

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/02782/FULMAJ Newbury Town Council	27.03.2024 ¹	Demolition of existing buildings (including former Jewson's site); existing dwellings 26 and 28 Pound Street; and, 28a Pound Street (former Newbury Bathroom Store) and erection of 79no. residential dwellings alongside access works, landscaping, open space, drainage and other associated works. 20 - 28A Pound Street, Newbury Archel Homes
¹ Extension of time agreed with applicant until 19.11.2024			

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S57583RD0MN00>

Recommendation Summary:

PROVIDED THAT a Section 106 Agreement has been completed by 18th November 2024 (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 Manager to GRANT PLANNING PERMISSION subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).
OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in section 8 of this report.

Ward Member(s):

Councillor Martin Colston and Councillor Louise Sturgess

Reason for Committee Determination:

Over 10 objections received.

Committee Site Visit:

12th September 2024

Contact Officer Details

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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the demolition of existing buildings (including former Jewson's site); existing dwellings 26 and 28 Pound Street; and, 28a Pound Street (former Newbury Bathroom Store) and erection of 79 no. residential dwellings alongside access works, landscaping, open space, drainage and other associated works.
- 1.3 The site comprises 0.55 hectares of brownfield land at Pound Street, Newbury. The site is located to the southwest of Newbury's historic settlement core, bounded by the railway line to the north, existing residential development (C19th) and barber shop to the east, Pound Street to the south and Rockingham Road to the west.
- 1.4 The site is wholly located within the settlement boundary of Newbury and the designated Town Centre Commercial Area. The eastern part of the site falls within the Newbury Town Centre Conservation Area. The site is located within Flood Zone 1 but areas identified as at risk from surface water flooding are located to the north of the site, along the railway line, and to the south along Pound Street.
- 1.5 The site's historic use was mostly agricultural with some dwellings, arranged in a loose courtyard layout with open space to the east opposite the listed Newbury Hall (St. Nicholas School). The site currently contains the former builder's merchant (Jewson's) comprising light industrial units and a yard, the former Newbury Bathroom Store and C20 residential buildings. Pound Street bridges Newbury's historic core with later suburban settlement growth to the west, a transition from a finer urban grain towards a looser plot pattern with semi-detached and detached dwellings.
- 1.6 There are two existing points of vehicular access to the former builder's merchant from Pound Street as well as other access points associated with the residential dwellings and former Newbury Bathroom Store.
- 1.7 The proposed development as originally submitted sought permission for 100 new dwellings across 4 apartment blocks and 6 terraced dwellings. Following consultation, the scheme was initially amended to seek permission for 83 residential units. The proposed scheme has been amended further to seek permission for 79 residential units across 3 apartment blocks and 10 terraced dwellings.
- 1.8 In summary, the overall key design changes from the original application submission are as follows:
 - The overall quantum of development has been reduced from 100no. to 79no. dwellings.
 - Block 1 (adjacent to Rockingham Road) has been relocated further east into the site, increasing the separation to Newbury Hall. In addition, the height of Block 1 has been reduced from 4 to 3 storeys, alongside a further reduction in the eaves height and ridgeline.
 - New landscape and communal amenity space has been created along the Rockingham Road frontage.
 - Block 2 has been replaced with 5 x 3 bedroom houses, with associated gardens (formerly 9 x 2 bedroom flats).
 - The proposed buildings have been separated to provide visual sky gaps between each building, including two additional pedestrian accesses into the site west of the proposed vehicular/pedestrian access.

- The buildings have also been stepped and staggered to provide a varied street scape.
- Re-configured roof lines and upper storey accommodation, to provide a variety of pitched and mansard roof types.
- The vehicular access point to the site has been moved slightly eastwards.
- Increase in parking provision to accord with Policy P1 of the HSA DPD.
- Introduction of a landscape communal space with street trees, shrubs, planting, lawns, pathways, movement, space and seating area, alongside reconfigured parking and communal landscaped gardens.

1.9 A new single vehicular/pedestrian access serving the residential properties from Pound Street is proposed as well as a new substation in the north-western corner of the site with dedicated access point onto Rockingham Road. The apartment blocks and terraced dwellings are located facing the southern and western boundaries of the site, set back from the pavement on Pound Street between approximately 1.5 and 4.5 metres. As the built form turns the corner onto Rockingham Road, the set back from the pavement increases to approximately 9 metres and then reduces to approximately 6 metres. A small area of public open space (seating) is proposed on the corner of Pound Street and Rockingham Road. Two of the proposed apartment blocks would also front the access road within the site, running from Pound Street toward the northern boundary of the site.

2. Planning History

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

Application	Proposal	Decision Date /
78/08533/ADD	Change of use to printing works and ancillary offices	Approved 14.06.1978
78/09988/ADD	Toilet block and yard office	Approved 15.02.1979
81/14754/ADD	Demolition of existing building erection of yard office/rest room boundary fence customer car park	Approved 08.04.1981
81/15240/ADD	Erection of Portakabin for temporary office use during building operations	Approved 06.05.1981
85/24869/ADD	Change of use from creamery to showroom storage	Approved 13.11.1985
87/29415/ADD	Showroom	Approved 28.07.1987
89/35299/ADD	Alterations to existing buildings and extension to existing building builders merchants	Approved 13.09.1989
90/37697/ADD	Minor amendment to parking and storage area	Approved 29.08.1990

90/38165/ADD	Demolition of existing asbestos timber sheds and construction of steel clad storage building new blinds and wall to front of existing building	Approved 05.11.1990
95/46742/FUL	Regulate existing fencing and to apply for permission for new fencing	Approved 08.09.1995
96/49068/ADV	Elevation signage - free standing totem sign	Approved 08.10.1996
98/53488/ADV	Flag	Refused 08.10.1998
99/55327/CERTE	Certificate of Lawfulness for an Existing Use as a Storage Area	Approved 04.09.2000

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. Site notices were displayed on 24.01.2024 at the front of the site facing Pound Street, with a deadline for representations of 14.02.2024. In addition, consultation was undertaken with neighbouring properties on 08.01.24 with a deadline for representations of 29.01.2024. A public notice was displayed in the Newbury Weekly News on 11.01.2024; with a deadline for representations of 25.01.2024. Following the submission of package of amendments and additional information, those who had previously submitted representations were reconsulted on 07.06.2024 with a deadline for representations of 28.06.2024.
- 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	
New Homes Bonus	Yes	No	
Affordable Housing	Yes	Yes	6.82-6.85

Public Open Space or Play Areas	Yes	Yes	6.79-6.80
Developer Contributions (S106)	Yes	Yes	6.114-6.117
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. 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 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil.
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB is not considered to be a relevant material consideration in this instance but can be noted for information.
- 3.7 **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.
- 3.8 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.
- 3.9 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.

- 3.10 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.
- 3.11 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.12 **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.
- 3.13 It is acknowledged that there are certain properties where they may be some impact. 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 housing, including affordable housing.
- 3.14 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.
- 3.15 **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. This application is considered through its impact on nearby nationally designated heritage assets detailed below (identified as those having intervisibility with the site, as none appear to have historic associations to the site).
- 33 Pound Street, Grade II
 - Early C19 villa – significance arising from architectural/aesthetic and historic illustrative values – form, detailing, classical composition.
 - 13-27 Pound Street, Grade II
 - Early C19 cottages – significance arising from architectural/aesthetic and historic illustrative values – materiality (vitrified brick), form, detailing.
 - Newbury Hall (St Nicholas Hall), Grade II
 - 1859 school by Butterfield – significance arising from historic associative and illustrative, and architectural/aesthetic values – informed by gothic style, tower with spire identified as a local landmark.
 - Rockingham Road Bridge, Grade II

- Single segmental arch bridge by Brunel – significance arising from historic associative and illustrative, and architectural/aesthetic values – Brunel’s only single-span segmental arched bridge.
- Bartholomew Close Argyle Road, Grade II
 - C18 tenements - significance arising from architectural/aesthetic and historic illustrative values – vernacular form, materiality and detailing.
- 2 Pound Street, Grade II
 - C18 house - significance arising from architectural/aesthetic and historic illustrative values – form, materiality (tile-hung gable) and detailing.
- 62-64 Bartholomew Street, Grade II
 - C18 terrace - significance arising from architectural/aesthetic and historic illustrative values – form (curved façade), composition and detailing.
- 74 Bartholomew Street, Grade II
 - Early C19 cottage - significance arising from architectural/aesthetic and historic illustrative values – form (modest in scale), composition and detailing.
- 72-73 Bartholomew Street, Grade II
 - Early – mid C19 pair of houses - significance arising from architectural/aesthetic and historic illustrative values – form, detailing (blind arched openings), composition.

3.16 **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. This application is considered through its impact on the Newbury Town Centre Conservation Area (and its setting), affecting character areas identified as Bartholomew Street Character Area (BSCA) and St Bartholomew and the City (SBC).

- BSCA character summary (partially on site and setting impacted):
 - Fine urban grain
 - 1 – 2 storeys
 - Mostly C19 dwellings with ground floors converted to commercial use
 - Materials: timber, red brick, burnt brick, white render, red clay tiles, slate
 - Architectural interest: traditional building materials and styles
- SBC character summary (opposite site, setting impacted):
 - Larger grain of horse-shoe alms houses, main entrances set back from the road
 - High concentration of listed buildings
 - Ample greenery – trees and hedges
 - 2.5 storeys (2 storeys with attics)
 - Materials: timber framing, red brick, burnt brick, clay tiles (modern developments: pale brown brick, stucco, rendering)
 - Architectural interest: alms houses, vernacular domestic

3.17 The impact on heritage assets is considered in the submitted Heritage Impact Assessment and assessed later in this report.

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.

<p>Newbury Town Council:</p>	<p>Objection to originally submitted plans due to overdevelopment, insufficient parking provision, lack of amenity space, unbalanced mix of flats to houses, impact on wastewater infrastructure.</p> <p>No objection to amended plans.</p>
<p>WBC Highways:</p>	<p>Objection to originally submitted plans.</p> <p>Further information required following submission of amended plans and additional information.</p> <p>Response to further highway information submitted: Concerns do remain on some aspects such as the proximity of the cooperative store opposite the proposed access, but I do not consider they warrant refusal. I therefore have no further comments to make.</p>
<p>WBC Conservation and Design Officer:</p>	<p>Objection to originally submitted plans due to impact on Conservation Area and setting of nearby listed buildings and the proposed development not in keeping with the local character and distinctiveness.</p> <p>Response to amended plans: Overall, the amendments to the proposed scheme have helped to address concerns relating to scale, massing and detailing. The amended scheme is still of a larger scale than the surrounding Edwardian and Victorian development, however, the changes to the form and massing have helped to mitigate against this. The proposed development is considered to incur a low level of less than substantial harm to the significance of the Newbury Town Centre Conservation Area, proximate listed buildings along Pound Street (Nos. 33 and 13 to 27) and Newbury Hall (St Nicholas School) due to the scale of Blocks 1, 3 and 4 being out of keeping, in terms of footprint and height (footprint only for Block 1), with the surrounding development and limiting wider views towards the Newbury Hall turret. As noted above, the changes in design have helped to mitigate against this harm. In line with Para 208 of the NPPF, this level of harm should be weighed against the public benefits of the proposal.</p>
<p>The Newbury Society:</p>	<p>Concern raised to the originally submitted plans regarding setback and planting of frontage, scale of buildings proposed, lack of traditional materials and architectural features such as tiled roofs, bland design, impact on nearby listed buildings, and under-provision of parking spaces.</p> <p>Support amended plans.</p>

WBC Environment Team:	<p>Object to originally submitted plans due to lack of justification for shortfall in carbon reduction required by Policy CS15.</p> <p>Object to amended plans/additional information - the percentage reduction of CO2 should be calculated once energy efficiency measures have been taken account of in the proposed building. The inclusion of unregulated energy should also be included in the calculation. Both of these points are detailed in Policy CS15 of the Core Strategy. Currently the calculation provided in the Energy and Sustainability Statement and the associated addendum only included a percentage reduction of CO2 emissions based on building regulations therefore it does not account for the parameters detailed above and within Policy CS15. Not accounting for the requirements detailed in Policy CS15 is likely to affect the percentage reduction achievable for the site.</p> <p>Further response expected to additional information submitted at the time of writing this report will be provided in the update report.</p>
WBC Tree Team:	<p>No objection to originally submitted plans subject to a landscaping condition.</p> <p>No objection to amended plans subject to a landscaping condition.</p>
WBC Environmental Health Team:	<p>No objection to originally submitted plans subject to conditions relating to noise mitigation, remediation and contamination, and construction and demolition.</p> <p>No objections to amended plans subject to same conditions requested.</p>
WBC Economic Development Officer:	<p>No objection to originally submitted plans.</p> <p>No objection to amended plans, consider the development will increase economic activity in the local economy during the construction phase and increase expenditure on goods and services as well as local labour supply during operational phase.</p>
WBC Housing Service:	<p>No response to originally submitted plans.</p> <p>No objections to amended plans subject to a provision of 24 affordable dwellings comprising 17 Social Rent tenure, 6 First Homes and 1 Shared Ownership tenure.</p>
NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board:	<p>No objection to originally submitted plans subject to primary healthcare contribution of £86,400 toward provision of appropriate primary healthcare facilities in the local area to serve the development.</p> <p>No objection to amended plans subject to primary healthcare contribution of £68,256 toward provision of appropriate primary healthcare facilities in the local area to serve the development.</p>

WBC Education Services:	<p>No objection to originally submitted plans as the impact would be met by CIL.</p> <p>No objection to amended plans as the impact would be met by CIL.</p>
WBC Archaeology Team:	<p>No objection to originally submitted plans.</p> <p>No objection to amended plans.</p>
Network Rail:	<p>No objection to originally submitted plans. Information for the applicant has been supplied regarding potential consent needed, and the appropriate treatment of the site including fencing, drainage, foundations and landscaping.</p> <p>In respect of the amended plans, concern raised regarding the landownership and planting of trees near the railway. No objections regarding proposed drainage.</p>
Thames Water:	<p>No objection to originally submitted plans regarding foul water and surface water and request condition regarding water network infrastructure .</p> <p>No response to amended plans.</p>
Lead Local Flood Authority (LLFA):	<p>No response to originally submitted plans.</p> <p>Objection to amended plans due to inadequate drainage proposals and strategy information submitted.</p> <p>No objection to further additional information submitted subject to condition to secure additional details.</p>
WBC Ecology:	<p>No response to originally submitted plans.</p> <p>No objection to amended plans subject to conditions to secure biodiversity mitigation, construction and environmental management plan, landscape and ecological management plan and external lighting.</p>
Berkshire Newt Officer:	<p>No response to originally submitted plans.</p> <p>No objection to amended plans.</p>
Active Travel England:	No comment.
WBC Countryside/Open Space Team:	No response received at the time of writing the report.

- 4.2 No responses were received from WBC Waste Service, WBC Planning Policy Team, WBC Transport Policy Team, Royal Berkshire Fire and Rescue Service, and Thames Valley Police.

Public representations

4.3 Representations have been received to the original proposals from 50 contributors, 1 of which supports, and 49 of which object to the proposal.

4.4 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:

- Support:
 - A good design in the style of the terraces opposite
 - The height is not 'over the top' and does not dwarf Newbury Hall
- Object:
 - Building design
 - The scale, massing and bulk is excessive resulting in disproportionately large, 'monolithic', buildings that would appear oppressive and dominate the street scene.
 - The site is too small for 100 dwellings and therefore the proposal would be an overdevelopment of the site.
 - Four storeys would be inappropriate for the setting which comprises mostly two or three storey dwellings.
 - Industrial and commercial appearance, as well as pastiche, out of character for the small historic road
 - Looks contrived and disjointed
 - Elevations are bland and lack distinctiveness
 - An independent design review panel has not been consulted
 - Heritage impact
 - The excessive scale, bulk, massing and industrial appearance would not be sympathetic to the 11 listed buildings on the street scene
 - The Heritage Impact Assessment does not include all listed assets in the setting.
 - The impact on the listed Rockingham Road bridge has not been addressed – block 1 is oppressive and blank, failing to enhance the historic setting of the bridge and Newbury Hall.
 - Biodiversity and green infrastructure
 - There is no evidence of bat and bird surveys undertaken on the site. Swifts are red-listed species and are known to nest in the immediate area.
 - No ecological mitigation measures nor enhancements are included in plans.

- The proposed landscaping is insufficient as it is minimal, offers very limited greenery and would be largely overshadowed.
- It is not clear how landscaping would be maintained.
- Highway impact
 - 83 parking spaces is not sufficient for 100 dwellings as most households have at least 1 car, and parking for visitors should also be provided. There are existing issues with overspill, displacement and general roadside parking at and nearby the site, which is hazardous and occasionally obstructs emergency vehicles. The proposal would result in more roadside parking, exacerbating this issue.
 - The access would be nearly opposite the access to a convenience store and its carpark, which is already dangerous due to traffic and cars parked on the road reducing visibility.
 - During peak times the road is heavily congested and there are many children walking to/from nearby schools. The additional 100 homes and new access would worsen traffic, resulting in more air and noise pollution and would increase the risk of highway incidents.
 - Speeding can be a problem on the road, but no speed control measures are proposed.
 - Transport statement surveys were undertaken at night which would not capture busy daytime activity.
- Water, drainage and flooding
 - Thames water cannot confirm the existing infrastructure is sufficient to accommodate an additional 100 homes
 - There are existing local water pressure issues which could worsen with the development
 - Many SuDS options have been dismissed – the proposed strategy is of a low quality and would not be the most effective and mitigating flood risk
 - The end of the road regularly floods as there is existing inadequate storm drainage. There would be increased storm water from the development.
- Need
 - It is not clear how many affordable homes would be provided
 - There is an oversupply of inner-town flats but not family dwellings with gardens which the community needs/wants. Many flats could remain vacant.
- Sustainability
 - No PV panels or air source heat pumps are on the plans.

- Lack of definitive commitment to any carbon mitigation and net zero targets
- Quality of life and impact on local/neighbouring amenities
 - Overshadowing of the street, resulting in oppressive street scene and heating bills may go up for the homes opposite during colder months.
 - Local services and amenities are at capacity, if not exceeding this already, such as schools, doctors, and dentists. The proposal has not addressed how an additional 100 dwellings would increase pressure and strain on these services
 - There are safeguarding concerns as some flats would overlook into the play areas of Newbury Hall, which are to be used by a local school.
 - Noise impacts of air source heat pumps have not been considered
 - Noise and general disturbance from construction
 - Wind tunnel effect
 - Light pollution from the flats
 - The living conditions for occupants would be poor – there is inadequate separation of opposing habitable room windows, a lack of amenity space, and rear garden amenity spaces would be north-facing.
 - Poor natural surveillance of street. This could be improved with bay windows.
 - The pavement is narrow and could become clogged by bins as the refuse provision looks too small.
- Approach/consultation
 - Poor community involvement before the planning application submitted – asked to comment on an already formed plan and not engaged within the design process. Residents feel as though they are not valued stakeholders.
 - Early responses from immediate neighbours not included/addressed in the submitted design.

4.5 Following a consultation on amended plans and additional information, representations were received from 33 contributors, 2 of which support and 31 of which object.

- Support:
 - The proposal is a welcome change for the site and would be a good use
 - The design is in-keeping with the street scene
 - There is a great need for housing in Newbury
 - High quality design and would fit in with the surrounding residential area

- Heading in the right direction
- Object:
 - Building design
 - Would still dominate the street scene and Newbury Hall due to large scale and close proximity to the road. The siting, bulk, massing and scale is inappropriate for the Conservation Area and would detract from the interest/significance of Newbury Hall and Rockingham Road bridge.
 - There are no bay windows – these would be in-keeping with the area and enable more light for occupants
 - Independent design review panel has not been consulted
 - 79 dwellings would still be too many for the site – it remains cramped
 - Still appears contrived and generic
 - Height still excessive and taller than any other building in the vicinity
 - Landscaping
 - Green spaces would be overshadowed – more street-side landscaping is needed
 - Second proposed access has resulted in more hard landscaping and less green space
 - Not enough mature tree planting
 - Highway impact
 - Additional traffic resulting in gridlock during peak times, doubled numbers of vehicle movements.
 - Overflow parking still of concern as many households have more than 1 car and there will be a need for visitors to park. There is no provision for this, there is an existing lack of roadside parking, and public transport infrastructure is not good enough to justify the low number of parking spaces per dwelling.
 - New access opposite access to a convenience store, increased risk of accidents and congestion.
 - Speeding on Pound Street has not been addressed
 - Creation of dual access – visibility along Rockingham Road is impaired due to hump bridge
 - Quality of life and impact on local/neighbouring amenities
 - Noise from balconies
 - North-facing units and amenity spaces would lack natural light

- No bin collection space meaning there is a risk of bins obstructing the footpath
- Lack of defensible space
- Sustainability – lack of firm commitments within the submitted statement and no solar panels on the plans.
- Affordable homes – it is unclear how many properties and of what type would be made available for social housing/shared ownership
- Archaeology – close to the site of a medieval burial ground, the extent of which is unknown, and the development could harm this.

5. Planning Policy

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

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS11, CS13 CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, ECON.5, TRANS.1, RL.1, RL.2, and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)
- Newbury Town Design Statement (2018)
- WBC Cycle and Motorcycle Advice and Standards for New Development

5.3 The policies of the emerging Local Plan Review have been recently considered at an Examination in Public (EiP) and are subject to amendments directed by the Planning Inspector. As such, they carry only limited weight at this stage, but the policies show the direction of travel of the Council's Planning Policies.

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Housing Type and Mix
- Design, Character and Appearance
- Impact on Heritage Assets
- Impact on Neighbouring Amenity

- Amenity of Future Occupiers
- Affordable Housing
- Highway Matters
- Biodiversity
- Flooding and Drainage
- Sustainable Construction
- Healthcare
- Planning Obligation (s106 agreement)

Principle of Development

- 6.2 Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land within the settlement of urban areas.
- 6.3 Policy CS 1 Delivering New Homes and Retaining the Housing Stock of the West Berkshire Core Strategy states that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and area delivery plan policies. Policy CS1 further states that new homes will be primarily developed on suitable previously developed land within settlement boundaries and other suitable land within settlement boundaries.
- 6.4 The application site is located within the designated settlement boundary of Newbury. The proposal would be located largely on previously developed land (with the exception of the garden areas associated with No's 26 and 28 Pound Street).
- 6.5 Therefore, the development proposed would accord with Policies ADPP1 and CS1 of the Core Strategy in this respect and is considered acceptable in principle.

Housing Type and Mix

- 6.6 Policy CS4 requires residential development to contribute to an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community. The mix on an individual site should have regard to the character of the surrounding area, the accessibility of the location and availability of existing and proposed local services, facilities and infrastructure. The policy also requires that developments will make efficient use of land with greater intensity of development at places with good public transport accessibility.
- 6.7 Policy CS4 does not specify a percentage mix that is required for all development. It states that the mix on an individual site should have regard to the character of the surrounding area, the accessibility of the location and availability of existing and proposed local services, facilities and infrastructure, and, the evidence of housing need and demand from Housing Market Assessments and other relevant evidence sources.
- 6.8 The proposed development incorporates both flats and townhouses; both of which are common in the surrounding area and town centre of Newbury. The site is an accessible location close to a variety of services and amenities and transport links.
- 6.9 In respect of the Housing Market Assessments, the Strategic Market Housing Assessment (SHMA) was produced by the Council in 2016 and as part of the Local Plan review, the Council has considered the findings of the SHMA against more recent data in its published OAN Sensitivity Testing - Western Berkshire Housing Market Area in 2018.

6.10 The following table compares the proposed housing mix in this application (as amended) to that identified in the SHMA:

Beds	SHMA Requirements	No. of Units Proposed	% Proposed
1 bedroom	43.5%	27	34%
2 bedroom	32.2%	42	53%
3 bedroom	21.6%	10	13%
4+ bedroom	2.8%	0	0%
Total	100%	79	100%

6.11 It is noted that the proposed scheme falls below the provision of 1 and 3 bed dwellings sought in the SHMA and would provide significantly more 2 bed dwellings identified in the SHMA. However, Policy CS4 also refers to 'other relevant evidence sources', and the Council has produced the Housing Background Paper (January 2023) and Updated Housing Needs Evidence (2022) as evidence for the Local Plan Review. The Housing Background Paper (January 2023) identifies the suggested mix of housing below:

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Affordable home ownership	20-25%	45-50%	20-25%	5-10%
Affordable housing (rented)	30-35%	35-40%	20-25%	5-10%

6.12 Paragraph 7.5 of the Housing Background Paper (January 2023) states:

'For open market homes it recommends the main focus should be on 2 and 3 bedroomed homes. For affordable rented housing it recommends the focus should be 1 and 2 bedroomed homes.'

6.13 Paragraph 7.6 then advises that ensuring new residential development provides a good mix of smaller homes will help to meet the needs of newly forming households, families and older households wishing to downsize and there is a desire to move away from providing 'large executive style housing' Paragraph 7.7 goes on to consider that the prescribed mix of house types required in 'major development' schemes will therefore be informed by the Updated Housing Needs Evidence.

6.14 The proposed mix of the development when compared to the suggested mix of housing in the Council's Housing Background Paper (January 2023) detailed above is:

	Suggested 1 bed	Proposed 1 bed	Suggested 2 bed	Proposed 2 bed	Suggested 3 bed	Proposed 3 bed	Suggested 4+ bed	Proposed 4+ bed
Market	5-10%	30.9%	40-45%	54.5%	35-40%	14.5%	10-15%	0%
Affordable home ownership	20-25%	42.9%	45-50%	57.1%	20-25%	0%	5-10%	0%
Affordable Rented	30-35%	41.2%	35-40%	47.1%	20-25%	11.8%	5-10%	0%

- 6.15 Clearly the proposed development when compared to more recent evidence would provide a mix comprising significantly more 1 bed market and affordable home ownership dwellings and significantly fewer 3 bed market and affordable home ownership and rented dwellings than is suggested by that evidence. In addition, despite an identified need for a mix to include 4+ dwellings in the latest evidence, the proposed development would not provide any 4+ dwellings. In general, the proposed development would provide a mix significantly weighted toward 1 and 2 bed dwellings.
- 6.16 Policy CS4 also requires development to make efficient use of land with greater intensity of development at places with good public transport accessibility and confirms that higher densities above 50 dwellings per hectare can be achieved particularly in parts of Newbury Town Centre. The Policy goes on to state that outside of town centres, new residential development will predominantly consist of family sized housing. It is important to note that NPPF requires planning decisions to make an effective use of land and gives substantial weight to the value of using suitable brownfield land within settlements for homes.
- 6.17 The site is located within the designated Town Centre Commercial Area of Newbury and would achieve a density above 50 dwellings per hectare, making effective use of this largely brownfield site for homes.
- 6.18 Therefore, whilst the proposed housing mix is not in strict accordance with the suggested mix in the SHMA or Housing Background Paper (January 2023), it would incorporate both flats and townhouses; both of which are common in the surrounding area and town centre of Newbury, and the site is an accessible location close to a variety of services and amenities and transport links. The proposed development would also make efficient use of brownfield land and achieve a density appropriate for its Town Centre location. Therefore, on balance, the housing mix and density proposed is considered to accord with Policy CS4 of the Core Strategy.

Design, Character and Appearance

- 6.19 Policy CS14 requires new developments to 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. The Policy advises that considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.20 Policy CS14 also sets out that development proposals will be expected to, amongst others: create safe environments; make good provision for access; are accessible; make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area.
- 6.21 Policy CS19 of the Core Strategy outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard has been given to the sensitivity of the area to change and ensuring that the new development is appropriate in terms of location, scale and design in the context of the existing settlement history, form, pattern and character.
- 6.22 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD). Part 2 of SPDQD provides detailed design guidance on residential development. It offers guidance on how to preserve residential character by

emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character.

- 6.23 The Newbury Town Design Statement (TDS) is also a material consideration and locates the application site in the south-eastern corner of the Westfields character area, one of the most densely developed areas of the Town. The TDS notes the variety of built form in the area and wide range of house types and seeks new development to respect the existing character and scale of the area, incorporate local features and be compatible with existing brick colours and patterns.
- 6.24 Existing built form along Pound Street is typically 2-3 storeys in height and materials such as red and burnt brick and clay tiles contribute to its historic character. As previously noted, the eastern part of the application site falls within the Newbury Town Centre Conservation Area (NTCCA), specifically the Bartholomew Street Character Area (BSCA) of the NTCCA. The application site is also located to the north of the St Bartholomew's and The City (SBC) Character Area of the NTCCA.
- 6.25 The built form and plot pattern of the BSCA comprises fine grain, small-scale development that is generally historic, with some modern infill development. Buildings are mostly of one to two storeys and are predominantly in retail/commercial usage, although there are also cafes, restaurants, public houses and residences. The majority of the buildings here were originally constructed as dwellings in the late nineteenth century, although their proximity to the centre of Newbury has led to the conversion of the ground floors to various commercial uses. Materials include timber, red/burnt brick, white render, red clays tiles and slate. Some of the modern structures have metal and uPVC windows. It is noted that there is a change in character between the more commercial, and generally higher quality, route of Bartholomew Street and the character of Pound Street, which is a secondary route with a more residential character and greater degree of twentieth century infill development.
- 6.26 The section of the application site currently within the BSCA contains a warehouse type building whose bulk, form and materials are incongruous to the NTCCA, making a negative contribution to its significance. The open space within the application site also presents as a gap site, which is unattractive and contrasts with the generally fine grain of development that is characteristic of the BSCA.
- 6.27 The SBC character area to the south of the application site contains a high concentration of listed buildings, including No.33 Pound Street and 13A-27 Pound Street, opposite and to the south-east of the application site. Buildings are generally 2 storeys in height, some with rooms in the roof, and predominantly in residential use. Some limited, modern residential development infills exist in the area. There is a high concentration of historic materials within the SBC, including timber framing, red brick (which is dominant) burnt brick and clay tiles. Pale brown brick, stucco and rendering can be seen on modern buildings.
- 6.28 Overall, it is considered that the current use and appearance of the application site contrasts with the character of the area and its typically finely grained development which utilises traditional building materials and styles.
- 6.29 The layout of the proposed development would introduce a strong active frontage to Pound Street with an urban grain of development that is considered to respect existing finely grained development in the area. The proposed layout is considered to be permeable with suitable pedestrian accesses into the site from Pound Street, as well as direct access into some of the buildings from Pound Street and the proposed new access road into the site. The proposed built form on the corner of Rockingham Road and Pound Street would appropriately turn the corner in a curved fashion, similar to the

existing built form nearby on the corner of Pound Street and Bartholomew Street and include a landscaped open space area to help soften the development.

- 6.30 The proposed layout of the site is considered to be legible and also provide visual interest due to the set back of some of the built form proposed whilst also respecting the building line of adjacent properties.
- 6.31 Therefore, the proposed layout and access are not considered to detrimentally impact on the character and appearance of the area.
- 6.32 In respect of the proposed appearance, the scheme has been amended following comments from the Conservation and Design Officer and Planning Officers to re-configure roof lines and upper storey accommodation and introduce a variety of pitched and mansard roof types. In addition, the variety/colour of materials proposed has been changed and increased to reduce the previously proposed formal appearance of the development and reflect the more varied and informal character in the area. Gaps have also been introduced between some of the built form proposed, and combined with the varied set back of the built form helps break up the uniformity and massing of the proposal to closer reflect the character of the area.
- 6.33 The proposed fenestration has been revised to be more domestic in scale and appearance, away from the Crittall-style windows originally proposed, with a window-to-wall ratio that is closer to that of the surrounding domestic character. The proposed materiality has been revised to be primarily of red and red multi facing brickwork, with a slight variation of colour (darker and lighter colour, but of a consistent tone and texture) along the front facades of Terraces 1 and 2 and Blocks 3 and 4. This amendment helps to add visual interest and break down the uniformity of the development as part of the wider streetscape. The detailing and articulation of Block 1 has been simplified. The amended design has also reduced the presence of visual clutter and volume at roof level, resulting in Block 1 no longer competing with Newbury Hall and aligning more closely to the surrounding residential character in terms of formality and status. Furthermore, the proposed rear elevation of Block 1 which would be visible from the Grade II listed bridge on Rockingham Road has been amended to introduce greater articulation in the form of 'blind' windows with lighter infill brick to add visual interest to this elevation.
- 6.34 Concerns relating to the lack of overlooking to the pedestrian access routes between the blocks have been addressed through the addition of surveillance windows along the side elevations of Terrace 1.
- 6.35 As such, the appearance of the proposed scheme as amended is considered to be reflective of the character of the area in which it is located.
- 6.36 In terms of scale and massing, the originally proposed scheme sought 3 ½ storeys for Block 1 proposed on the corner of Pound Street and Rockingham Road, 2 ½ storeys for Block 2, 4 storeys with flat roofs for Blocks 3 and 4 each side the access road into the site, and 2 ½ storeys for the terraced dwellings at the eastern end of application site.
- 6.37 The final amended scheme proposed has reduced the scale of Block 1 to 3 storeys, with the eaves lowered below the window heads creating a 2 ½ storey impression from the street frontage. Block 2 has been replaced with 5 terraced houses 2 ½ storeys in height with the ridge line lowered slightly. The main part of Blocks 3 and 4 have been reduced to 3 ½ storeys with pitched roofs, aside from a small 3 storey flat roof element to the side of each block. The terraced dwellings proposed at the eastern end of the site remain as 2 ½ storeys, lower in ridge height than the adjacent property at No. 14 Pound Street.

- 6.38 The projecting gables proposed to Blocks 3 and 4 add visual interest to the roof and building line, which helps to break up the uniformity and massing of the development and contributes to a more varied street scene. It also picks up on the scale, proportion and rhythm of the gables along the south elevation of the Grade II listed St Nicholas Hall. The volume and massing of Block 1, which is substantial in footprint due to turning the corner along Rockingham Road, is similarly broken up through the use of projecting gables and half dormer windows of varied sizes. The latest revisions show gables of a more appropriate and coherent scale in relation to the surrounding built form. These features at roof level help to reduce the uniformity of the block as it turns the corner. Additionally, the development has been stepped away from Newbury Hall, shifting further east. This amendment gives the listed Newbury Hall more 'breathing' space at this junction between Pound Street and Rockingham Road and helps to prevent Block 1 from competing with Newbury Hall.
- 6.39 Therefore, as confirmed by the Conservation and Design Officer, the amendments to the proposed scheme have helped to address concerns relating to scale, massing and detailing. The amended scheme is still of a larger scale than the surrounding Edwardian and Victorian development, however, the changes to the form and massing have helped to mitigate against this.
- 6.40 In respect of landscaping, for the eastern most terrace of dwellings and Blocks 3 and 4 the amended plans submitted propose narrow front gardens onto Pound Street with limited planting (hedges and shrubs). As the scheme progresses westward, more space for increased landscaping is proposed to include some trees, hedges, shrubs and grass. To the rear of the site, landscaped areas are proposed alongside pedestrian routes into the apartment blocks and a tree lined hedgerow along the northern boundary of the site adjacent to the Network Rail land. The Tree Officer has raised concerns that the proposed landscaping would not be capable of softening the large blocks proposed. It is considered, on balance, that the proposed landscaping would be an improvement on what currently exists and reflective of the character of the area and street scene. Whilst more landscaping would be preferred, the proposed landscaping of the development is not considered sufficiently inadequate to warrant a reason for refusal.
- 6.41 Network Rail have raised concerns regarding the proposed siting of trees along the northern boundary, advising that whilst the trees proposed are considered an acceptable species to Network Rail for planting near the railway, the applicant must ensure these trees are positioned at a minimum distance greater than their predicted mature height from the boundary to ensure it does not impact upon the railway infrastructure. The trees proposed in the planting plan submitted would not be positioned at a minimum distance greater than their predicted mature height from the boundary. However, the applicant has advised that the tree locations align with the "Recommended planting species for Network Rail (2015)" guidance and the proposed trees are on the list for possible species for planting >10m from the railway. As such, the proposed tree locations and species are considered acceptable and in accordance with Network Rail's own guidance.
- 6.42 In conclusion, the site currently makes a negative contribution to the character and appearance of the area. The proposed development would introduce a strong active frontage to Pound Street with an urban grain of development that is considered to respect existing finely grained development in the area. The proposed layout is considered to be permeable and legible and provide adequate access and natural surveillance. The amended proposed appearance, scale and massing is considered to be acceptable and whilst the amended scheme is still of a larger scale than the surrounding Edwardian and Victorian development, the changes to the form and massing have helped to mitigate against this. Whilst more significant landscaping would be preferred, it is considered, on balance, that the proposed landscaping would be

reflective of the character of the area and street scene and would not warrant a reason for refusal.

- 6.43 Therefore, the proposed scheme in respect of design and impact on the character and appearance of the area and street scene is considered, on balance, to be acceptable and accords with Policies CS14 and CS19 of the Core Strategy, as well as the Quality Design SPD and Newbury Town Design Statement

Impact on Heritage Assets

- 6.44 Policies CS14 and CS19 of the West Berkshire Core Strategy and the NPPF requires new development to preserve and enhance the significance of heritage assets, including their settings, and make a positive contribution to local character and distinctiveness.
- 6.45 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.46 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.47 The eastern part of the application site falls within the Newbury Town Centre Conservation Area (NTCCA), specifically the Bartholomew Street Character Area (BSCA) of the NTCCA. The application site is also located to the north of the St Bartholomew's and The City (SBC) Character Area of the NTCCA.
- 6.48 There are also a number of nearby nationally designated heritage assets comprising Grade II listed buildings and the Rockingham Road Brunel bridge (listed above) which have intervisibility with the application site, but no historic associations to the application site. Of particular importance is the Grade II listed Newbury Hall (St Nicholas Hall) located opposite the western boundary of the site. Newbury Hall, especially its turret, is identified as a local landmark in the submitted Historic Impact Assessment (HIA) and draft Conservation Area Appraisal. It is currently visible from the intersection between Pound Street and Bartholomew Street, although partially obscured by the existing houses to the west of the application site. The HIA also identifies that this listed building would benefit from an increase in open space to its east, which would allow better appreciation of Newbury Hall and link it to the historic openness of that area.
- 6.49 The Conservation and Design Officer initially raised concerns with the originally proposed scheme in respect of the scale, form, appearance and massing and the impact on the designated Conservation Area and its setting. In addition, concerns were raised regarding the impact on the setting of Newbury Hall due to the scale and appearance of Block 1 and its siting which would impair intervisibility between Newbury Hall and the surrounding heritage assets. Concern was also raised in respect of the impact on the setting of the Grade II listed Rockingham Road Bridge as a result of the proposed blank rear (northern) elevation of Block 1.
- 6.50 The amended scheme with the reduction in the height of Block 1 has improved the relationship between the proposed development and the Grade II listed Newbury Hall, with the amended eaves level of Block 1 falling below that of Newbury Hall and the ridge line being significantly lower. Blocks 3 and 4 are taller than the surrounding residential development. However, the adjacent proposed terraces (1 and 2), are of a more modest

scale, and help to soften the transition between Blocks 3 and 4 and the wider Victorian and Edwardian suburban context.

- 6.51 The development form is still largely mirrored along the access road, resulting in a more formal composition than the surrounding Victorian and Edwardian development. However, the most recent revision shows a variation in brick colour throughout Terrace 1, Block 3, Block 4 and Terrace 2, which helps to reduce the legibility of the mirrored form, giving the proposed development a more informal appearance. The projecting gables proposed to Blocks 3 and 4 add visual interest to the roof and building line, which helps to break up the uniformity and massing of the development and contributes to a more varied street scene. The volume and massing of Block 1, which is substantial in footprint due to turning the corner along Rockingham Road, is similarly broken up through the use of projecting gables and half dormer windows of varied sizes. The latest revisions also show gables of a more appropriate and coherent scale in relation to the surrounding built form. These features at roof level help to reduce the uniformity of the block as it turns the corner. Additionally, the development has been stepped away from Newbury Hall, shifting further east. This amendment gives the listed Newbury Hall more 'breathing' space at this junction between Pound Street and Rockingham Road, and helps to prevent Block 1 from competing with the Hall.
- 6.52 The submitted Heritage Addendum provides further detail on the history of the site and the historic associations with Newbury Hall, establishing that historic built form would have restricted views between the Hall and Bartholomew Street. This provides some justification for retaining a building line to the proposed development that sits forward of Newbury Hall. However, despite the negative contribution of the existing site to the significance, the turret of Newbury Hall still rises above the surrounding development, acting as a local landmark. It is appreciated that the detailing and architectural interest of Newbury Hall becomes apparent on approach, rather than from wider views, but the turret remains visible in existing views due to its position and height. The proposed building line would limit views of the turret along Pound Street and from Bartholomew Street.
- 6.53 The detailing and articulation of Block 1 has been simplified reducing the presence of visual clutter and volume at roof level, resulting in Block 1 no longer competing with Newbury Hall and aligning more closely to the surrounding residential character in terms of formality and status. The previous concern relating to the lack of articulation to the rear elevation of Block 1 (facing onto the grade II listed Brunel bridge) has been addressed through the addition of 'blind' windows, with a lighter brick infill, adding visual interest to the rear elevation of Block 1.
- 6.54 However, the proposed use of solar panels would introduce some visual clutter to the roofscapes, particularly the southern pitched roofs of the proposed terraces, detrimentally impacting on the Conservation Area and its setting, as well as the setting of the nearby listed buildings on the opposite side of the street (Nos. 33 and 13 to 27). As confirmed by the Conservation and Design Officer, that harm would represent a low level of less than substantial harm due to the limited visibility of those panels.
- 6.55 In conclusion, the proposed development is considered to introduce a low level of less than substantial harm to the significance of the Newbury Town Centre Conservation Area, proximate listed buildings along Pound Street (Nos. 33 and 13 to 27) and Newbury Hall (St Nicholas School) due to the solar panels and scale of Blocks 1, 3 and 4 being out of keeping, in terms of footprint and height (footprint only for Block 1), with the surrounding development and limiting wider views towards the Newbury Hall turret. Therefore, in accordance with paragraph 208 of the NPPF, this level of less than substantial harm should be weighed against the public benefits of the proposal. This is undertaken in the Planning Balance section of this report.

6.56 In respect of below ground heritage assets, the Archaeologist has confirmed that due to site's stratigraphy of modern made ground and probable historic ground disturbance from the adjacent 19th century railway and 20th century use of much of the site for warehousing, Mesolithic archaeology is unlikely to survive in the site. As such the Archaeologist considers there is no need for a condition to secure a programme of archaeological work.

Impact on Neighbouring Amenity

6.57 Neighbouring properties are located directly adjacent to the eastern boundary of the site comprising residential flats at No's 14A, 14B and 14C Pound Street as well as a barbershop on the ground floor. To the north on the opposite side of the railway line are the residential dwellings of St Michael's Road. To the south of the application site on the opposite side of Pound Street is a mixture of residential dwellings, a shop, a welfare centre/mosque and a funeral director. To the west is Newbury Hall School.

6.58 Due to the proposed layout and distance between openings and neighbouring properties, the proposed development is not considered to introduce any significant overlooking or loss of privacy for neighbouring properties.

6.59 In respect of overshadowing and loss of daylight and sunlight, the applicant has submitted a Daylight and Sunlight Assessment which concludes there will be no significant impact on neighbouring properties as a result of the development proposed.

6.60 Turning to overbearing impact on the outlook of neighbouring properties, the properties at No.14 Pound Street are the only ones that would potentially be affected by the introduction of 2 ½ storey tall, terraced dwellings located some 3.3 metres from the side elevation of No.14 Pound Street. The openings at ground floor level on the western elevation of No.14 Pound Street face onto a close boarded fence approximately 2 metres in height and serve the barbershop which is open plan and has large openings facing south onto Pound Street itself. As such, it is not considered that the introduction of a 2 ½ storey building at close proximity to those ground floor openings would be sufficiently harmful as to warrant a refusal. Due to the height of the openings at first and second floor level on the western elevation of No. 14 Pound Street, the proposed development is also not considered to introduce a significant harmful overbearing impact on those openings.

6.61 It is acknowledged that during construction there is potential for some impact on neighbouring properties as a result of noise and dust. However, as confirmed by the Environmental Health Officer, those matters can be adequately controlled through a suitable Construction and Demolition Management Plan secured by condition.

6.62 Therefore, subject to appropriate conditions, the proposed development is not considered to introduce any significant detrimental impact on the amenity of neighbouring properties.

Amenity of Future Occupiers

6.63 The application is accompanied by a noise assessment, daylight and sunlight assessment, air quality assessment and contaminated land assessment.

6.64 The submitted noise assessment concludes that subject to appropriate glazing and ventilation, future occupiers will experience acceptable internal noise levels in accordance with industry guidance. The noise assessment makes recommendations for the minimum noise insulation specifications of the building, glazing and ventilation, which can be adequately secured by condition.

- 6.65 In respect of plant noise such as air source heat pumps, the Environmental Health Officer has confirmed that the noise generated can be adequately controlled by planning condition.
- 6.66 The Air Quality Assessment provided concluded that the site would not be at risk of adverse air quality impacts during the operational phase (occupation). This is accepted by the Environmental Health Officer.
- 6.67 In respect of contaminated land, the assessment submitted has identified that there are some exceedances of the criteria for soil contaminants and that some remediation will be necessary. As confirmed by the Environmental Health Officer, appropriate remediation can be adequately secured by planning condition.
- 6.68 The submitted daylight and sunlight assessment has assessed the amenity of future occupiers in respect of adequate daylight and sunlight to the proposed dwellings and amenity areas. The assessment concludes that 82% of the proposed habitable rooms assessed will satisfy the Building Research Establishment (BRE) guidelines for internal daylighting. Where levels fall below the BRE recommendations for internal daylight amenity, these are isolated to open plan living spaces served by balconies or isolated deviations to bedrooms which the BRE regard as 'less important' for daylighting. Balconies typically result in lower daylighting levels to internal spaces but provide the units with a well-lit private amenity space and will enhance the overall quality of the units. Open plan living areas are also generally preferred in flatted developments though inevitably lead to the kitchens being task lit. These trade-offs are recognised by the BRE guidelines.
- 6.69 In terms of internal sunlight, the results from the sunlight exposure assessments demonstrate that 98% of the units would meet the BRE recommendations. There is a single unit that would experience sunlight below the BRE recommendations, located in the corner of the courtyard and predominantly west facing, where BRE guidance acknowledges sunlight will be lower. However, the BRE guidance accepts that it may not be possible to provide all apartments with a southerly aspect and a degree of flexibility is required on apartment schemes. Overall, the internal sunlight levels are considered to be very high for a modern flatted scheme in an urban location.
- 6.70 Furthermore, the NPPF advises in paragraph 129 c) 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site'. Therefore, flexibility is considered appropriate in this regard to ensure efficient use of the site.
- 6.71 In respect of the amenity provision for future occupiers, Policy CS14 of the Core Strategy identifies that good design relates to the way in which a development functions and Policy CS18 advises that new development will make provision for high quality and multifunctional open spaces of an appropriate size. The Council's Quality Design SPD sets out the amount of communal outdoor space and garden areas to be provided whilst acknowledging that the figures are given as a general guide, and it is the quality of outdoor space that matters most. For the three bed terraced dwellings, garden areas of 100sqm for each dwelling are suggested by the SPD. For the 1 and 2 bed apartments, 25sqm of communal open space for each unit is suggested. For the development proposed this would equate to approximately 1,725sqm of communal open space within the site for future occupiers of the apartments.
- 6.72 The development proposed seeks to provide a total of approximately 450sqm of communal outdoor space within the site as well as approximately 370sqm of balconies for the apartments totalling approximately 820sqm of open space for occupants of the flats. Clearly this is significantly below the suggested provision of 1,725sqm set out in

the Quality Design SPD. The communal areas proposed would provide little opportunity to sit outside in comfort and reasonable privacy, or enable informal play, due to their locations generally alongside pedestrian access routes into the apartment buildings or adjacent to Rockingham Road and Pound Street.

6.73 For the proposed houses, 1 dwelling would be provided with approximately 60sqm of garden area with the remaining 9 dwellings proposed with garden areas of between approximately 23sqm and 26sqm. Again, significantly below that suggested within the Quality Design SPD. In addition, the garden areas proposed would be overlooked by many windows in the adjacent proposed apartment buildings, providing a much-reduced level of privacy, reducing the quality of those garden areas.

6.74 However, the site is located within the Town Centre and similar schemes within the Town Centre, such as Market Street, have been permitted without amenity provision in accordance with the Quality Design SPD due to the town centre location and access to nearby public open space. Furthermore, recent appeal decisions in West Berkshire have noted that the provision of outdoor space would vary according to: the location and character of the proposal, whether the proposal would provide for family accommodation, and the access to high quality public open space. Planning Inspectors have determined that those factors are important considerations in determining the appropriate level of amenity provision for future occupiers.

6.75 In this instance, the site is located with good accessibility to the following public open space:

- St George's Recreation Ground, circa 0.1 miles.
- City Recreation Ground, circa 0.2 miles.
- Wormestall Recreation Ground, circa 0.3 miles.
- Fifth Road Recreation Ground, circa 0.6 miles.
- Sunderland Gardens, circa 0.6 miles.

6.76 Furthermore, there are residential dwellings (houses) in the immediate area with comparable on-site amenity provision, such as 3-31 Pound Street opposite the site. Various apartment blocks nearby also provide similar levels of communal amenity space. In addition, the 1 and 2 bed apartments would be likely to provide non-family accommodation where the need for extensive external space would be lessened.

6.77 As such, the proposed amenity provision for future occupiers, despite not being in accordance with the suggested amounts set out in the Quality Design SPD, would not be out of character with the area and future occupants would have access to a good amount of high quality public open space.

6.78 Whilst the lack of privacy and overlooking of the garden areas for the houses proposed does not weigh in favour of the development, that could be mitigated through the use of tall landscaping along the boundaries of those gardens. However, that would not fully mitigate the residual overlooking and loss of privacy harm. This would be weighed in the planning balance of this report.

6.79 In respect of public open space, Policy RL.1 of the West Berkshire District Local Plan Saved Policies (2007) requires the provision of between 3 and 4.3 hectares of public open space per thousand population for residential developments of 10 or more dwellings. Policy RL.2 sets out three methods of providing public open space (which can be applied individually or in combination): within the development itself; on other land within the applicant's control and located close to the development proposed; through a contribution to the Council for the provision of public open space or improved facilities nearby.

- 6.80 For the development of 79 dwellings with an average occupation of 2.4 residents per dwelling, it is considered that the development proposed would introduce ~ 190 residents requiring between 0.56 and 0.82ha of public open space. It is acknowledged that a small section of the site (southwest corner with public seating) is proposed as public open space. However, that falls well below the policy requirement and is of limited benefit. It is acknowledged that the site is constrained and to ensure the efficient use of this brownfield site and the delivery of much needed housing it is considered, in this instance, that a contribution can be made to meet the necessary public open space requirements. The amount of contribution necessary to make the development acceptable in planning terms and to ensure that it is fairly and reasonably related in scale and kind to the development is yet to be confirmed by the Council's Countryside and Public Open Space Team. However, such a contribution would be secured by a planning obligation which would be completed should the committee resolve to approve the application subject to the satisfactory completion of a planning obligation.
- 6.81 In conclusion, the impact on future occupiers as a result of noise, air quality, land contamination, and daylight and sunlight are considered acceptable. The adequate provision of communal amenity space for occupants of the apartments is considered, on balance, acceptable. However, the proposed garden areas for the terraced dwellings are considered low quality due to the lack of privacy. That harm is considered in the planning balance of this report.

Affordable Housing

- 6.82 Policy CS6 of the Core Strategy requires development of 15 dwellings or more on previously developed land to provide 30% affordable housing. For the development proposed, this equates to 24 affordable dwellings. Policy CS6 seek a tenure split of 70% Social Rented and 30% intermediate affordable units (Shared Ownership). However, the NPPF requires First Homes to contribute 25% of all Affordable Housing with Local Authorities able to retain their original policy compliant level of social rent dwellings.
- 6.83 As such, the development proposed is expected to provide a tenure split of 70% Social Rent, 25% First Homes and 5% Shared Ownership. This would equate to 17 of Social Rent tenure and 6 of First Homes and 1 of Shared Ownership, as confirmed by the Council's Housing Service.
- 6.84 The application confirms that the required number and mix of affordable dwellings are proposed to be delivered on-site. A letter from Abri Group Limited, a registered provider, has been submitted in support of the application advising that they are working in partnership with the applicant to deliver the much-needed affordable housing on-site. The exact locations of the affordable dwellings would be agreed as part of the planning obligation.
- 6.85 Subject to the affordable housing being adequately secured by planning obligation, the application is considered to accord with Policy CS6 of the Core Strategy and NPPF in respect of affordable housing provision.

Highway Matters

- 6.86 In their initial response to the application, the Highways Officer considered the pedestrian and cycle access, visibility splays and layout acceptable. Concerns were raised in respect of the access for refuse collection, location of cycle stores, the designated substation access/parking space, under provision of car parking, traffic generation and need to use the Newbury VISSIM model to assess traffic impact, and proximity of the proposed access to the existing access for the shop opposite.

- 6.87 Following a review of the amended plans and additional information which introduced amongst other things pedestrian/cycle accesses between the apartment/terraced dwellings, additional parking provision, and further information in respect of traffic impact, the Highways Officer considers that whilst some concerns remain, in particular with regard to the proximity of the proposed access to the existing access to the shop opposite, those concerns do not warrant a reason for refusal.
- 6.88 In respect of traffic impact, existing and proposed traffic levels have been projected using the Trip Rate Information Computer System (TRICS) which is a UK and Ireland database of traffic surveys on many land uses including the existing and proposed for this site. For the existing use it is projected that it would have generated 243 vehicle movements during the day including 120 in and 122 out. During the AM peak 14 vehicle movements are projected, including 9 vehicles in and 6 vehicles out. During the PM peak 7 vehicle movements are projected, including 2 vehicles in and 5 vehicles out.
- 6.89 From TRICS, the Highways Officer considers that the proposed use would generate 223 vehicle movements during the day including 109 in and 114 out. During the AM peak 25 vehicle movements are projected, including 6 vehicles in and 19 vehicles out. During the PM peak 27 vehicle movements are projected, including 19 vehicles in and 6 vehicles out. Overall, there is limited difference in projected traffic generation for the existing and proposed uses, and therefore the Highways Officer considers the impact on the local highway network from traffic to be acceptable.
- 6.90 The development is of a sufficient size to justify the provision of a Travel Plan to encourage walking, cycling and use of public transport by residents, that could reduce the above traffic figures to an extent. A Travel Plan has been submitted and can be secured to be delivered by condition.
- 6.91 The development will be served by a single access from Pound Street. Highway Officers consider that the access is acceptable with regards to width and sight lines onto Pound Street. Ideally refuse vehicles would enter and collect waste within a development site, but in this case, it is proposed that refuse will be collected from Pound Street. Highway Officers have some concerns about this. However, as the stores are located close to the road and collection would take place once a week, and Pound Street is wide enough for a car to pass a stationary refuse vehicle, this arrangement is considered acceptable.
- 6.92 Highway Officers are concerned regarding the proximity of the proposed site access to the co-operative store access nearly opposite. However, the view of the Highway Officer is that this is insufficient to sustain a reason for refusal as there is limited guidance available in the governments Manual for Streets on such an arrangement.
- 6.93 The Council's residential car parking standards are all set out under Policy P1 of the HSA DPD. To comply with the standards a total of 96 car parking spaces are required and 98 car parking spaces are proposed. Therefore, the proposal complies with Policy P1. Highway Officers are also content with the proposed cycle storage, but further details will need to be submitted on the type of storage to be used together with details of electric vehicle charging points. Those items can be secured by condition.
- 6.94 The footway fronting the site will need to be surfaced with improved street lighting, if required, prior to the site being brought into use. A pedestrian crossing within Pound Street to the east of the proposed vehicle access consisting of dropped kerbs and tactile paving is also required and can be secured by condition.
- 6.95 Overall, the proposal is considered acceptable by Highway Officers and the application is considered to accord with Policy CS13 and CS14 of the Core Strategy and Policy TRANS.1 of the West Berkshire District Saved Policies, as well as the NPPF in respect of highway matters.

Biodiversity

- 6.96 The application was submitted prior to the recent changes in legislation requiring developments to achieve at least 10% net gain in biodiversity. However, Policy CS17 of the Core Strategy 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.
- 6.97 The application submissions comprise an Ecological Impact Assessment (EclA) and Biodiversity Net Gain Assessment and metric. The EclA considers that, subject to suitable conditions to manage demolition and construction and provide biodiversity enhancements such as bat brick, bird boxes and new habitat creation, the proposed development will primarily affect habitats of negligible ecological importance. The EclA considers that any losses will be compensated as part of the proposed development, with new habitat creation, including native trees, native and ornamental shrubs, providing additional opportunities for biodiversity.
- 6.98 The Biodiversity Net Gain Assessment concludes that the development proposed would provide a substantial net gain in biodiversity habitats of 303.9% and hedgerow of 551.4% subject to the biodiversity enhancement proposals being secured by a Landscape and Ecological Management Plan condition ensuring the habitats will be maintained for at least 30 years.
- 6.99 The Council's Ecologist has confirmed that the ecological information submitted is sufficient and recommends that some of the landscaping proposed is amended to achieve a greater mix of native species. Therefore, subject to conditions to secure soft landscaping, compliance with the ecological information submitted, a Construction and Environmental Management Plan, a Landscape and Ecological Management Plan, and an External Lighting Strategy sensitive to biodiversity, the development proposed is considered to accord with Policy CS17 of the Core Strategy and the NPPF in respect of biodiversity.

Flooding and Drainage

- 6.100 Policy CS16 of the Core Strategy requires surface water to be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 6.101 The application site is located in Flood Zone 1 (low risk of fluvial flooding) and whilst the site itself has a very low risk of surface water flooding, areas at high risk of surface water flooding are identified to the north, along the railway line, to the east along Bartholomew Street and the eastern end of Pound Street. The length of Pound Street to the south of the application site is identified as being at a medium risk of surface water flooding.
- 6.102 The applicant in their original Flood Risk Assessment (FRA) and Drainage Strategy failed to recognise the extensive surface water flooding risk along the railway or Pound Street and the Lead Local Flood Authority (LLFA) considered that assessment to be inadequate for a variety of reasons and raised concerns that surface water from the site would flow onto the railway, as set out in their initial consultation response.
- 6.103 Subsequently the applicant has submitted an amended FRA and Drainage Strategy which proposes that surface water would be dealt with by permeable paving, tanks and filter drain to discharge via gravity to the existing Thames Water public sewer on Pound Street. Furthermore, some additional drainage features such as rain gardens and planters could be provided but those have not been included in the calculations for surface water runoff. The amended FRA and Drainage Strategy concludes that the proposals will have a betterment on the surface water flood risk in the area.

- 6.104 The LLFA have reviewed the latest amended FRA and Drainage Strategy and are broadly satisfied that previous issues raised by them have been addressed. The LLFA do, however, have some remaining concerns regarding the details submitted but confirm that such details can be adequately addressed by condition.
- 6.105 Thames Water have also not raised any objections to the proposed surface water drainage strategy.
- 6.106 In respect of foul water, foul drainage is proposed to connect to an existing sewer along Pound Street and Thames Water have raised no objections.
- 6.107 Therefore, the development proposed is considered to accord with Policy CS16 of the Core Strategy and the NPPF in respect of flooding and drainage.

Sustainable Construction

- 6.108 Policy CS15 of the Core Strategy requires major developments to achieve zero carbon in total CO₂ emissions (regulated and unregulated energy use) from 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.
- 6.109 Policy CS14 Design Principles states “New development must demonstrate high quality and sustainable design that ... makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions... All developments will be expected to minimise carbon dioxide emissions through sustainable design and construction, energy efficiency, and the incorporation of renewable energy technology as appropriate and in accordance with Policy CS15”.
- 6.110 Following responses from the Environment Management Team to the original Energy Statement submitted and a subsequent Energy Statement Addendum, the applicant has provided a further addendum to the Energy Statement at the time of writing this report. The latest Energy Statement Addendum identifies a 30% reduction in CO₂ emissions when calculated in accordance with Policy CS15 of the Core Strategy. The Energy Statements submitted consider the use of renewable/low carbon technologies have been maximised in the proposal. An assessment of the possible renewable and low/zero carbon technologies that could be employed at the site such as wind power, biofuels and biomass boilers, solar water heating, and ground source heat pumps, is set out in appendix 2 of the original Energy Statement and identifies reasons why those technologies would not be suitable or possible for the proposed development. The Environment Delivery Team acknowledge the rationale behind the technologies deemed most appropriate for the site and the limited space available.
- 6.111 The Environment Delivery Team has been consulted on the latest Energy Statement Addendum submitted and their response will be provided in the Update Report to the Committee.
- 6.112 Subject to the comments to be provided by the Environment Delivery Team, it is considered that whilst the development proposed would not achieve zero carbon, it has been sufficiently demonstrated that it would not be technically viable to achieve zero carbon due to the limited space available within the site. Therefore, subject to the forthcoming response from the Environment Delivery Team, the development proposed is considered to accord Policy CS15 of the Core Strategy.

Healthcare

6.113 As identified in the consultation response from the NHS Buckinghamshire, Oxfordshire, and Berkshire West Integrated Care Board (BOB-ICB), the development proposed will impact on existing GP services through the introduction of new residents to the area requiring access to primary care services. The BOB-ICB therefore request that a primary healthcare contribution of £68,256 is secured, which will go towards the provision of appropriate primary healthcare facilities in the local area in Newbury to serve the proposed development.

Planning Obligation (s106 agreement)

6.114 Core Strategy Policy CS5 seeks to ensure the timely delivery of infrastructure made necessary by development. Policy CS6 seeks to secure affordable housing, and Policies RL.1 and RL.2 of the West Berkshire District Local Plan Saved Policies (2007) seeks to ensure appropriate provision of public open space. The Council's adopted Planning Obligations SPD outlines the Council's approach to securing planning obligations for such matters.

6.115 As identified in this report, a planning obligation is required to secure:

- Affordable housing (location to be agreed prior to commencement of development);
- A financial contribution of £68,256 for the provision of appropriate primary healthcare facilities in the local area in Newbury to serve the proposed development;
- A financial contribution (amount yet to be confirmed by the Countryside/Open Space Team at the time of writing) toward the provision of public open space or improved facilities nearby.

6.116 These heads of terms have been assessed against the CIL Regulations and are considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

6.117 The recommendation is therefore subject to completion of a S106 Legal Agreement to secure these heads of terms, in order to ensure the development complies with the aforementioned policies.

Other Matters

6.118 Public representations to the original scheme proposed raised objections relating to the design of the buildings, impact on heritage assets, lack of biodiversity information and enhancements, lack of sufficient landscaping, under provision of parking and impact on highways, highway safety, drainage and flooding, housing mix, sustainability of development and impact on neighbouring amenities, as well lack of community involvement prior to the application being submitted. Some support for the development was received citing the design of the terraces in the style of those opposite and the height of buildings being suitable.

6.119 Following the submission of amendments and additional information further representations were received raising objections citing: building design and dominant height, lack of independent design review assessment, overdevelopment, excessive height of buildings, insufficient landscaping, highway impact and lack of parking, impact on neighbouring amenities, inadequate refuse collection spaces, sustainability of

development, lack of clarity regarding affordable homes to be provided and potential impact on nearby medieval burial ground.

6.120 It is considered those matters have been suitably addressed in the relevant sections of this report.

Town Council representations

6.121 Regarding originally submitted plans an objection was stated on the following grounds: site overdevelopment; limited parking; lack of amenity space; unbalanced mix of flats to houses; concerns that wastewater infrastructure will not be able to cope with additional dwellings as there are already problems.

6.122 Following the submission of amended plans and additional information, Newbury Town Council raised no objections.

7. Planning Balance and Conclusion

The Presumption in Favour of Sustainable Development (NPPF Paragraph 11)

- 7.1 The Council can demonstrate both a 4 year and 5 year housing land supply, and housing delivery over the past years passes the Housing Delivery Test. There are many 'relevant' development plan policies and of those development plan policies there is a wide basket of policies, which are 'most important' to the determination of the application and (most of) which are consistent with the relevant NPPF policies and provisions.
- 7.2 In view of the above, the 'most important' development plan policies for the determination of this application are 'not out-of-date'. For these reasons the NPPF paragraph 11(d) (ii) tilted balance (i.e. the presumption in favour of sustainable development) is not engaged in this case.

Assessment against 'the most important policies' in the development plan and other material considerations

- 7.3 As set out in this report, the residential development on this site accords with the Core Strategy Spatial Strategy Policies ADPP1 and ADPP2 and Policy CS1 relating to housing development. Therefore, the residential development of the site is not objected to in principle and has to be supported, but it would have first to be assessed against the requirements of the 'most important' policies to understand whether the proposal is in accordance with the development plan as a whole.
- 7.4 Further to the in-principle acceptability of residential development, as set out in this report, the proposed development (subject to conditions and a planning obligation) is in accordance with the whole suite of Core Strategy Policies namely CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18 and CS19. These policies are up-to-date and should carry full weight.
- 7.5 Therefore, the proposal is considered to be in accordance with the development plan as a whole and it is not a departure from the adopted plan. As such, this application (subject to conditions and a planning obligation) represents sustainable development for the purposes of the NPPF and the application can be approved without delay in accordance with paragraph 11(c) of the NPPF.

Benefits of the proposal

- 7.6 Notwithstanding the conclusion above, the proposed development will give rise to a number of public benefits which carry positive weight in the planning balance.
- 7.7 The proposal would deliver 79 homes on previously developed land in a Town Centre location. Whilst the Council currently has in excess of a 5-year housing land supply the proposed development would contribute to meeting the future housing needs of the District and nationally. This is an important social benefit attracting substantial weight.
- 7.8 The proposal would also deliver 30% of the dwellings as affordable homes (24 units), all provided on site; with a tenure split of 70% social rent, 25% first homes and 5% shared ownership and a unit size mix to reflect affordable housing need. This affordable housing provision is policy and NPPF compliant, would assist with meeting the need for affordable housing in the District and it is an important social benefit attracting significant weight.
- 7.9 The provision of amenity space for future occupiers is a policy requirement and, as identified in this report, would provide little quality amenity provision on-site for future occupiers. As such, this social benefit attracts little weight.
- 7.10 The application proposal would provide economic benefits such as temporary employment opportunities during its construction phase; secondary employment through future residents' spending in the local area and using expanded local services, while a number of them are likely to be involved/employed in the local economy during the operational phase of the development. The proposal would also increase expenditure in the local area. These economic benefits attract considerable weight.
- 7.11 The proposed development would result in a significant increase in biodiversity net gain. That environmental benefit would attract significant weight.
- 7.12 Whilst some public open space is proposed within the site, the quality and size would be limited. Therefore, this environmental benefit would attract limited weight.
- 7.13 Associated financial payments to the Council arising from the development are irrelevant as they are not used in relation to the development and therefore carry no weight. CIL is used for infrastructure provision and improvement, but, even if it ends up being used in mitigation to the development, it is not ring-fenced to be used exclusively in connection with it and thus carries no weight in the determination of this particular application. Similarly, Section 106 payments although directly related to the development are provided in response to policy requirements and in mitigation of its impacts and therefore are neutral in the planning balance.

Disbenefits of the proposal

- 7.14 The proposed development would result in low level less than substantial harm to heritage assets.
- 7.15 Paragraph 205 of the National Planning Policy Framework (2023) (the Framework) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of these designated heritage assets, the magnitude of that harm should be assessed. In this instance, as the harm would be confined to a small section of the CA and setting of the respective listed buildings, the

harm to these heritage assets would be at the low level of 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal. In this regard, even in circumstances where a lower level of less than substantial harm exists, this should not be equated with a lesser planning objection and is still of considerable importance and weight.

- 7.16 In addition, limited harm as a result of the reduced privacy affecting the quality of the garden areas for the proposed houses has been identified. This is considered to attract limited weight.

Impact on Heritage Assets Significance and the NPPF test

- 7.17 For the reasons set out in this report, the proposed development would result in low level of less than substantial harm on heritage assets comprising the significance of the Newbury Town Centre Conservation Area, proximate listed buildings along Pound Street (Nos. 33 and 13 to 27) and Newbury Hall (St Nicholas School). In accordance with NPPF paragraph 205 "great weight should be given to the asset's conservation".
- 7.18 The benefits of the scheme range from 'limited' to "substantial" in magnitude as set out above. They are regarded as public benefits and are considered to outweigh the low level of less than substantial harm to the significance of the heritage assets in accordance with paragraph 208 of the NPPF.
- 7.19 Therefore, having special regard to the desirability of preserving listed buildings and their setting in accordance Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development would have an acceptable effect in terms of heritage assets.

The Planning Balance

- 7.20 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the application should be determined in accordance with the development plan, unless there are material considerations that indicate otherwise.
- 7.21 As demonstrated above, it is considered that planning benefits of the proposal outweigh the disbenefits and there are no other material considerations of sufficient weight against the proposal to conclude otherwise.

Conclusion

- 7.22 In view of the above this planning application, as amended, is acceptable and satisfactory and should be granted planning permission subject to conditions and the prior satisfactory completion of a Section 106 Legal Agreement. The proposed resolution includes the ability to refuse the application if the S106 is not completed within a reasonable timeframe.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 18th November 2024 (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 Manager to GRANT PLANNING PERMISSION subject to the conditions listed below (or minor and inconsequential

amendments to those conditions authorised by the Development 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 Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

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>Received 31 July 2024:</p> <ul style="list-style-type: none"> - Hard Landscape Plan, drawing number 8164.HSP.3.0 Rev G. <p>Received on 30 July 2024:</p> <ul style="list-style-type: none"> - Apartment Block 1 Elevations Plan, drawing number 012302-B1-E1 Rev D. - Apartment Block 3 Elevations Plan, drawing number 012302-B3-E1 Rev D. - Apartment Block 4 Elevations Plan, drawing number 012302-B4-E1 Rev D - Terrace 01 Front Elevation Plan, drawing number 012302-T01-E1 Rev C. - Terrace 01 Side Elevations Plan, drawing number 012302-T01-E2 Rev C. - Terrace 01 Rear Elevation Plan, drawing number 012302-T01-E3 Rev C. - Terrace 01 Ground Floor Plan, drawing number 012302-T01-P1 Rev C. - Terrace 01 First Floor Plan, drawing number 012302-T01-P2 Rev C. - Terrace 01 Second Floor Plan, drawing number 012302-T01-P3 Rev C. - Terrace 02 Front Elevation Plan, drawing number 012302-T02-E1. - Terrace 02 Side Elevations Plan, drawing number 012302-T02-E2. - Terrace 02 Rear Elevation Plan, drawing number 012302-T02-E3. - Terrace 02 Ground Floor Plan, drawing number 012302-T02-P1. - Terrace 02 First Floor Plan, drawing number 012302-T02-P2. - Terrace 02 Second Floor Plan, drawing number 012302-T02-P3. - Street Scene 01, drawing number 012302-ARC-SS01 Rev C. <p>Received 12 June 2024:</p> <ul style="list-style-type: none"> - Presentation Planning Layout, drawing number 012302-ARC-01 Rev C (except for the green roofs shown). - Supporting Planning Layout, drawing number 012302-ARC-02 Rev C. - Apartment Block 1 Ground Floor Plan, drawing number 012302-B1-P1 Rev C. - Apartment Block 1 First Floor Plan, drawing number 012302-B1-P2 Rev C. - Apartment Block 1 Second Floor Plan, drawing number 012302-B1-P3 Rev C. - Apartment Block 1 Sections Plan, drawing number 012302-B1-SEC01 Rev D. - Apartment Block 3 Third Floor Plan, drawing number 012302-B3-P4 Rev C. - Apartment Block 4 Third Floor Plan, drawing number 012302-B4-P4 Rev C. <p>Received 28 May 2024:</p>

	<ul style="list-style-type: none"> - Location Plan, drawing number 012302-ARC-03. - Apartment Block 3 Ground Floor Plan, drawing number 012302-B3-P1 Rev B. - Apartment Block 3 First Floor Plan, drawing number 012302-B3-P2 Rev B. - Apartment Block 3 Second Floor Plan, drawing number 012302-B3-P3 Rev B. - Apartment Block 3 Sections Plan, drawing number 012302-B3-SEC01 Rev C. - Apartment Block 4 Ground Floor Plan, drawing number 012302-B4-P1 Rev B. - Apartment Block 4 First Floor Plan, drawing number 012302-B4-P2 Rev B. - Apartment Block 4 Second Floor Plan, drawing number 012302-B4-P3 Rev B. - Apartment Block 4 Sections Plan, drawing number 012302-B4-SEC01 Rev C. - Bin Store 01 – Plans and Elevations, drawing number 012302-BS01. - Cycle Store 01 – Plans and Elevations, drawing number 012302-CS01. <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Construction Environmental Management Plan</p> <p>No development shall take place (including demolition, 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:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during demolition and 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 on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
4.	<p>Construction Method Statement</p> <p>No development (including demolition, ground works, vegetation clearance) shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works showing the layout, surfacing arrangements, visibility splays, and any adjoining gates and means of enclosure; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials;

	<ul style="list-style-type: none"> (d) Details of any banksman arrangements; (e) Storage of plant and materials used in constructing the development; (f) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (g) Temporary access arrangements to the site, and any temporary hard-standing; (h) Wheel washing facilities; (i) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (j) A scheme for recycling/disposing of waste resulting from demolition and construction works; (k) Hours of construction and demolition work; (l) Hours of deliveries and preferred haulage routes. <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
5.	<p>Landscape and Ecological Management Plan (LEMP)</p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> (a) Description and evaluation of features to be managed. (b) Ecological trends and constraints on site that might influence management. (c) Aims and objectives of management. (d) Appropriate management options for achieving aims and objectives for 30 years post development. (e) Prescriptions for management actions. (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). (g) Details of the body or organization responsible for implementation of the plan. (h) Ongoing monitoring and remedial measures. <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>The approved plan will be implemented in accordance with the approved details</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the LEMP may need to be implemented during construction.</p>

6.	<p>Ground Levels and Finished Floor Levels</p> <p>No development (with the exception of any site clearance works or demolition) shall take place until details of existing and proposed ground levels and finished floor levels of the proposed buildings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>
7.	<p>Submission of Remediation Scheme</p> <p>No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, the land will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification prior to the commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.</p> <p>In the event that any previously unidentified contamination is found at any time when during demolition and construction activities it must be reported immediately in writing to the Local Planning Authority. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the Local Planning Authority. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.</p>

	<p>Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
8.	<p>Water Main</p> <p>No development (with the exception of any site clearance works or demolition) within 5m of the water main shall take place until information detailing how the developer intends to divert the water main / align the development, to prevent the potential for damage to subsurface potable water infrastructure, has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.</p> <p>Any construction must be undertaken in accordance with the approved details.</p> <p>Unrestricted access must be available at all times for the maintenance and repair of the water main during and after the construction works.</p> <p>Reason: The proposed works will be in close proximity to an underground strategic water main and has the potential to impact on local underground water utility infrastructure. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.</p>
9.	<p>Sustainable Drainage</p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ol style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the approved details and Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document (2018) with particular emphasis on Green SuDS and water re-use; b) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site reflecting final design levels; c) Include cut off features where there is a residual risk of exceedance flows leaving the site and impacting adjacent land; d) Include a drainage strategy for surface water run-off within the site reflecting the final detailed design; e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates or a maximum of 2l/s up to the 1 in 100 year +40% climate change design event; f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain; h) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;

	<p>i) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;</p> <p>j) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</p> <p>k) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition.</p> <p>The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
10.	<p>Footway/pedestrian crossing provision (details required)</p> <p>No dwelling shall be first occupied until resurfaced footways fronting the site on Pound Street and Rockingham Road, with a pedestrian crossing within Pound Street, have been implemented in full in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway must be re-sited to provide an unobstructed footway/cycleway.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>

11.	<p>Water Network</p> <p>No dwelling shall be first occupied until confirmation has been submitted to and approved in writing by the Local Planning Authority that either:</p> <ul style="list-style-type: none"> a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; <p>or</p> <ul style="list-style-type: none"> b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. <p>Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>Reason: The development may result in no / low water pressure and network reinforcement works are likely to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and the provision of adequate and appropriate infrastructure for water supply, both on and off site. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.</p>
12.	<p>Building Materials</p> <p>No above ground development shall take place until a schedule of all materials and finishes visible external to the buildings, including doors and windows, bin stores and cycles stores, have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. All materials incorporated in the work shall match the approved schedule and samples.</p> <p>Reason: To ensure that the materials are appropriate to the character of the building, and the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
13.	<p>Brickwork Sample Area</p> <p>No brickwork shall take place until a sample area of brickwork (minimum area of 1 m²) has been constructed and then made available to and approved in writing by the Local Planning Authority. This approved sample shall remain available for inspection on site for the duration of the work. All new brickwork shall match this sample in terms of bricks, mortar (mix, colour and texture), joint profile and bond.</p> <p>Reason: To ensure that the materials are appropriate to the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
14.	<p>Details of Eaves and Fascias</p> <p>No works shall take place on the construction of the roof until full details of the eaves and fascia, at a minimum scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority.</p>

	<p>Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To protect the character and appearance of the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
15.	<p>Decorative Feature Details</p> <p>No above ground development shall take place until full details of all decorative features (brickwork and stonework) and metalwork (balcony railings) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To ensure that the materials are appropriate to the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
16.	<p>Hard Surface Materials</p> <p>No above ground development shall take place until a schedule of all hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. All materials incorporated in the work shall match the approved schedule and samples.</p> <p>Reason: To ensure that the materials are appropriate to the Conservation Area. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
17.	<p>Noise Protection</p> <p>No dwelling shall be first occupied until the noise mitigation measures identified in the Acoustic Assessment (Arden Consulting Engineers, Nov 2023, Ref 2304570-04A) received on 4 December 2023, have been implemented in full.</p> <p>The noise mitigation measures shall be retained and maintained thereafter.</p> <p>Reason: To protect future occupiers of the development from excessive noise levels from the road and railway, 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>
18.	<p>Lighting Design Strategy for Light Sensitive Biodiversity</p> <p>No dwelling shall be first occupied, and no external lighting installed, until a “lighting design strategy for biodiversity” has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and</p>

	<p>resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed 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.</p> <p>Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
19.	<p>Public seating and seats in communal areas</p> <p>No dwelling shall be first occupied until details of the proposed seating to be located in the public and communal areas of the development have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: Landscaping and provision of seating areas is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
20.	<p>Soft Landscaping</p> <p>No dwelling shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first).</p> <p>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 and inadequacies in the landscaping scheme submitted has been identified. 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>
21.	<p>Electric Vehicle Charging details</p>

	<p>No dwelling shall be first occupied until details of the electric vehicle charging points have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
22.	<p>Cycle parking/storage</p> <p>No dwelling shall be first occupied until cycle parking/storage facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
23.	<p>Photovoltaic Panels and Air Source Heat Pumps</p> <p>No dwelling shall be first occupied until the photovoltaic panels and air source heat pumps have been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>The photovoltaic panel and air source heat pump details submitted shall be in general accordance with the Energy Statement Addendum dated September 2024 received on 2 September 2024 and the Indicative PV Location Layout Plan, drawing number 012302-ARC-04, and Terrace 01 Front and Side Elevations Indicative PV Locations Plan, drawing number 012302-T01-E1-PV, both received on 23 August 2024.</p> <p>Reason: To ensure the delivery of adequate renewables and low/zero carbon on-site energy generation, reduce the impact on climate change, contribute to the reduction of CO2 and other emissions. This condition is imposed pursuant to the National Planning Policy Framework, Policy CS14 and CS15 of the West Berkshire Core Strategy 2006-2026, and the West Berkshire Environment Strategy 2020-2030.</p>
24.	<p>Travel Plan</p> <p>The owner/occupier shall implement the submitted Framework Travel Plan dated 24 May 2024 (ref: PH/AI/ITB18612-002B) commencing no later than one month prior to first occupation of the development hereby approved and take reasonable practicable steps thereafter to deliver the key measures as outlined in the plan to encourage sustainable travel and to discourage car journeys to the site. The owner/occupier shall also maintain the agreed targets and undertake monitoring and reporting within the timescales set out in the plan.</p>

	<p>Reason: To ensure the development reduces reliance on private motor vehicles. This condition is imposed in accordance with National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire Local Plan 1991-2006 (saved Policies 2007) and Policy LTP SC1 of the Local Transport Plan for West Berkshire 2011-2026.</p>
25.	<p>Parking</p> <p>No dwelling shall be first occupied until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
26.	<p>Site access</p> <p>No dwelling shall be first occupied until the vehicular, pedestrian and cycle site accesses to the site from Pound Street have been completed in accordance with the approved details.</p> <p>Reason: The timely completion of the site accesses is necessary to ensure safe and suitable access for all. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
27.	<p>Plot access prior to occupation</p> <p>No dwelling shall be first occupied until the vehicular, pedestrian and cycle access to that dwelling has been completed in accordance with the approved details.</p> <p>Reason: To ensure the dwelling/unit is provided with safe and suitable access. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
28.	<p>Refuse Storage prior to occupation</p> <p>No dwelling shall be first occupied until a storage area for refuse and recycling receptacles have been provided in accordance with the approved drawings.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p>
29.	<p>Visibility Splays</p> <p>No dwelling shall not be first occupied until visibility splays have been provided in both directions at the new access onto Pound Street in accordance with the</p>

	<p>approved plans. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
30.	<p>Plant noise</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 the rating level there from does not exceed the existing background noise level when measured in accordance with BS4142:2014 + A1:2019.</p> <p>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).</p>
31.	<p>Compliance with Biodiversity Method Statements</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in Ecological impact assessment (November 2023, Tyler Grange) and Biodiversity net gain assessment (May 2024, Tyler Grange).</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
32.	<p>Permitted development restriction (extensions/outbuildings for houses)</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A and E of that Order shall be carried out to the houses approved, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area and to ensure adequate amenity space for each house is maintained. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p>

Heads of Terms for Section 106 Agreement

1.	<p>Affordable Housing</p> <ul style="list-style-type: none"> • On-site provision of 30% affordable housing (24 dwellings) • Tenure: 70% Social Rented (17 dwellings), 25% First Homes (6 dwellings), 5% Shared Ownership (1 dwelling).
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	<ul style="list-style-type: none"> • Mix: Social Rent – 7 no. 1 bed apartments; 8 no. 2 bed apartments; 2 no. 3 bed houses. First Homes/Shared Ownership – 3 no. 1 bed apartments, 4 no. 2 bed apartments. • Precise location of affordable dwellings to be agreed in writing. • All affordable dwellings to be constructed to comply with Part M4(2) of the Building Regulations – ‘accessible and adaptable dwellings’.
2.	<p>Public Open Space Contribution</p> <p>Financial contribution (TBC) indexed linked payable prior to the commencement of development towards the provision of public open space or improved facilities nearby.</p>
3.	<p>Healthcare Contribution</p> <p>Financial contribution of £68,256 indexed linked payable prior to the commencement of development towards the provision of appropriate primary healthcare facilities in the local area in Newbury to serve the proposed development.</p>

Refusal Reasons (in the event that the S106 Legal Agreement is not completed)

1.	<p>Affordable housing (S106)</p> <p>The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Core Strategy Policy C6 through the provision of affordable housing is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to Policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations Supplementary Planning Document, the National Planning Policy Framework, as well as the relevant policies of the emerging Local Plan Review.</p>
2.	<p>Infrastructure mitigation (S106)</p> <p>The application fails to provide appropriate planning obligations to deliver the necessary off-site infrastructure, namely public open space and primary healthcare facilities in the local area. In the absence of an appropriate planning obligation, the proposal is contrary to Policies CS5 and CS18 of the West Berkshire Core Strategy 2006-2026 and Policies RL.1 and RL.2 of the West Berkshire District Local Plan Saved Policies (2007), the Planning Obligations Supplementary Planning Document, the National Planning Policy Framework, as well as the relevant policies of the emerging Local Plan Review.</p>

Informatives

1.	<p>Proactive</p> <p>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</p>
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	<p>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.</p>
2.	<p>CIL Liability</p> <p>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 this 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</p>
3.	<p>Compliance with conditions</p> <p>Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.</p>
4.	<p>Pre-conditions</p> <p>Conditions nos. 3-9 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.</p>
5.	<p>Compliance with approved drawings</p> <p>Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.</p>
6.	<p>Building Regulations</p> <p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control</p>

7.	<p>Health and safety</p> <p>The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability of adjacent land has been a material planning consideration, and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty for support or stability or against damage of adjoining or nearby properties.</p>
8.	<p>Control of Pollution Act 1974</p> <p>Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here S.61 Control of Pollution Act 1974</p>
9.	<p>Construction noise</p> <p>The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit http://info.westberks.gov.uk/environmentalhealth.</p>
10.	<p>Access Construction</p> <p>The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants behalf.</p>
11.	<p>Incidental Works</p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer, Highways and Transport, West Berkshire Council, Market Street, Newbury, RG14 5LD, telephone 01635 519169, before development is commenced.</p>
12.	<p>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>

13.	<p>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>
14.	<p>Legal Agreements</p> <p>This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted once agreement is completed). You are advised to ensure that you have all the necessary documents before development starts on site.</p>
15.	<p>Consent to Enter Adjoining Land</p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.</p>
16.	<p>Biodiversity Net Gain</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <ul style="list-style-type: none"> (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies. 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and <ul style="list-style-type: none"> (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).