

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00037/FULMAJ Newbury Town Council	21.08.2024 <sup>1</sup>	Erection of Primary Care Centre with associated works.  Land South Of Newbury College and North Of Highwood Copse School, Highwood Copse Way, Newbury  Greenham Trust Limited

<sup>1</sup> Extension of time agreed with applicant until 28.01.2025

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=S70JPCRD09N00>

**Recommendation Summary:**

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).

**Ward Member(s):**

Councillor Adrian Abbs, Councillor Patrick Clark and Councillor David Marsh

**Reason for Committee Determination:**

Called-in by Ward Member regardless of recommendation.

**Committee Site Visit:**

16<sup>th</sup> January 2025

**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 erection of a Primary Care Centre and associated works. The proposal would provide a new facility to replace the existing Eastfield House Surgery, which is currently located at 6 St. John's Road, Newbury.
- 1.3 The site comprises 0.50 hectares of greenfield land at Newbury College, north of Highwood Copse Primary School and south of the existing College buildings.
- 1.4 The existing ground levels in the area rise gently from south of the application site to north of the application site. To the north of the application site is an area of open land beyond which is the built form up to approximately 10.5 metres in height of Newbury College located on higher ground than the application site. To the northeast of the application site is the existing Castle School, a single storey building.
- 1.5 To the east of the application site is open land which has recently been granted planning permission for a food store, up to 75 dwellings and residential care accommodation containing up to 70 beds, together with open space, play space, drainage, parking and associated access, infrastructure, landscape, and bund on its eastern boundary with the A339. The proposed residential care accommodation to be provided across two buildings up to 10 metres and 12 metres in height would be located directly to the east of this application site, on the opposite side of the road that leads to the College and Castle School. To the west of the application site is existing open land. South of the application site is the road, Highwood Copse Way, serving Highwood Copse Primary School and the future Sandford Park development. Highwood Copse Primary School is set on lower ground than the application site and is a single storey building, approximately 7.5 metres tall at the highest point.
- 1.6 The application site is located outside of but adjacent to the designated settlement boundary of Newbury, which runs along the northern boundary of the application site. The application site is located in Flood Zone 1 and is identified as being in an area at high risk of Great Crested Newt (GCN). A designated wildlife site (Highwood Copse) is located some 140 metres to the southwest of the application site. The Grade II listed Registered Park and Garden of Sandford Priory is located approximately 230 metres to the southeast of the application site beyond the existing household waste recycling centre.
- 1.7 The proposed development comprises a part two storey and part single storey building providing approximately 1451sqm of floorspace for the Eastfield House practice and 120sqm for a pharmacy. The building would be located to the northwestern corner of the site with the two-storey flat roofed element to the rear and single storey pharmacy flat roofed element to the front of the building, adjacent to the main canopied entrance to the surgery. Solar panels are to be located on the flat roof of the two-storey part of the building. The main building is arranged as two wings of clinical space around a central courtyard. The material to be used in the development would comprise brick and timber cladding to reflect the development at Highwood Copse Primary School.
- 1.8 Car parking is proposed to front and side of the building, with 58 parking spaces providing for visitors and 14 dedicated parking spaces for staff. Cycle parking for staff and bin storage is to be provided to the west of the building. Cycle parking for visitors is to be provided in front of the building, east of and adjacent to the main entrance.

- 1.9 Two vehicular accesses onto Highwood Copse Way would be provided, one to serve the staff and refuse/ambulance parking area with the other dedicated to visitor parking. Pedestrian accesses from the road to the south and the road to the east are also proposed.
- 1.10 In respect of landscaping, an existing hedgerow to the rear of the site would remain and new trees and shrubs are proposed throughout the car park and along the western and eastern boundaries of the site. Hedgerows are also proposed along the western, eastern and southern boundaries.

## 2. Planning History

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

Application	Proposal	Decision / Date
95/46286/OUT	New college.	Approved 08.04.1988
99/55227/ADD	The provision of an Educational College including a Nursery/Creche and Residential Conference Training Centre.	Approved 30.11.2000
02/00731/RELAX	Relaxation of Condition No.11. of Application No.155227 relating to working hours during construction.	Approved 11.06.2002
22/02754/OUTMAJ	Hybrid Planning Application:  1) Full planning permission for a food store with a floor area of 1800 square metres (Use Class E(a)) together with drainage, parking and associated access, infrastructure, and landscaping.  2) Outline planning permission (matters to be considered: access) for up to 75 residential units (Use Class C3) high-capacity Electric Vehicle (EV) charging area, and residential care accommodation, containing up to 70 beds (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, bund on the eastern boundary with the A339, ancillary and site preparation works.	Approved 08.11.2024

## 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 3 June 2024 at the front of the site facing Highwood Copse Way, with a deadline for representations of 27 June 2024. A public notice was displayed in the Newbury Weekly News on 30 May 2024; with a deadline for representations of 13 June 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. No local financial considerations are material to this application.
- 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](http://www.westberks.gov.uk/cil).
- 3.6 **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.
- 3.7 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.
- 3.8 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.

- 3.9 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.
- 3.10 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.
- 3.11 **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.
- 3.12 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 primary care services.
- 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.

## 4. Consultation

### ***Statutory and non-statutory consultation***

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

<b>Greenham Parish Council:</b>	Access to the proposal is a concern as it would be difficult to reach by foot and public transport would need to be more accessible. It was considered that moving a surgery away from the Newbury town centre will create more vehicles on roads to reach this proposed new site. This is not in accordance with WBC Climate Emergency Plan.
<b>WBC Highways:</b>	I would consider that traffic may decrease in the current location and will increase in the proposed location. It could therefore be considered that overall, on the Newbury network, there will not be an increase in traffic, however the site is located further from the town centre, which may overall provide some increase in journey time and distance overall. Comments from colleagues in Transport Policy have considered the location of the site and its

	<p>accessibility to all modes of travel. Comments which I support, including that the site is near much residential development including the future Sandford Park development.</p> <p>The site is located along Highwood Copse Road, which allows the site to be approached and left in more than one direction. Either to and from the A339 or through what will be the Sandford Park development. This would enable traffic to be more spread to and from the site, and on that basis, no objections are raised on traffic grounds.</p> <p>Secure cycle parking for staff and covered Sheffield stands cycle parking for visitors are proposed and acceptable. Electric vehicle charging points should be provided in line with English Building Regulations Approved Document S.</p> <p>Further information and amendments required:</p> <ul style="list-style-type: none"> <li>- visibility plays will need to be shown for the accesses of 2.4 x 43.0 metres onto Highwood Copse Way;</li> <li>- justification for provision of 14 car parking spaces only for staff;</li> <li>- a Transport Statement is required;</li> <li>- a pedestrian route should be provided going out from the site eastwards towards the Newbury College and connecting with existing footways;</li> <li>- dropped kerbs and tactile paving should be provided to enable pedestrians to cross the road.</li> </ul>
<p><b>WBC Transport Policy:</b></p>	<p>The existing surgery site, though well-placed for surrounding residential areas, is of insufficient size to cater for increased demand for health care related services. The proposed new site to the south of Newbury College would be less accessible for most of the current residential areas in central Newbury, but would be within walking distance of parts of south Newbury, including the proposed Sandford development.</p> <p>There are some bus services calling at stops that are within walking distance of the site, which would provide approximately 3 services per hour to/from Newbury town centre. Consideration could be given to looking to provide additional bus calls at the College Hub bus stop.</p> <p>No information has been provided regarding how sustainable travel options to the site will be promoted. This should be provided to assist patients accessing the site, particularly those without access to a car.</p>
<p><b>Natural England:</b></p>	<p>No objections.</p>
<p><b>Active Travel:</b></p>	<p>No comment</p>
<p><b>NHS Buckinghamshire, Oxfordshire and Berkshire West</b></p>	<p>Current premise is already at capacity and their clinical rooms are not in line with current NHS guidance.</p> <p>No objections raised but have concerns regarding the viability of the proposal and whether it is affordable to the BOB-ICB. However, the deliverability of a new facility is not a material</p>

<b>Integrated Care Board (BOB-ICB):</b>	consideration of a planning application. Recommend informative is attached to advise the applicant of the need to submit a business case to BOB-ICB and the grant of planning permission does not imply that the BOB-ICB will support the business case.
<b>WBC Ecologist:</b>	Additional information regarding the potential for ecological impacts to arise as a result of the proposed development impact on the Lime tree subject to a TPO.
<b>WBC Tree Officer:</b>	Object. No tree information submitted and there is a significant veteran Lime Tree subject of a TPO in the northwestern corner of the site which appears to be removed as part of the development proposed. Veteran trees are “irreplaceable habitat” and their removal should be refused unless “there are wholly exceptional reasons [and] there’s a suitable compensation strategy in place”. As the Lime tree is a veteran, there may be other effects on biodiversity beyond simply its removal - particularly in terms of protected and saproxylic species.
<b>Newt Officer:</b>	Recommend that a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents to be completed by a suitably qualified ecologist is produced, to show that the works will be carried out following best practice procedures. This practice has been suggested for reptiles and hedgehogs in the ecological report and it is recommended to also include great crested newts.
<b>WBC Archaeologist:</b>	No objections.
<b>WBC Environmental Health:</b>	No objections.
<b>WBC Lead Local Flood Authority (LLFA):</b>	Object. Significant lack of information submitted with application. A comprehensive drainage strategy is required.
<b>Thames Water:</b>	No objections subject to conditions to ensure details of sufficient capacity for foul and surface water is secured prior to development commencing and an informative advising of minimum water pressure.
<b>WBC Economic Development:</b>	Support.
<b>Newbury Society:</b>	Aware that that the current Eastfield House in St. John’s Road is working at capacity and welcome the improvement in facilities offered by this proposed new primary care centre/ Eastfield House surgery. However, we have concerns about the long-term reduction in the number of doctors’ surgeries available in Newbury town centre. Bearing in mind that many of the current patients are within easy walking distance of the existing surgery, we are concerned about how accessible this new surgery would be. Although we appreciate that there are cost constraints, we

	find the exterior design of the planned building unimaginative. Given that the plans include solar panels on the roofs, we would prefer roofs with a gradient which would render these more effective: something which could also improve the appearance of the centre. Welcome the parking spaces included in the plans.
<b>WBC Waste Services:</b>	No response received
<b>WBC Environment Team:</b>	No response received.
<b>SPOKES:</b>	No response received.
<b>Royal Berkshire Fire and Rescue Service:</b>	No response received.
<b>Thames Valley Police:</b>	No response received.

- 4.2 The table below summarises the consultation responses received during the consideration of the application to the amended plans and additional information submitted. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Greenham Parish Council:</b>	No response received.
<b>WBC Highways:</b>	<p>Query whether the 14 car parking spaces are sufficient for the now projected 40 staff, even allowing for some to travel by sustainable modes.</p> <p>No objections raised on traffic grounds.</p> <p>Dropped kerbs and tactile paving required for the pedestrian routes.</p> <p>Visibility splays will need to be shown to the carriageway edge in both directions for the accesses of 2.4 x 43.0 metres onto Highwood Copse Way, although for 2.4 x 25.0 for 32 kph (20 mph) should be acceptable.</p> <p>It would seem that we still require amended details and plans to cover some issues.</p>
<b>WBC Transport Policy:</b>	No response received.
<b>WBC Ecologist:</b>	No objections subject to conditions to secure works in accordance with ecology report, a landscape and ecological management plan (LEMP), and proposed biodiversity measures.
<b>WBC Tree Officer:</b>	The submitted tree information does not conform to British Standard BS 5837:2012 Trees in relation to design, demolition

	<p>and construction recommendations. The RPA plotted is incorrect. Scaling of the amended site layout plan suggests the E-W extent of the site is ~5-7m from the tree. This places the building within the RPA of the tree. The only way in which this can be achieved therefore is by using specialist methods under Arboriculturist supervision.</p> <p>If approved, request conditions to secure Arboricultural Method Statement, Arboricultural Supervision, and landscaping.</p>
<b>WBC Lead Local Flood Authority (LLFA):</b>	<p>Whilst we are largely satisfied with the amendments made to the drainage strategy in line with our previous comments, there are a couple of items that require clarification prior to recommending conditions.</p> <ul style="list-style-type: none"> <li>- The drainage plan does not show the outfall location of the surface water drainage network. Please can the applicant amend?</li> <li>- It is a WBC requirement that flows are restricted to the 1 year Greenfield rate as opposed to QBar. Please can the applicant amend?</li> <li>- We request that all drainage designs utilise the latest rainfall data in the form of FEH rather than FSR.</li> </ul>
<b>Newbury Society:</b>	No response received.
<b>WBC Environment Team:</b>	No response received.

### ***Public representations***

4.3 Representations have been received to the original proposals from 8 contributors, 5 of which support, and 3 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:**

- Bigger GP practice is much needed for patients.
- Larger, modern premises will accommodate more patients, improve access and expand the services GPs can offer the local people.
- This will be an investment in the future healthcare and wellbeing of our community.
- The new GP practice will also complement the approved residential development and hospice on Sandford and Mayfield Point developments.
- Will enable access to better facilities in the catchment.
- Important that vehicle access is permitted from Monks Lane through College.
- Without this re-development the available health services to the town will diminish considerably.

- With the proposed increased housing numbers south of Newbury, the current restricted practice facilities will be unable to accommodate any additional patients without relocation & building expansion.

### **Objections:**

- Proposed location outside of town centre already served by a nearby GP practice.
- Loss of town centre primary car provision for patients south of the Kennet.
- Would potentially be merged with Falkland Practice at the expense of town centre provision.
- Existing surgery should continue to operate for existing patients with the new surgery used for new patients.
- Primary Care facility is required within the Town Centre.
- Impact on accessibility for patients, particularly the elderly.
- Should be used in addition to existing surgery.
- Application submissions do not accurately assess the site.
- Provision of primary care services should be planned for a longer period of time to ensure adequate provision for population growth.
- Does not make sense to move primary care facility away from the heaviest concentration of present and anticipated patients to a remote and 'semi-rural' site.
- Cannot insist on retention of existing surgery.
- Will result in only one GP practice left in town centre serving the population on northern side of the town.
- Will not be within walking distance of a sizeable proportion of existing patients.
- Impact on traffic and increase in congestion.
- Cycle access is unrealistic.
- Lack of bus service to site and adequate bus shelters.
- An unwelcoming location for users of the site.
- Pharmacy would compete with pharmacy at nearby Tesco.
- More active forward planning for town's primary healthcare provision is required between NHS and Council planning.

## **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, CS5, CS9, CS11, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6, and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (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 which are currently being consulted on. 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
- Design, Character and Appearance
- Impact on Neighbouring Amenity
- Highway Matters
- Biodiversity and Trees
- Flooding and Drainage
- Sustainable Construction

### *Principle of Development*

- 6.2 Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 considers that most development will be within or adjacent to the settlements and related to the transport accessibility of the settlements (especially by public transport, cycling and walking), their level of services and the availability of suitable sites for development.
- 6.3 Policy CS9 of the Core Strategy seeks to manage the scale, type and intensification of business development. A range of types and sizes of employment sites and premises will be encouraged throughout the district to meet the needs of the local economy. Policy CS9 indicates that proposals for business development should be in keeping with the surrounding environment, not conflict with existing uses, and promote sustainable transport. Policy CS9 also seeks that development should respond to modern business requirements and should ideally be located in sustainable locations.
- 6.4 Policy CS11 states that the vitality and viability of the District's town, district and local centres will be protected and enhanced. The Policy concludes that main town centre uses identified by the NPPF will be directed to the town and district centres defined in this policy.
- 6.5 A GP Surgery is not considered to fall within the definition of a main town centre use under the NPPF. As such, there is no requirement to undertake a sequential test to establish whether the proposal could be located closer to the town centre. Nonetheless, the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.6 The existing Eastfield House Surgery is not located within the designated Town Centre Commercial Area, but is within 300m of that designated area, i.e. on the edge of the town centre area. The proposed new site in this application is also not situated within the designated Newbury town centre commercial area, nor is it within a designated protected employment area, but would be approximately 1.6km (as the crow flies) or approximately 2.1 kilometres along roads from the existing site, i.e. an out of town site.

- 6.7 The applicants have submitted a Needs Justification Statement which adequately demonstrates the need for a replacement to the existing premises, including why the existing surgery site is not suitable for continued use as a surgery, or as a satellite facility to the proposed new surgery due to costs and administrative issues. The Needs Justification Statement advises that the current site has temporary accommodation for which planning permission expires on 1<sup>st</sup> July 2025 when that accommodation will have to be removed. In addition, the Statement assesses 17 alternative sites to the proposal that have been considered over the past five years, including the local centre within the Sandford site, demonstrating there are no alternative suitable sites within the town centre or the edge of the centre.
- 6.8 The current Eastfield Surgery is located within the main Newbury urban area and is within easy walking distance of nearby residential areas, including Eastfields, Westfields and the many residential developments in Newbury town centre. These areas have some of the lowest car ownership levels in West Berkshire, with many residents being reliant on having nearby services and facilities and/or access to good public transport services. However, it is recognised that there is pressure on the existing surgery arising from increased patient lists and a demand for a greater range of services. The potential for growth at the current site is severely constrained, and there is a lack of car parking for patients at the existing site.
- 6.9 Whilst the proposed new surgery would be located directly adjacent to the settlement boundary of Newbury, geographically it would be located more centrally to the catchment area for the GP Practice than the existing site. However, it is acknowledged that the proposed site would be located further from the built-up area of Newbury and therefore would require patients living in that area to walk further or take alternative means of transport.
- 6.10 The main vehicle access would be the new Sandford access road from the A339, Highwood Copse Way. Pedestrian and cycle access would also be possible via the Newbury College access road from the Monks Lane roundabout. Pedestrian/cycle access to the site from the Greenham/Burys Bank Road area is also possible either via a crossing of the A339 by the Pinchington Lane roundabout or via the pedestrian crossing built into the recently constructed Sandford access from the A339.
- 6.11 The IHT “Guidelines for Providing Journeys on Foot” (2000) indicates that for non-town centre, work or school trips, the suggested acceptable walking distances may be up to 1200m (for people without mobility impairment). Using this distance as a basis, there would be parts of the Greenham and Burys Bank Road areas within 1200m, along with residential areas in southern parts of Newtown Road and adjacent to Monks Lane. In addition, parts of the proposed Sandford Park development and future College residential development would also be within walking distance. The central area of Newbury would be around 2-2.5km walking distance from the site.
- 6.12 The proposed site would be within cycling distance of the practice catchment area and other parts of Newbury outside of this. However, there is a significant gradient on Newtown Road between the town centre area and the site, which may act as a deterrent to some cyclists.
- 6.13 At present, there are no bus services running directly to the site. The nearest bus stops are in the College car park (350m), on the A339 at Pinchington Lane (450m) and Monks Lane (550m). A summary of daily bus services that would provide a link between the site and the town centre (plus intermediate stops on the routes) are as follows:

Bus stop	Service	Daytime Frequency	First bus from Newbury	Last bus to Newbury
Monks Lane	2 (Newbury TC – Pigeons Farm)	Hourly	08:25	17:57
A339 s of Pinchington Lane	32 (Newbury TC – Basingstoke)	Hourly	07:15	22:14
A339 s of Pinchington Lane	103 (Newbury TC – Greenham BP)	Hourly	06:33	
College Hub bus stop	103A/B (Newbury TC – Greenham BP)	Hourly	10:36	18:20

- 6.14 The combination of services 2, 32 and 103A/B would offer around 3 buses per hour between central Newbury and the area in the vicinity of the surgery. This would provide a reasonable public transport connection between the practice area in central Newbury and the proposed primary healthcare facility. The 103A/B services from the College Hub bus stop would not involve people accessing the site having to cross busy roads (e.g. A339 and Monks Lane).
- 6.15 Therefore, whilst the proposed location of the new surgery and pharmacy would detrimentally impact on the ability of some patients within the Newbury urban area to easily access the facility by foot or bicycle, patients from other parts of Newbury and Greenham as well as future planned residential development nearby would benefit from the new location. In addition, there are existing public transport connections close to the site. Furthermore, the provision of suitable healthcare facilities for the population weighs significantly in favour of the proposal and the NPPF advises that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development. As such, the principle of the proposed new site is, on balance, considered acceptable as the benefits would outweigh any negative impacts in the planning balance.

### ***Design, Character and Appearance***

- 6.16 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. This 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.
- 6.17 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.
- 6.18 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.
- 6.19 Whilst the site is open land with a semi-rural character and appears visually separated from the College due to an existing hedgerow forming the northern boundary between the College and the site, there is the existing single storey Highwood Copse Primary School to the south on the opposite side of Highwood Copse Way. In addition, consideration must be given to the previous consent for a conference centre on land to

the south of the College and immediately to the north of Highwood Copse Way. The footprint of the conference centre would have included part of the application site and at present could still be implemented. Furthermore, planning permission has recently been granted on land directly to the east of the site for a care home and hospice for up to 70 beds across two buildings up to 10 metres and 12 metres in height (2-3 storeys).

- 6.20 Therefore, the proposed development of a two-storey flat roof structure approximately 8.1 metres in height with a single storey flat roofed element to the front, providing the pharmacy, would not be viewed as an isolated form of development in the countryside. A section plan has been submitted demonstrating that the scale of the proposed building whilst taller (~1.9 metres) than the Highwood Copse Primary School, it would be lower than the tallest part of the existing Newbury College building.
- 6.21 As the proposed development would be seen within the context of the existing buildings within the College site, Highwood Copse Primary School and the recently approved residential and care home development, it is not considered to appear as an isolated form of development harmful to the character and appearance of the area.
- 6.22 The appearance of the proposed building, comprising brick and timber cladding to reflect the development at Highwood Copse Primary School would be contemporary, but not detrimental to the character and appearance of the area.
- 6.23 The site has been designed to provide a clearly identifiable entrance to the building, and an active frontage for visitors and adequate room for the provision of landscaping to soften the development is proposed.
- 6.24 Therefore, the proposed scheme in respect of design and impact on the character and appearance of the area is considered to be acceptable and accords with Policies CS14 and CS19 of the Core Strategy, as well as the Quality Design SPD.

### ***Impact on Neighbouring Amenity***

- 6.25 According to paragraph 135 of the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers.
- 6.26 According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations.
- 6.27 The Environmental Health Officer has reviewed the application and raises no objections.
- 6.28 The proposed development would not result in any detrimental impact on residential properties due to the distance between the site and existing (and future) residential dwellings.
- 6.29 The provision of a GP Surgery and pharmacy in this location is also not considered to result in a detrimental impact on the amenities of the College, Castle School or Highwood Copse Primary School.

### ***Highway Matters***

- 6.30 The application originally submitted did not contain a Transport Statement to establish the likely impacts of the development on the highway network as required by the NPPF, or a Travel Plan to demonstrate how the development would promote sustainable travel

options for both staff and patients. As a result, the Highways Officer and Transport Policy in their initial responses to the application requested the submission of that information. Furthermore, the Highways Officer requested plans to demonstrate adequate visibility splays of 2.4 x 43.0 metres can be achieved for the proposed vehicular accesses onto Highwood Copse Way as well as justification for the provision of 14 staff parking space only and the provision of a pedestrian/cycle access onto the road running through the College site.

- 6.31 The Highways Officer advises that traffic may decrease in the location of the existing surgery but will increase in the proposed location such that overall, there would not be an increase in traffic on the Newbury network. However, as the site is located further from the town centre, there may be some increase in journey time and distance travelled. The Highways Officer considers access to the site would eventually be provided in more than one direction, either to and from the A339 or through what will be the Sandford Park development, which would enable traffic to be more spread to and from the site. On that basis, the Highways Officer raised no objection in respect of the impact on the highway network as a result of traffic.
- 6.32 A Transport Statement, Travel Plan and amended plans providing a pedestrian/cycle access onto the road running through the College site and some visibility splay information were submitted and reconsulted on.
- 6.33 The Highways Officer has reviewed the additional information and amended plans submitted and notes that visibility splays are not fully detailed on the plans. Whilst the applicant has not provided sufficient evidence to demonstrate visibility splays of at least 2.4 x 25.0 metres are achievable, it is considered reasonably likely that such visibility splays could be achieved and secured by condition subject to appropriate landscaping (also secured by condition). The Highways Officer has also requested details of dropped kerbs and tactile paving to connect the proposed pedestrian routes with existing footways and indicate suitable crossing points. Those details can be secured by condition as well, should the application be approved.
- 6.34 In respect of car parking, the submitted Transport Statement identifies that 24 staff and 48 patients will travel by car, requiring a total of 72 car parking spaces. The proposed development would provide a total of 72 car parking spaces, comprising 14 dedicated staff spaces and 58 visitor spaces. Therefore, whilst the proposed development appears to provide an insufficient number of dedicated staff car parking spaces, should the expected number of staff travel to the site by car there would be a sufficient car parking spaces within the visitor and staff parking areas to accommodate them.
- 6.35 A Travel Plan has been submitted which seeks to reduce single occupancy vehicle travel and achieve a greater use of sustainable transport modes. The Travel Plan aims to achieve a 10% reduction in the number of single occupancy vehicle trips to and from the site. The Transport Policy Officer was reconsulted on the Travel Plan submitted but no response has been received. In the absence of any comments or objections from them, it is considered that the Travel Plan is sufficient and can be adequately secured by planning condition.
- 6.36 Overall, 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 and Trees***

- 6.37 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.

- 6.38 The application submissions include an Ecological Report which concludes that the development proposed would not have impacts on any designated site and there are no key habitats or populations of key species on the application site. The Ecological Report considers that mitigation measures to prevent adverse impacts on reptiles and hedgehogs, which may occur on the site, would be required.
- 6.39 No Biodiversity Net Gain metric calculation has been submitted to demonstrate that the development proposed would achieve a net gain, despite one previously being requested. The applicant considers that a biodiversity net gain can be adequately secured by planning condition.
- 6.40 In their initial responses to the application, both the Tree Officer and Ecologist raised objections to the development proposed due to the impact on a veteran Lime Tree in the northwestern corner of the site which is the subject of a Tree Preservation Order (TPO), and lack of any arboricultural information submitted to demonstrate the preservation of that tree. This tree is listed on the Ancient Tree Inventory as a notable tree.
- 6.41 Subsequently, a document title 'Tree Protection Plan Requirements' was submitted advising that the tree is located outside of, but adjacent to the boundary of the application site and that it would not be removed but protected during the development.
- 6.42 The Ecologist and Tree Officer have been consulted on the additional information submitted. The Tree Officer advises that the additional information submitted does not conform to British Standard BS 5837:2012 'Trees in relation to design, demolition and construction recommendations' and the root protection area (RPA) plotted is incorrect. The Tree Officer considers that the proposed building would be within the RPA of the tree and the only way in which this can be achieved without harming the veteran tree is by using specialist methods under Arboriculturist supervision. As such, the Tree Officer has not raised objections but requested conditions to secure Arboricultural Method Statement, Arboricultural Supervision, and landscaping.
- 6.43 The Ecologist considers that sufficient information has been provided and raises no objections, subject to conditions to secure works in accordance with ecology report, a landscape and ecological management plan (LEMP), and proposed biodiversity measures. The Newt Officer advises that despite the development being located in the Red Impact Risk Zone and near to an existing pond, because of isolation of the pond and low suitability of on-site habitat, it is considered that impacts to great crested newts are unlikely. As such, they have recommended that a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents to be completed by a suitably qualified ecologist is produced, to show that the works will be carried out following best practice procedures. This can reasonably be secured by planning condition.
- 6.44 Therefore, the development proposed is considered to accord with Policy CS17 of the Core Strategy and the NPPF in respect of biodiversity.

### ***Flooding and Drainage***

- 6.45 Policy CS16 of the Core Strategy requires surface water to be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 6.46 The application site is located in Flood Zone 1 (low risk of fluvial flooding) and there are no areas identified as being at risk of surface water flooding within the site or nearby.

- 6.47 The original application submissions included a very high-level Water Management Strategy document that identified the need for sustainable drainage systems to be employed at the site to ensure the surface water discharge rate of the site is not increased due to the new development. However, that document failed to establish the form of sustainable drainage system to be used in the development proposed. Consequently, the Lead Local Flood Authority (LLFA) raised objections to the application advising that details of the sustainable drainage system to be employed at the site are required to ensure they are feasible and can be adequately implemented within the scheme proposed.
- 6.48 Subsequently, the applicant provided a Drainage Strategy Report which proposes permeable paving in the car parking spaces, swales and a raingarden, and an attenuation tank. The LLFA have reviewed the Drainage Strategy Report and advise that they are largely satisfied but have requested some clarification.
- 6.49 Your officer considers that the principle of the sustainable drainage systems proposed to be employed at the site are acceptable and the details requested for clarification by the LLFA can be reasonably and adequately covered by planning condition, should the application be approved.
- 6.50 In respect of foul water, foul drainage is proposed to connect to a new package pump station to transfer foul water to an offsite private foul drainage system. Thames Water have raised no objections subject to a condition to ensure details of sufficient capacity for foul water is secured prior to development commencing.
- 6.51 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***

- 6.52 Policy CS15 of the Core Strategy requires major developments to achieve zero carbon in total CO<sub>2</sub> 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. This policy also requires major non-residential developments to achieve BREEAM Excellent standard of construction.
- 6.53 Policy CS14 Design Principles states that 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.
- 6.54 The Environment Delivery Team were consulted on the original application submissions and again following the submission of further information. However, no response has been received.
- 6.55 A BREEAM pre-assessment has been submitted which states a targeted BREEAM of Very Good but notes that there is potential to achieve BREEAM Excellent. Therefore, a condition can reasonably be imposed requiring the development to achieve BREEAM Excellent in accordance with Policy CS15 of the Core Strategy.
- 6.56 In respect of the proposed development achieving zero carbon in total CO<sub>2</sub> emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site, the applicant has advised that the development would not be able to achieve zero carbon in total CO<sub>2</sub> emissions as it would not be technically or economically viable to do so. The applicant states that NHS funding restrictions (NHS (General Medical Services Premises Costs) Directions 2024) would prevent the

development from being able to deliver zero carbon in total CO<sub>2</sub> emissions. However, having reviewed the information submitted by the applicant to demonstrate that delivering zero carbon in total CO<sub>2</sub> emissions would be economically unviable, there appears to be the possibility that funding could be provided if the applicant is able to demonstrate the improvements would provide a net financial benefit to the health service.

- 6.57 In addition, the applicant considers that it would not be technically viable to achieve zero carbon in total CO<sub>2</sub> emissions as a primary healthcare building has various technical and building services that are specialist to its use, in relation to function and infection control, which inevitably require more energy and a larger amount of on-site generation to cover this energy demand. As such, the applicant considers the development proposed would not be able to accommodate sufficient photovoltaics required for the building to achieve net zero carbon. However, the applicant has not submitted an Energy Statement assessing other forms of renewable/low carbon energy generation such as air or ground source heat pumps that could also be employed at the site. Whilst the claims by the applicant regarding the economic and technical viability of achieving zero carbon in total CO<sub>2</sub> emissions are noted, it is considered that insufficient evidence to support those claims has been submitted.
- 6.58 Therefore, the development proposed would not accord with the requirement of Policy CS15 in respect of achieving zero carbon in total CO<sub>2</sub> emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site. This harms the delivery of carbon reduction and the Council's ability to meet national targets in relation to CO<sub>2</sub> emissions reduction. This conflict with policy and harm weighs against the proposal and is considered in the planning balance.

### ***Other Matters***

#### **Greenham Parish Council Representations**

- 6.59 Greenham Parish Council raise concern regarding the location of the proposed surgery and increase in traffic, contrary to the West Berkshire Council Climate Emergency Plan.
- 6.60 As assessed in this report, whilst the proposed location for the surgery would require patients living in the town centre area to walk further or take alternative means of transport, patients from other parts of Newbury and Greenham as well as future planned residential development nearby would benefit from the new location. In addition, as noted by the Highways Officer the proposal would result in a negligible overall impact on the highway network in respect of traffic.
- 6.61 Furthermore, the provision of suitable healthcare facilities for the population weighs significantly in favour of the proposal and the NPPF advises that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development. As such, the proposed new site is, on balance, considered acceptable.

#### **Impact on Heritage Assets**

- 6.62 The Grade II listed Registered Park and Garden of Sandleford Priory is located approximately 230 metres to the southeast of the application site beyond the household waste recycling centre (HWRC). Due to distance between the site and the heritage asset and the intervening presence of Highwood Copse School and the HWRC. The development proposed is not considered to impact on the setting of that heritage asset.

6.63 Based on previous archaeological investigations in this area, the Archaeologist considers there is low potential for below ground heritage assets of archaeological importance.

## **7. Planning Balance and Conclusion**

- 7.1 As set out in this report, the applicant has adequately demonstrated a need for the new development and that there are no reasonable, alternative suitable (available) sites within town centre or the edge of the centre locations. Whilst the proposed location of the new surgery and pharmacy would detrimentally impact on the ability of some patients within the Newbury urban area to easily access the facility by foot or bicycle, patients from other parts of Newbury and Greenham as well as future planned residential development nearby would benefit from the new location. Furthermore, the provision of suitable healthcare facilities for the population weighs significantly in favour of the proposal and the NPPF advises that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development. As such, the principle of the proposed new site is, on balance, considered acceptable as the benefits would outweigh any negative impacts in the planning balance.
- 7.2 The proposed built form in the context of existing buildings to the south, north and northeast, the extant permission within the site and planned future development to the east, would not detrimentally impact on the character and appearance of the area. No significant impacts on the amenities of neighbouring properties have been identified and overall, there would not be an increase in traffic on the Newbury highway network. Sufficient visibility splays at the accesses proposed are reasonably likely to be achieved and the overall parking provision proposed is considered sufficient.
- 7.3 A biodiversity net gain can be achieved as part of the development proposed and biodiversity and trees can be adequately protected by way of conditions. It has been adequately demonstrated that surface and foul water can be sufficiently managed, and the development would be required to achieve BREEAM Excellent. However, the development proposed would not accord with the requirement of Policy CS15 in respect of achieving zero carbon in total CO<sub>2</sub> emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site. That would harm the Council's ability to meet national targets in relation to CO<sub>2</sub> emissions reduction

### ***Benefits of the proposal***

- 7.4 The proposed development would give rise to a number of public benefits which carry positive weight in the planning balance.
- 7.5 The proposal would provide much needed suitable healthcare facilities for the current and future population. This is an important social benefit attracting significant weight.
- 7.6 The development, when operational, would also increase employment opportunities and enhance local educational opportunities, representing economic and social benefits of moderate weight.
- 7.7 The application proposal would provide temporary employment opportunities during its construction phase providing an economic benefit of limited weight.

### ***Disbenefits of the proposal***

- 7.8 The proposed development would result in reduced accessibility for patients living within the urban area of Newbury to the north. This is considered to represent a disbenefit of moderate weight.
- 7.9 In addition, the proposed development fails to accord with Development Plan Policy CS15 in respect of achieving zero carbon in total CO<sub>2</sub> emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site. This is considered to represent a disbenefit of moderate weight.

### ***The Planning Balance***

- 7.10 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.
- 7.11 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***

- 7.12 In view of the above this planning application, as amended, is acceptable and satisfactory and should be granted planning permission subject to conditions.

## **8. Full Recommendation**

- 8.1 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).

### ***Conditions***

1.	<b>Commencement of development</b>  The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2.	<b>Approved plans</b>  The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:  Received 8 February 2024: - Site Location Plan, drawing number 2117 A001 Rev A. - Site Sections Plan, drawing number 2117 A300. - Proposed Roof Plan, drawing number 2117 A102 Rev A. - Proposed First Floor Plan, drawing number 2117 A101 Rev C.

	<p>Received on 21 November 2024:</p> <ul style="list-style-type: none"> <li>- Proposed Elevations Plan, drawing number 2117 A110 Rev D.</li> <li>- Proposed Ground Floor Plan, drawing number 2117 A100 Rev D.</li> <li>- Proposed Site Plan, drawing number 2117 A010 Rev G.</li> </ul> <p>Received 2 December 2024:</p> <ul style="list-style-type: none"> <li>- Proposed Site Plan and Cross Section indicating relative Building Heights, drawing number 2117 Z002.</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Construction Method Statement</b></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"> <li>(a) A site set-up plan during the works showing the layout, surfacing arrangements, visibility splays, and any adjoining gates and means of enclosure;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Details of any banksman arrangements;</li> <li>(e) Storage of plant and materials used in constructing the development;</li> <li>(f) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</li> <li>(g) Temporary access arrangements to the site, and any temporary hard-standing;</li> <li>(h) Wheel washing facilities;</li> <li>(i) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</li> <li>(j) A scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>(k) Hours of construction and demolition work;</li> <li>(l) Hours of deliveries and preferred haulage routes.</li> </ul> <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>
4.	<p><b>Landscape and Ecological Management Plan (LEMP)</b></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"> <li>(a) Description and evaluation of features to be managed.</li> <li>(b) Ecological trends and constraints on site that might influence management.</li> <li>(c) Aims and objectives of management.</li> <li>(d) Appropriate management options for achieving aims and objectives for 30 years post development.</li> <li>(e) Prescriptions for management actions.</li> </ul>

	<p>(f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</p> <p>(g) Details of the body or organization responsible for implementation of the plan.</p> <p>(h) Ongoing monitoring and remedial measures.</p> <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>
5.	<p><b>Sustainable Drainage</b></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> <ul style="list-style-type: none"> <li>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;</li> <li>b) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site reflecting final design levels;</li> <li>c) Include cut off features where there is a residual risk of exceedance flows leaving the site and impacting adjacent land;</li> <li>d) Include a drainage strategy for surface water run-off within the site reflecting the final detailed design;</li> <li>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;</li> <li>f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</li> <li>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;</li> <li>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;</li> </ul>

	<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>
6.	<p><b>Arboricultural Method Statement</b></p> <p>No development (including site clearance and any other preparatory works) shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall include details of the implementation, supervision and monitoring of all temporary tree protection (including ground protection) and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
7.	<p><b>Arboricultural supervision condition</b></p>

	<p>No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
8.	<p><b>GCN Strategy</b></p> <p>No development shall commence until a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents to be completed by a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be undertaken in accordance with the approved documents.</p> <p>Reason: To ensure the protection of Great Crested Newt species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
9.	<p><b>Foul Water Network</b></p> <p>The development hereby approved shall not be brought into first use until confirmation has been submitted to and approved in writing by the Local Planning Authority that either:</p> <ul style="list-style-type: none"> <li>a) foul water capacity exists off site to serve the development,</li> <li>or,</li> <li>b) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied,</li> <li>or,</li> <li>c) all foul water network upgrades required to accommodate the additional flows from the development have been completed.</li> </ul> <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: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p><b>Building Materials</b></p> <p>No above ground development shall take place until a schedule of all materials and finishes visible external to the buildings, including 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</p>

	<p>Officer upon request. 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>
11.	<p><b>Hard Surface Materials</b></p> <p>No above ground development shall take place until details and a schedule of all hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The details shall include boundary treatments or other means of enclosure, dropped kerbs and tactile paving.</p> <p>The hard surfacing, boundary treatment, means of enclosure, dropped kerbs and tactile paving shall be implemented in full in accordance with the approved details prior to the development being brought into first use.</p> <p>Reason: To ensure that the materials are appropriate to the area and adequate provision of pedestrian and cycle access. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
12.	<p><b>Soft Landscaping</b></p> <p>The development hereby approved shall not be brought into first use 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 use of the new building (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. 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>
13.	<p><b>Electric Vehicle Charging details</b></p> <p>The development hereby approved shall not be brought into first use until electric vehicle charging points have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</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.</p>

14.	<p><b>Cycle parking/storage</b></p> <p>The development hereby approved shall not be brought into first use 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, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
15.	<p><b>Photovoltaic Panels</b></p> <p>The development hereby approved shall not be brought into first use until the photovoltaic panels have been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</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>
16.	<p><b>Travel Plan</b></p> <p>The owner/occupier shall implement the submitted Travel Plan dated December 2024 (ref: J327193 v1.1, Osmond Tricks) commencing no later than 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>
17.	<p><b>Parking</b></p> <p>The development hereby approved shall not be brought into first use 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</p>

	National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026.
18.	<p><b>Refuse Storage prior to occupation</b></p> <p>The development hereby approved shall not be brought into first use until a storage area for refuse and recycling receptacles have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).</p>
19.	<p><b>Visibility Splays</b></p> <p>The development hereby approved shall not be brought into first use until visibility splays have been provided in both directions at the new accesses onto Highwood Copse Way in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>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>
20.	<p><b>BREEAM</b></p> <p>The development hereby permitted shall achieve a rating of “Excellent” under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No later than 3 months after the building is operational, a final Certificate must be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, and a copy provided to the Local Planning Authority.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
21.	<p><b>Compliance with Biodiversity Method Statements</b></p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological report (Wessex Ecological consultancy, August 2023), Proposed site plan revision G (Osmond Tricks, November 2024), and Tree protection plan requirements (Osmond Tricks, August 2024).</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>
22.	<b>Use Restriction</b>

	<p>The development hereby permitted shall be used as a primary healthcare facility with ancillary pharmacy only and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: The premises are located outside of the town centre commercial area and settlement boundary where other uses within Class E may not be appropriate. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS9, CS11 and CS13 of the West Berkshire Core Strategy (2006-2026), and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
23.	<p><b>Biodiversity measures</b></p> <p>The development hereby permitted shall not be brought into first use until Bat and Bird boxes have been installed/constructed in accordance with the Ecological Report (Wessex Ecological consultancy, August 2023).</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>

### **Informatives**

1.	<p><b>Proactive</b></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><b>CIL Liability</b></p> <p>The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus 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, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, 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 a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and</p>

	additional costs to you in the form of surcharges. For further details see the website at <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a>
3.	<p><b>Compliance with conditions</b></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><b>Pre-conditions</b></p> <p>Conditions nos. 3-8 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><b>Compliance with approved drawings</b></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><b>Building Regulations</b></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: <a href="mailto:building.control@wokingham.gov.uk">building.control@wokingham.gov.uk</a>, or visit: <a href="http://www.wokingham.gov.uk/building-control">www.wokingham.gov.uk/building-control</a></p>
7.	<p><b>Access Construction</b></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>
8.	<p><b>Incidental Works</b></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>

9.	<p><b>Damage to Footways, Cycleways and Verges</b></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>
10.	<p><b>Damage to the Carriageway</b></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>
11.	<p><b>Biodiversity Net Gain</b></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><b>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</b></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"> <li>1. The application for planning permission was made before 12 February 2024.</li> <li>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.</li> <li>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"> <li>(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or</li> <li>(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</li> </ol> </li> <li>4. The permission which has been granted is for development which is exempt being:       <ol style="list-style-type: none"> <li>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"> <li>i) the application for planning permission was made before 2 April 2024;</li> </ol> </li> </ol> </li> </ol>

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,

	<p>information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.</p> <p>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.</p> <p><b>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</b></p> <p>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.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> <li>i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and</li> <li>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.</li> </ul> <p><b>PHASED DEVELOPMENT</b></p> <p>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.</p> <p>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).</p>
11.	<p><b>NHS BOB-ICB</b></p> <p>The applicant is advised to submit a formal business case to the BOB-ICB as soon as possible so that this case can be formally assessed by the BOB-ICB, including the cost implications of the rental valuation of a new build. The grant of any planning permission of the new build does not imply that the BOB-ICB will support the case.</p>
12.	<p><b>GCN</b></p> <p>The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably</p>

qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
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