part 1
- Drainage Strategy Report 12758 12758 – Part 2
- Drainage Strategy Drawing 12758/1122
- Refuse Tracking Drawing No 12758/1171-RM1 (Rev P1)
- Fire Tender Tracking Drawing No 12758/1172-RM1 (Rev P1)
- General Arrangement Plan Drawing No 12758/1120-RM1 (Rev P1)
- Site Levels & Contour Plan Drawing No 12758/1121-RM1 (Rev P1)
- Pond Details Drawing No 12758/1123

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

The Council currently has no development plan policy that prescribes national space standards for new residential development. Following discussions with the applicant and the Development Manager, condition 4 recommended within the committee report is amended such that only the affordable housing dwellings will be required to meet national space standards as requested by the Council's Housing Officers.

### Nationally described space standards

No above ground development shall take place until details of how the internal bed spaces and storage areas of the affordable housing dwellings only hereby permitted meet the national space standards as prescribed in the Technical housing standards – nationally described space standard – (Department for Local Communities and Government March 2015) (as amended). Thereafter the proposed affordable housing dwellings shall be completed in accordance with the approved details.

Reason: to ensure the proposed affordable housing dwellings meet national space standards and are well designed for occupation. This condition is applied in accordance with the National Planning Policy Framework, Technical housing standards – nationally described space standards, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

### 3. Additional Information

During the committee site visit, queries were raised by Members and residents. The queries raised during the committee site visit are addressed below:

#### Orientation of dwellings to the southeast at Cornwall Terrace and the new dwellings.

Members wished to know the orientation of the new dwellings in the southeast corner of the site. The proposed dwellings located to the southeast along Cornwall Terrace are plots 26, 27, 28 29, 30 and 31. These plots front face southwards towards Cromwell Terrace's rear elevations with a sufficient open space with a footpath between the Cromwell Terrace and new buildings. This is shown on the proposed layout plan as outlined below:



#### Drainage Ponds

Members and residents queried how many ponds were proposed within the site. The larger 93 unit site will consist of 3No drainage ponds located to the north, southwest and southeast of the site away from residential properties. The drainage of the site is addressed at paragraphs 6.31 – 6.33. The Lead Local Flood Authority's officer raised no objections outlining the following consultation comments, repeated here in full for members:

*"The below response is with regards to the central area of the wider site only and does not constitute a response to any of the other two applications associated with the development.*

*We are generally satisfied with the principles applied within the strategy and the calculations provided, along with the amendments and inclusions of a gravity network and green SuDS infrastructure. However, the discharge of the proposed surface water drainage network is into an existing ditch which would be subject to an Ordinary Watercourse Consent which has not been provided. Please can the applicant provide evidence of this application and approval to enable the recommendation of discharge of Condition 12."*

Following the above comments from the Lead Local Flood Authority's officer, condition 12 under application 23/00397/OUTMAJ was amended to request the additional information.

### **Speen Design Statement**

Members and residents queried whether the proposal considers the Speen Village Design Statement. The Speen Village Design Statement is listed at paragraph 5.2 of the committee report as a material consideration document in considering the application. In terms of the appearance, officers have considered the design of the development in the local context from paragraph 6.13 – 6.16 of the committee report as required by the Speen Village Design Statement. Further local context is addressed in terms of the scale from paragraph 6.25 – 6.28. With regard to materials, as the site is located partly within and adjacent to a conservation area, the condition 55 requiring the submission of details of materials for approval has been retained on application 23/00397/OUTMAJ.

### **4. Updated Recommendation**

The recommendation remains for approval as set out in the agenda committee report, subject to the amended conditions in the update report.