

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00348/FUL Cold Ash	25 th April 2024 ¹	Erection of 6 dwellings with associated access, car parking and landscaping. Coley Farm Stoney Lane Ashmore Green Thatcham CALA Homes Chiltern Ltd
¹ Extension of time agreed with applicant until 23 rd December 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=S9GOBSRD0MN00>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Ward Member(s): Councillor Nigel Foot
Councillor Stuart Gourley

Reason for Committee Determination: Called-in by Ward Member
More than 10 objections

Committee Site Visit: 12th December 2024

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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 The application site is within an allocated housing site at Coley Farm which has an extant planning permission for the erection of 75 dwellings (20/00604/FULEXT). The site is accessed from Stoney Lane, and is situated to the north of the playing fields off Waller Drive, and the dwellings in Wansey Gardens and Laud Close.
- 1.3 This application seeks planning permission for the construction of 6 dwellings, 3 of which are additional dwellings, and 3 are already approved dwellings within the application site, and are proposed to be re-orientated by 90 degrees. The three additional dwellings are to be site on land that was originally identified for a pumping station which is no longer needed, and through the orientation of 3 approved dwellings. A previous non- material amendment application (24/01890/NONMAT) approved the re-orientation of Plots 31. 32 and 33 by 90 degrees. The three additional dwellings are proposed to be built out as part of the development of the wider site.

2. Planning History

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

Application	Proposal	Decision / Date
74/01061/ADD	Residential Development	Refused 07/08/1974
77/06761/ADD	Erection of three dwellings with garage	Refused 03/08/1977
16/01489/OUTMAJ	Outline application for 75 dwellings with associated access, landscape and open space improvements. Matters to be considered: Access and Layout.	Approved 19/09/2017
20/00604/FULEXT	Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 23/06/2021
21/02804/COND3	Application for approval of details reserved by condition 18 (Sustainable drainage), 19 (Construction Method Statement - Environment), 27(Badgers), 28 (Lighting strategy (Ecology)), 31 (LEMP) and 32 (CEMP (Biodiversity)) of planning permission 20/00604/FULEXT- Erection of 75 dwellings, with associated access, parking, internal roads, drainage,	Approved 01/06/2023

	landscaping, children's play space and other associated infrastructure	
21/02725/COND2	Application for approval of details reserved by condition 15 (Change of speed limit (amended)) of planning permission 20/00604/FULEXT- Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 22/12/2021
21/02723/COND1	Application for approval of details reserved by conditions 4 (Arboricultural Method Statement), 5 (Arboricultural supervision condition), 6 (Arboricultural Programme of Works), 7 (Travel Plan), 21 (Contaminated land (investigation remed), 22 (Archaeological Written Scheme of Investi) and 25 (statement of mineral exploration) of planning permission 20/00604/FULEXT- Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 04/02/2022
22/01716/COND4	Application for Approval of Details Reserved by Condition 9 (CMS) of planning permission for 20/00604/FULEXT - Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 27/01/2023
22/03015/COND	Approval of details reserved by Condition 22 - Archaeological Written Scheme of Investigation of approved application 20/00604/FULEXT: Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 02/02/2023
22/02124/FULEXT	Section 73: Variation of Condition 3 (Approved Plans) and 29 (Hard Landscaping) of previously approved application 20/00604/FULEXT: Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 14/12/2023
23/01084/PDNOT	Section 8 of the Water Industry Act 1991: Independent Water Networks Limited hereby gives notice pursuant to Section 8 of the Act that it has applied to the Water Services Regulation Authority to be appointed as a Water and Wastewater	Approved 05/07/2023

	Undertaker in place of Thames Water in relation to the area known as Coley Farm, Stoney Lane, Ashmore Green, West Berkshire, RG18 9HG.	
23/02887/COND	Approval of details reserved by Condition 18 (SuDS) of approved application 22/02124/FULEXT: Section 73: Variation of Condition 3 (Approved Plans) and 29 (Hard Landscaping) of previously approved application 20/00604/FULEXT: Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 18/01/2024
24/00252/COND	Application for Approval of condition 8 (Electric vehicle charging) of approved 22/02124/FULEXT - Section 73: Variation of Condition 3 (Approved Plans) and 29 (Hard Landscaping) of previously approved application 20/00604/FULEXT: Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Approved 18/03/2024
24/00634/COND	Application for approval of details reserved by condition 31 (LEMP) of approved 22/02124/FULEXT - Section 73: Variation of Condition 3 (Approved Plans) and 29 (Hard Landscaping) of previously approved application 20/00604/FULEXT: Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure	Refused 23/05/2024
24/00774/NONMAT	Application for a Non-Material Amendment Following a Grant of Planning Permission 22/02124/FULEXT - Section 73: Variation of Condition 3 (Approved Plans) and 29 (Hard Landscaping) of previously approved application 20/00604/FULEXT: Erection of 75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure. Amendments: Amendment of location of substation to enable vehicular access for periodical servicing.	Approved 16/05/2024
24/01890/NONMAT	Non material amendment to approved 22/02124/FULEXT - Section 73: Variation of Condition 3 (Approved Plans) and 29 (Hard Landscaping) of previously approved application 20/00604/FULEXT: Erection of	Approved 08/10/2024

	75 dwellings, with associated access, parking, internal roads, drainage, landscaping, children's play space and other associated infrastructure. Amendment 90 degree rotation of Plots 31, 32 and 33	
24/01411/MDOPO2	Request under section 106A subsection (1)(a) to modify the planning obligations within the section 106 Legal Agreement dated 22nd June 2021 in relation to planning permission 20/00604/FULEXT. Proposed modification to Paragraph 1.1.3 "Affordable Dwellings", Paragraph 1.1.4 "Affordable Housing", Second Schedule (c, d, e and j) and Fifth Schedule.	Pending Consideration

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 notice was displayed on 21st March 2024 at the site entrance off Stoney Lane, with a deadline for representations of 13th April 2024. Neighbouring properties were notified by letter of the application.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4 -3.5
New Homes Bonus	Yes	No	3.7
Affordable Housing	Yes	Yes	6.6
Public Open Space or Play Areas	/No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 The 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 money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. 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. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 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 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.
- 3.14 **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. The application site is not within the setting of any Listed Buildings.
- 3.15 **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. The application site is not within a conservation area or the setting of a conservation area.

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.

Cold Ash Parish Council:	Object: Increased flood risk to Manor Park, additional traffic/congestion issues
Newbury Town Council (Adjacent Parish):	Object
WBC Highways:	1 st Response: There will be a relatively small increase in traffic. Amended plans are required to address the slight shortfall of

	spaces and Plot 78 should be provided with a car port rather than a garage. 2 nd Response: No objection subject to conditions
LLFA:	1 st response: A drainage strategy should be provided to demonstrate that the additional dwellings can be drained appropriately 2 nd Response: Further information including hydraulic calculations to demonstrate adequate capacity in the network 3 rd Response: Clarification required about designing out the pumping station 4 th Response: Generally satisfied with the details provided and technically compliant. Recommend a condition to address management and maintenance of SuDS features
Environmental Health:	Recommend the use of the same condition for contaminated land, construction noise and dirt and external lighting at 20/00604/FULEXT
WBC Housing:	No objection to the additional affordable housing unit
WBC Ecology:	No objection where the development is carried out in accordance with the previously approved CEMP and LEMP 2 nd Response: Recommend a condition to secure implementation of the updated CEMP & LEMP
WBC Nutrient Neutrality:	No response received
WBC Waste Management:	No response received
Thames Water:	No response received

Public representations

- 4.2 Representations have been received from 17 contributors, none of which support, and 15 of which object to the proposal. Of the remaining two letters one letter raised concerns while not stating objection and another was impartial.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Concern about the loss of the pumping station, and how foul sewage discharge will be dealt with and discharge to Laud Close and Waller Drive
 - Lack of response from SuDS and Thames Water
 - Loss of privacy form additional 6 houses
 - Potential flood risk with increased run-oof from the site
 - Increased traffic

- Additional dwellings are not proportionate to the land size
- Impact on road safety
- Impact on pedestrians and cyclists
- Additional burden on local services
- Impact on air pollution
- Impact on deer, pheasants and badgers on Stoney Lane as a result of additional traffic
- Loss of trees and hedges and natural habitat that has already occurred
- Incremental expansion of the development should be refused
- Money should be invested in rebuilding lost habitat rather than additional dwellings
- Lack of non-car transport to the site
- Impact on sunken lane
- Insufficient details

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, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA3, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies CAP1, CAP2, CAP3, CAP4, CAP5, CAP7, CAP11, of the Cold Ash Neighbourhood Development Plan (2024).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Affordable housing
- Residential Amenity
- Highway safety
- Drainage and flood risk
- Ecology

Principle of development

- 6.2 The application site is within the allocated housing site Policy HSA 3 at Coley Farm. Planning permission has already been granted for the development of 75 houses on the site (20/00604/FULEXT) and this has been implemented with construction work currently taking pace on the site. Policy HSA 3 allocated the site for approximately 75 dwellings, and this application proposes a net increase of three dwellings, bringing the total to 78 dwellings on the site. The allocation was for an approximate number, and so the additional three dwellings will accord with the policy designation. Whilst this is a separate permission to the extant permission on the site, it will be built out concurrently with that permission as a concurrent development. The pumping station which was originally proposed as part of the site was removed when the drainage strategy was approved within application 23/02887/COND. The application also includes the re-orientation by 90 degrees of three of the plots, and this has already been approved as a material amendment to the application.
- 6.3 Given the allocation within the Housing Site Allocations DPD, and the extant planning permission, this proposal for an additional 3 dwellings within the wider allocated housing site is considered by officers to be acceptable in principle, subject to the following considerations.

Character and appearance

- 6.4 Policies CS14 and CS19 together with the Neighbourhood Plan policies CAP2, CAP3, and CAP7 seek to ensure that new development is of a high quality and sustainable design that respects and enhances the character and appearance of the area, the policy refers to the way that development functions as well as its appearance.
- 6.5 The six dwellings subject of this application within the site include three dwellings of house types which have already been approved and will be re-oriented in accordance with the previously approved amendments, so that these dwellings face the road rather than the attenuation basin. The new plots will have two dwellings of the Aspen house type which are a pair of semi-detached three bedroom houses. These are new house types to the development, and are similar in appearance to the re-oriented plots. The third plot is a detached Everglade house type which is already approved within the wider development, and this will face the houses to the north of the plot. The proposed dwellings are considered to blend with the previously approved street scenes, and as such to be appropriate within the development. The dwellings will be viewed as part of the wider housing site, and so will not impact the setting of the site within the landscape.

Affordable Housing

- 6.6 Policy CS6 requires the provision of 40% affordable homes on sites of 15 dwellings or more on greenfield sites. The approved layout for the site accords with this provision. With the net increase in dwellings on the site bringing the total to 78 dwellings within the housing allocation site, there is a need for another affordable home to be provided to ensure that the site remains compliant with policy CS4. It has been proposed that Plot 76 will be a Shared Ownership unit. This is in line with the tenure mix for the wider site, and so accords with policy CS4 and the Planning Obligations SPD. Plots 31-33 are part of the overall affordable housing provision within the site as one shared ownership unit and two social rented units. An amendment to the existing S106 which secures the provision of the affordable housing on the site will ensure that this unit can be provided, and the three existing units will be retained in the approved tenure. Subject to the amendment to the S106 agreement the proposal would accord with Policy CS4.

6.7 Residential Amenity

- 6.8 Policy CS14 requires that new development makes a positive contribution to the quality of life in West Berkshire. The Quality Design SPD sets out design criteria to ensure that the living conditions of future residents are protected. The proposed additional and re-orientated dwellings are sited so that there is sufficient separation distance between habitable room windows of dwellings within the site. There has been an objection about the level of privacy to residents adjoining the allocated housing site. These properties are approximately 50 metres from the re-orientated plots. There will be fewer habitable room windows facing the gable ends of the existing house due to the re-orientation for the plots, as the principal elevations of plots 31-32 will now face westwards rather than southward, and only a gable end with only a ground floor window facing the dwellings to the south in Laud Close. The proposed dwellings are considered to provide a satisfactory level of amenity for future occupiers.

Highway Safety

- 6.9 Policy CS13 refers to development that has an impact on the highway network, and Policy P1 sets out the parking standards for residential developments. The Highways Officer considers that with a net increase of three dwellings this would generate an additional 18 vehicle movements per day, nine in, nine out, with circa two vehicle movements during each peak travel hours. This is considered to be a relatively small increase in traffic, and as part of the wider development of the site Stoney Lane will be widened up to the main access to the site from the south, along with the provision of a footway from the site to the south. This level of additional vehicular traffic is considered to be acceptable by officers, and accommodated within the approved highway scheme for the site. Conditions are recommended to ensure that the Travel Plan for the wider site applies to this development, and the construction of the site is in accordance with the approved Construction Method Statement.
- 6.10 The parking layout indicates that there will be a shortfall of 0.25 spaces to serve plots 31-33, which are the re-orientated plots. However, the same number of parking spaces to serve these houses remains the same as originally approved. Amended plans were submitted to replace a garage with a car port to serve Plot 78 so that sufficient car parking could be provided. A condition will secure its retention as parking space. Overall, it is considered that the proposal provides enough parking to serve the proposed dwellings.
- 6.11 The proposal is considered to accord with Policies CS13 and P1.

Drainage and Flood Risk

- 6.12 Policy CS13 requires that on development sites, surface water will be managed in a sustainable manner through the implementation of SuDS. Policy CAP5 also refers to minimising the flood risk through the implementation of SuDS, and the consideration of flood risk beyond the application site. The parcel of and has become available for development due to the removal of the sewage pumping station from the drainage proposal. This was agreed through the approval of the drainage systems for the wider site in application 23/02887/COND, as it was demonstrated that foul drainage could be dealt with through a gravity fed system.
- 6.13 In assessing the new proposal the LLFA required confirmation that the agreed surface and foul water drainage system could accommodate the three extra dwellings. This information was subsequently provided, and included confirmation from Thames Water that the foul sewage network has capacity to accommodate the additional dwellings. The current proposal includes the implementation of raingardens, and SuDS Pods within the plots. The hydraulic calculations submitted demonstrate that the scheme can accommodate the additional hardstanding areas without an increase in flow rates

from the site, and does not impact the freeboard which remain 300mm below the 1 in 30 year critical storm duration. The proposal does provide benefits over the currently approved application and is considered to be technically compliant. There are additional matters which remain outstanding which relate to the maintenance and management of the SuDS features, and how the surface water will be managed and contained with the site during construction works to prevent silt migration and pollution of the watercourse adjacent to the site. These can be secure through a pre-commencement condition, with a verification report being provided before the dwellings are first occupied. With these measures in place, the development will not increase the flood risk beyond the application site, as the proposals are within the capacity of the site, and the proposal accords with Policies CS16, CAP5 and the Sustainable Drainage SPD.

Ecology

- 6.14 Policy CS17 requires that the biodiversity assets across West Berkshire will be conserved and enhanced. CAP6 also require proposals to create, conserve and enhance green and blue infrastructure, improve connectivity and support the planting of native species trees and/or hedgerows. There have been objections raised about the potential impact of the proposal on wildlife in the surrounding area. The development is for three additional houses within the context of an allocated housing site. The proposal is not considered to directly harm any protected species given its context within the wider development. As the development will be carried out within the context of the wider site it will also be carried out in accordance with the approved Construction Environmental Management Plan for Biodiversity and the Landscape and Ecological Management Plan. The proposals do not impact the hedgerow and features which are protected by the measure within the S106 agreement for the wider site. With these measures in place it is not considered that the development will have a wider impact on local wildlife and their habitats.

Town/Parish Council representations

- 6.15 Cold Ash Parish Council have raised objections due to the potential of the impact on flooding to the Manor Park and the position of the dwellings on a steep slope to the north of the attenuation basin. The flood risk issues have been addressed in paragraphs 6.12. and 6.13 of this report. The Parish Council have also objected to the additional traffic as a result of the development. This has been addressed in paragraph 6.9 of this report.

7. Planning Balance and Conclusion

- 7.1 The application is proposing three additional houses and the repositioning of three houses within an allocated housing site, which has the benefit of a planning permission which is in the process of being built out. The additional dwellings can be provided without harming the living conditions of the dwellings adjacent to the wider site. The additional dwellings will not result in a significant increase in the number of vehicle movements to and from the site. It had also been demonstrated that the proposal will not increase the flood risk from the site, and the surface water and foul water can be accommodated within the capacity of the site and the wider foul sewage network. The proposal will also provide an additional shared ownership dwelling, which will contribute towards the provision of affordable housing.
- 7.2 The proposal is considered to accord with the relevant development plan policies and SPD guidance.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 PROVIDED THAT a Section 106 Agreement has been completed by 18th March 2025 (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.
- 8.3 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 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 The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan Drawing No 24010 L301 Rev A received 29th February 2024; Proposed Site Layout Plan Drawing No 24010 301 Rev A received 20th May 2024; Ancillary Building – Car Port Drawing No 24010 312 received 20th May 2024; Boundary Material Layout Drawing No 24010 304 Rev A received 20th May 2024; Parking Strategy Layout Drawing No 24010 306 Rev A received 20th May 2024; Refuse Strategy Layout Drawing No 24010 307 Rev A received 20th May 2024; Surface Material Layout Drawing No 24010 305 Rev A received 20th May 2024;</p> <p>House Type- Aspen – Semi Drawing No 24010 309 received 16th February 2024; House Type -Everglade Drawing No 24010 310 received 16th February 2024; House Type-Mimosa & HA7 Drawing No 24010 308 received 16th February 2024;</p> <p>Drainage Strategy Drawing No A420-DD-561 Rev P6 received 28th March 2024; Drainage Technical Note prepared by Abley Letchford partnership reference A420-R007 received 20th May 2024; Construction Environmental Management Plan (CEMP-B) prepared by The Landmark Practice dated July 2024 and received 15th August 2024; Landscape and Ecological Management Plan prepared by The Landmark Practice dated August 2024 and received 15th August 2024;</p> <p>Arboricultural Method Statement prepared by Middlemarch Environmental reference RT-MME-154552-01 Rev B dated October 2021 received 10th October 2024; Travel Plan Prepared by Glanville Ref: CV8190252/AD/DW/016 Issue 5: dated December 2021 received 10th October 2024; Geo-Environmental Report prepared by Enzygo Ref CRM.1780.003.GE.R.001 dated April 2021 received 10th October 2024; Construction Method Statement dated August 2022 received 10th October 2024; Traffic Management Plan Drawing No 00356/TMP Rev A received 10th October 2024; and</p>

	<p>Archaeological Evaluation prepared by Thames Valley Archaeological Services dated October 2022 received 10th October 2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials</p> <p>The construction of the dwellings hereby permitted above slab level shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Tree Protection</p> <p>The development shall be carried out in accordance with Arboricultural Method Statement prepared by Middlemarch Environmental reference RT-MME-154552-01 Rev B dated October 2021 received 10th October 2024.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
5.	<p>Travel Plan</p> <p>The development shall be implemented in accordance with the Travel Plan Prepared by Glanville Ref: CV8190252/AD/DW/016 Issue 5: dated December 2021 received 10th October 2024. It shall be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), policies P1 and GS1 of the Housing Site Allocations DPD (2017) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)</p>
6.	<p>Electric Vehicle Charging Points</p> <p>No dwelling shall be first occupied until an electric vehicle charging point has been provided for that dwelling in accordance with the approved plans. 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>

9.	<p>Construction Method Statement</p> <p>The development shall be implemented in accordance with the Construction Method Statement dated August 2022 received 10th October.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10.	<p>Parking Spaces</p> <p>No dwelling shall be first occupied until vehicle parking and turning spaces for that dwelling 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 (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is 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>
11.	<p>Cycle Storage</p> <p>No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with the approved drawings. 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>
12.	<p>Car Port Alterations</p> <p>The car port hereby permitted shall be kept available for parking (of private cars and/or private light goods vehicles) at all times. Notwithstanding the provisions 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 physical alterations shall be made to the car port (including enclosing the sides / installed doors), unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.</p> <p>Reason: To ensure that the car port is kept available for vehicle parking, and is not converted into a garage, in the interest of road safety. The residential parking standards of Policy P1 do not count garages towards parking provision. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026 and Policy CAP3 of the Cold Ash Neighbourhood Plan (2024).</p>

13.	<p>Sustainable Drainage Measures</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> <p>a. 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>b. 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 adjacent to the site.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced 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. 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).</p> <p>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>
14.	<p>Verification Report</p> <p>The dwellings hereby approved shall not be occupied into use until the following conditions are satisfied:</p> <p>a. A verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted immediately following construction submitted to and approved in writing by the Local Planning Authority. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</p> <p>b. Ordinary watercourse consent has been granted.</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), Policy CAP5 of the Cold Ash Neighbourhood Plan, Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p> <p>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>
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Heads of Terms for Section 106 Agreement

1.	<p>Affordable housing</p> <p>The provision of two Shared Ownership and two Social Rented Units</p>
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Refusal Reasons

1.	<p>Planning obligation</p> <p>The application fails to provide an appropriate planning obligation with respect to the on-site provision of affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Without this obligation the proposed development conflicts with Policy CS6 of the West Berkshire Core Strategy (2006-2026) the Planning Obligations SPD and the National Planning Policy Framework.</p>
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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 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</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</p>

	<p>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>
<p>3.</p>	<p>BNG Not required</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> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <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 <ol 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: 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).

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).