

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	23/01037/FUL Newbury Town Council	28 th July 2023 ¹		Erection of a new building containing 5 two bedroom flats with associated infrastructure and landscaping on land adjacent to Greenham House Newbury Gardens Day Nursery, Greenham House, Greenham Road, Newbury, RG14 7HS Serrate Ltd

¹ Extension of time agreed with applicant until 30th July 2024.

The application can be viewed on the Council's website at the following link:
To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01037/FUL>

And

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RU2T4WRD0S100>

Recommendation Summary: To **DELEGATE** to the **Development Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms (Section 8 of the report).

Or, if the Section 106 legal agreement or Unilateral Undertaking is not completed, to delegate to the **Development Manager** to **REFUSE PLANNING PERMISSION**.

Ward Member(s): Councillor Martin Colston and Councillor Louise Sturgess

Reason for Committee Determination: Over 10 objections received

Committee Site Visit: 22nd July 2024

Contact Officer Details

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1. Introduction

- 1.1 The purpose of this report is to set out for Committee the proposed development and an assessment against the policies of the development plan and the relevant material considerations, to enable Committee to reach a decision as to whether to approve or refuse the application. The application seeks planning permission for the erection of a new building for 5 two-bedroom flats with associated infrastructure and landscaping on land adjacent to Greenham House.
- 1.2 Greenham House is a grade II listed building. To the north of the proposed development is the Newbury Conservation area. A railway line and Newbury Station is also to the north of the proposed development.
- 1.3 Permission 20/02191/FUL has commenced on site. This permission was for the erection of a new building containing 4 two-bedroom flats with associated infrastructure and landscaping. This proposal seeks to increase the height of the building to accommodate a fifth two-bedroom dwelling within the roof and includes the insertion of four dormers.
- 1.4 Amendments to the parking layout were made during the application. Further amendments to the proposed dormer design were received on the 4th June 2024. The recommendation is based on the amended plans.

2. Planning History

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

Application	Proposal	Decision/ Date
20/02191/FUL	Erection of a new building containing 4 two bedroom flats with associated infrastructure and landscaping	Approved 15.01.2021
23/00345/COND	Application for approval of details reserved by conditions 3. (Materials), 4. (Landscaping), 6. (Electric Charging Point), 7 (CMS), 11. (Noise) and 12. (Air Quality) of approved 20/02191/FUL - Erection of a new building containing 4 two bedroom flats with associated infrastructure and landscaping	Approved 22.05.2023
23/01011/COND	Application for approval of details reserved by condition 10 (Scheme of Surface Water drainage) of planning permission 20/02191/FUL - Erection of a new building containing 4 two bedroom flats with associated infrastructure and landscaping	Approved 22.12.2023

3. Legal and Procedural Matters

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

3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 1st September 2023 at the application site, with a deadline for representations of 22nd September 2023.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	No	No	
Affordable Housing	Yes	Yes	6.6
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 It is acknowledged that there is a property where there may be some impact from the development. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area, and is proportionate given the overall benefits of the scheme in terms of provision of additional housing in a sustainable location.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. Special regard has been given to potential impacts on the listed building of Greenham House.
- 3.13 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Attention has been given to potential impacts on the Newbury Conservation Area to the north of the site.

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.

Newbury Town Council:	No objection provided the concerns raised by the Local Highway Authority are addressed.
WBC Highways:	Initial objection to a proposed parking space reducing that available for the day nursery. No objection subject to conditions following receipt of amended plans.
SUDS:	Objection following receipt of flood risk assessment and surface water drainage plans.
Conservation:	No comments received.
Trees:	Initial objection to unjustified removal of a tree and insufficient information. No objection subject to conditions following receipt of additional information.
Archaeology:	No Objection.
Public Protection:	No objection subject to conditions.
Thames Water:	No Response

Public representations

- 4.2 Representations have been received from 13 contributors, 13 of which object to the proposal.
- 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 issues/points have been raised:
- Highway safety concerns
 - Traffic impacts
 - Pedestrian safety concerns
 - Access for refuse vehicles
 - Increase in parking
 - Impact on trees
 - Drainage/flooding concerns
 - Impact on neighbouring amenity
 - Presence of Japanese knotweed
 - Impact from proposed landscaping
 - Ecology impacts
 - Overdevelopment
 - Impact on listed building

- Noise impacts

5. Planning Policy

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

- Policies ADPP1, ADPP2, CS1, CS5, CS6, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 and 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)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- WBC Sustainable Drainage Systems SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity

Principle of development

6.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan provides an up-to-date framework for determining applications/appeals for residential development in West Berkshire. Relevant policies for the supply of housing are contained in the West Berkshire Core Strategy 2006-2026 and the Housing Site Allocations (HSA) DPD 2006-2026. These policies attract substantial weight in the determination of applications for new residential development.

6.3 The application site is located within the defined settlement boundary of Newbury. In accordance with Core Strategy Area Delivery Plan Policy 1 (ADDP1) and the principal guidance in the National Planning Policy Framework (NPPF) new development will be directed to the most sustainable locations and with preference for brownfield sites.

6.4 The principle of residential development has also been established by the approval and commencement of works on site of planning permission 20/02191/FUL for the erection of a new building containing 4 two-bedroom flats.

- 6.5 Being within the settlement boundary the principle of the proposed residential development is acceptable. This is subject to the proposal otherwise being in accordance with development plan policies on design, impact on the character of the area, and impact on the amenity of neighbouring land uses.

Affordable Housing

- 6.6 Policy CS6 requires development from 5 to 9 dwellings to provide 20% onsite affordable housing, which equates to 1 dwelling available for Social Rent. The Housing Development Officer has indicated that such a mix would accord with the requirements of the Core Strategy Policy CS6.
- 6.7 To secure a policy-compliant level of affordable housing under policy CS6 and the Planning Obligations SPD, a planning obligation is required.

Character and appearance

- 6.8 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. The NPPF also adds that the visual appearance is a very important factor, securing high quality and inclusive design goes beyond aesthetic considerations.
- 6.9 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.
- 6.10 This application differs from the previous in the following ways:
- Insertion of four dormers to the roof - two to the north elevation, one to the east elevation and one to the west elevation
 - Roof height increase by a maximum of 0.3m
 - Removal of chimney

- 6.11 The principle of the building in this location and its overall design has been established as acceptable under the development plan policies. Consideration of this application is therefore focused on the proposed increase in roof height and the insertion of dormers for the additional flat.

- 6.12 The overall roof form will remain similar to that approved, with the proposed changes not considered to have a significant impact on the character and appearance of the area including the adjacent conservation area. The proposed dormers have been reduced in size to decrease their visual bulk and impact on the conservation area.

- 6.13 The NPPF recognises the importance of protecting and improving the setting of heritage assets by stating that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)'. So impact on the

setting of a heritage asset is a key aspect of whether a development is 'sustainable' or not, as defined by the NPPF.

- 6.14 Setting is the surroundings in which an asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. Setting embraces all of the surroundings from which the heritage asset can be experienced, or that can be experienced from or with the asset. Setting does not have a fixed boundary, and cannot be definitively described as a spatially bounded area, or as lying within a set distance from a heritage asset.
- 6.15 The application site forms part of the curtilage of the Grade II listed Greenham House, immediately to the south of the Newbury Town Centre Conservation Area. It is therefore important in terms of the setting of the Grade II listed building and the approach to and views into and out of the Conservation Area. It is an important open space on the corner of Station Road and Greenham Road, and, if further developed, it seeks to retain its verdant corner character, by retaining existing protected trees on the site, as well as taking account of the "grain" and building line of existing development on the Station Road street frontage, which is largely 2 storey although it is noted that the area does include rooms in some roofs which are similar to the current scheme.
- 6.16 The current submission seeks to address these parameters in a less intensive development than those previously proposed, and is considered an improvement in that respect.
- 6.17 The key issue from a building conservation point of view relates to the impact of the proposed development impact on the setting of Greenham House. The level of harm is now considered less than significant, but the level of harm of the proposed development, in NPPF terms, must be weighed against its public benefits. The development will bring 5 dwellings in a sustainable location very close to the Town Centre and Railway Station. The development will retain most of the boundary trees and will retain the existing site entrance as it is.
- 6.18 Therefore the proposed works are considered to comply with the NPPF and policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Amenity

- 6.19 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework. West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.20 The proposal seeks to increase the overall height by up to 0.3m. The proposal does not seek to alter the approved footprint of the building.
- 6.21 The proposed dormers are not considered to have a significant impact on neighbouring amenity due to the proposed location of these which is away from the neighbouring dwelling located to the west of the application site.
- 6.22 The Quality Design SPD requires that an area of amenity space on site is required for residents, which 5x 25m², a total of 125m². A total amenity area of over 500sqm is proposed to be provided and therefore is acceptable.
- 6.23 Due to the location of the site close to the A339 Environmental Health identified noise and air quality mitigation measures are required to ensure the quality of life for future residents. The submission includes details of noise and air quality measures which can

be secured by condition. Obscure glazing is required to the western elevation where glazing is proposed for the non-habitable rooms to allow natural light. As this is the stairwell the obscure glazing will prevent any overlooking to neighbouring dwelling located to the western boundary.

- 6.24 Overall, there is not considered to be a significant impact on amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

Highways

- 6.25 Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. The NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 During the application the Council's Highways Officer was consulted and raised an objection to the proposed parking. Policy P1 states that in this location 2 bedroomed flats should be provided with one space per dwelling and one visitor space. An amended site plan was submitted which provided the required parking and visitor space.
- 6.27 The highways officer has recommended approval subject to conditions such as provision of electric vehicle charging point, parking in accordance with plans, works to be carried out in accordance with the submitted construction method statement, and provision of cycle storage; these conditions have been deemed acceptable.
- 6.28 With the identified conditions the proposed replacement dwelling accords with the NPPF, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the West Berkshire HSA DPD (2006-2026).

Flooding

- 6.29 The application site is located within an area that is at high risk of surface water flooding and therefore a flood risk assessment is required as part of Policy CS16 and the NPPF.
- 6.30 Policy CS16 states that the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. When development has to be located in flood risk areas, it should be safe and not increase flood risk elsewhere, reducing the risk where possible and taking into account climate change.
- 6.31 A flood risk assessment and surface water drainage plan were submitted however this was not deemed acceptable by the drainage engineer and required further information. However, the previously approved scheme has commenced on site and this is a material consideration. The existing permission included a drainage condition which was approved under planning permission 23/01011/COND.
- 6.32 Where the footprint of the proposed building is not proposed to alter and would remain the same as the existing permission, it is considered that overall the proposed building accords with the NPPF and Policy CS16 of the West Berkshire Core Strategy (2006-2026) with regard to flooding. A condition is to be applied to secure sustainable drainage measures.

Trees

- 6.33 Policies CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. The Council's Tree Officer was consulted. They required additional information. The proposal includes a Tree Protection Plan and a replacement tree for T1 Indian Bean Tree which falls under Tree Protection Order 939.
- 6.34 The Tree Officer has no objections to the proposal, provided works are carried out as stated in the submitted report. They recommend conditions to secure the works being carried out in accordance with the submitted information and arboricultural supervision and provision of a soft landscaping scheme.
- 6.35 Subject to the conditions identified, the proposed development would therefore be in accordance with Policies CS18 and CS19 of the West Berkshire Core Strategy Development Plan Document (2006-2026).

Other matters

- 6.36 A number of pre-commencement conditions have been recommended including Environmental Health and Trees; these have not been included as works have already commenced in accordance with Section 56 of the Town and Country Planning Act therefore works in relation to approved planning permission 20/02191/FUL can proceed. However, the details of those conditions are recommended to be applied where this application, if approved, would result in a new and separate permission.

7. Planning Balance and Conclusion

- 7.1 The proposal has been carefully assessed to ensure that the proposal is appropriate in scale and design whilst taking into consideration the impact on the character and appearance of the area including the adjacent conservation area and listed building. The proposal would have a less than significant impact on the adjacent listed building.
- 7.2 The alterations of the proposed scheme have been carefully considered and the removal of the chimney, the increase in roof height and the insertion of dormers are not considered to have a significant impact on the character and appearance of the area and neighbouring amenity.
- 7.3 A number of conditions have been identified which would mitigate the impact of the development including providing for the quality of life of future residents. The affordable housing can be secured through a planning obligation.
- 7.4 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore recommended for conditional APPROVAL.

8. Full Recommendation

- 8.1 **PROVIDED THAT** a Section 106 Agreement or Unilateral Undertaking has been completed within 3 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manger to **GRANT PLANNING PERMISSION** subject to the planning conditions listed below.
- 8.2 **OR**, if a Section 106 Agreement or Unilateral Undertaking is not completed, to **REFUSE PLANNING PERMISSION** for the reasons listed below.

Heads of Terms for Section 106 Agreement or Unilateral Undertaking

1.	<p>Affordable housing</p> <p>Obligations to secure 20% affordable housing:</p> <ul style="list-style-type: none"> • Provision of affordable housing consisting of one dwelling for Social Rent, • Or, provision of a suitable contribution to be agreed with the Local Planning Authority in consultation with the Council's Housing department.
2.	<p>Council's Costs</p> <ul style="list-style-type: none"> • To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement or Unilateral Undertaking through an administration fee.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Air Quality Report Ref: 22-10111 received 2nd May 2023; Construction Method Statement and Plan received 2nd May 2023; Landscaping Plan 871/ARB/01 P01 received 2nd May 2023; Materials Schedule 871-MS-01 received 2nd May 2023; Noise Impact Assessment Ref: 22-10111 received 2nd May 2023; Location Plan P-01-00 received 2nd May 2023; Proposed Ground Floor Plan P-01-00 received 2nd May 2023; Proposed First Floor Plan P-03-01 received 2nd May 2023; Proposed Second Floor Plan P-03-12 received 4th June 2024; Proposed Elevations 1 P-05-00 received 4th June 2024; Proposed Elevations 1 P-05-01 received 4th June 2024; Tree Constraints Plan 1480-KC-XX-YTREE-TCP01Rev0 received 18th September 2023; Tree Protection Plan 1480-KC-XX-YTREE-TPP01Rev0 received 18th September 2023; Electric Vehicle Charging Plan P-100-05 Rev C received 23rd November 2023; Proposed Site Block Plan P-01-02 Rev C received 23rd November 2023; Surface Water Drainage Plan P-100-02 Rev B received 24th November 2023; Flood Risk Assessment 00371 Greenham House received 22nd March 2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>

3.	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the submitted materials schedule 871-MS-01 received 2nd May 2023.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Landscaping</p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (871/ARB/01 P01 received 2nd May 2023) within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
5.	<p>Construction Method Statement</p> <p>The development shall be carried out in accordance with the submitted Construction Method Statement and Plan received 2nd May 2023.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
6.	<p>Electric Vehicle Charging Points</p> <p>No dwelling shall be occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of electric vehicles.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
7.	<p>Parking</p> <p>No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking of vehicles at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

8.	<p>Cycle storage</p> <p>No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006- 2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
9.	<p>Noise – mitigation measures</p> <p>No dwelling shall be first occupied until mitigation measures to protect its occupants from externally generated noise have been provided in accordance with the submitted Noise Impact Assessment Ref: 22-10111 received 2nd May 2023. The mitigation measures shall be retained and maintained thereafter in accordance with the approved scheme.</p> <p>Reason: To protect future occupiers of the development from excessive noise levels from the main road and other external sources, such as Halfords & Burger King, to ensure a good standard of amenity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p>
10.	<p>Obscure glazing</p> <p>The windows at ground floor and first floor level in the western side elevations of the building hereby approved shall be fitted with obscure glass before the dwellings hereby permitted are occupied. Any replacement windows shall be fitted with obscure glazing in accordance with the requirements of this condition thereafter.</p> <p>Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006).</p>
11.	<p>Tree Protection</p> <p>All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference Keen Consultancy drawing number 1480-KC-XX-YTREE-TPP01Rev0 dated July 2020. The protective fencing shall be implemented and retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.</p> <p>Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
12.	<p>Noise – Plant, Machinery and Equipment</p> <p>All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from 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 [or is intermittent in nature] when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.</p> <p>Reason: To protect future residents of the site and 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-</p>

	2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.
13.	<p>Air Quality</p> <p>No dwelling shall be occupied until the measures of the Air Quality Assessment 22-10111 dated February 2023 have been implemented in full. The mitigation measures shall be retained and maintained thereafter in accordance with the approved air quality scheme.</p> <p>Reason: To protect air quality in the area and safeguard public health. This condition is imposed in accordance with the National Planning Policy Framework, and policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

Refusal Reason in the event the Section 106 is not completed.

1.	<p>Refusal reason</p> <p>If the legal agreement or Unilateral Undertaking is not completed within 4 months, 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.</p> <p>S106 Planning Obligation Refusal Reasons</p> <p>The development fails to provide an appropriate scheme of affordable housing or off-site contribution to accommodate the impact of the development on local infrastructure or provide an appropriate mitigation measure such as a planning obligation.</p> <p>The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:</p> <p>(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.</p>
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Informatives

1.	Proactive
2.	CIL
3.	<p>HI 3 Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.</p>
4.	<p>HI 4 Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
5.	<p>HI 8 Excavation in close proximity to the highway</p> <p>In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or highwaysmaintenance@westberks.gov.uk</p>

6.	<p>Official Postal Address</p> <p>Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.</p>
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