



Mr GIAN BENDINELLI  
THE PLANNING BUREAU LTD  
C/O SOUTHERN HOUSE  
1 EMBAKMENT WAY  
RINGWOOD  
BH24 1EU

## **NOTICE OF APPROVAL**

### **Town & Country Planning Act 1990**

### **Town & Country Planning (Development Management Procedure) (England) Order 2015**

In pursuance of its powers under the abovementioned Act, the Council as Local Planning Authority hereby GRANTS planning permission for the:

**Proposal:** Erection of 42 retirement living apartments (Category II Type) with communal facilities, landscaping and car parking. Erection of a Class A1 Retail store with 5 flats at first floor level, car parking and service layby

**Location** 42-46 New Road Tadley RG26 3AL

**Applicant:** McCARTHY AND STONE RETIREMENT LIFESTYLES LTD

in accordance with your application, plans and particulars unless otherwise agreed in writing with the Local Planning Authority, and with regard to the associated Legal Agreement, **and subject to compliance with the following conditions:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

SO-2560-03-AC-00-B -Site Location Plan.pdf  
SO-2560-03-AC-01-A Site Existing Topographical Survey.pdf  
SO-2560-03-AC-7222-1- Site Plan Proposed GA.pdf  
SO-2560-03-AC-7002-1 -Proposed Site Plan -RL and Retail.pdf  
SO-2560-03-AC-100-C Retail\_Proposed Floor Plans.pdf  
SO-2560-03-AC-103-E Retail\_Proposed Elevations.pdf  
SO-2560-03-AC-7010-1 -RL\_Ground Floor GA.pdf  
SO-2560-03-AC-7011-1- RL\_First Floor GA.pdf  
SO-2560-03-AC-7012-1- RL\_Second Floor GA.pdf  
SO-2560-03-AC-7013-1. RL Roof Plan GA.pdf  
SO-2560-03-AC-15-A Proposed Site Sections.pdf  
SO-2560-03-AC-7015-1- North Elevation Comparison.pdf  
SO-2560-03-AC-7016-1-East Elevation Comparison.pdf  
SO-2560-03-AC-7017-1-South Elevation Comparison.pdf  
SO-2560-03-AC-7018-1 West Elevation Comparison.pdf  
SO-2560-03-AC-84-B MSS Elevations.pdf  
034.112.003A Site Access & Refuse Tracking  
034.112.005 Proposed Layby and Visibility Assessment

SO-2560-03-DE-02 C Proposed Drainage Design Layout Plan.pdf  
990KC XX YTREE TREE CONSTRAINTS PLAN 01 REV 0.pdf  
SO-2560-03-LA-02 E Landscape proposals.pdf  
SO-2560-03-LA-03 C Detailed Planting plan Sheet 1of 3.pdf  
SO-2560-03-LA-04 C Detailed Planting plan Sheet 2of 3.pdf  
SO-2560-03-LA-05 B Detailed Planting plan Sheet 3of 3.pdf

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
- 3 The development hereby approved shall be carried out in strict accordance with the Chapter 6 Mitigation and Chapter 7 Enhancements of the Phase 2 Bat Emergence Survey by Abbas Ecology dated July 2018.  
REASON: In order to meet with derogation test 3 of the Conservation of Habitats and Species Regulations 2017, and also in accordance with the National Planning Policy Framework (July 2021) and Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.
- 4 The development hereby approved shall be carried out in strict accordance with the Construction Method Statement Plan by McCarthy & Stone (dated February 2020) as approved under application reference 21/02300/CONDN on 19.11.2021.  
REASON - To minimise the effect of the works on the amenity of the locality and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.
- 5 The development hereby approved shall be carried out in strict accordance with the Tree Protection Plan (dwg ref: 9990-KC-XX-YTRES-TPP01 Rev 0) (dated 23.01.2020) as approved under application reference 21/02300/CONDN on 19.11.2021.  
The approved tree protection shall be erected prior to any site activity commencing and maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.  
REASON: In the interests of local amenity and the enhancement of the development itself, in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 6 The development hereby approved shall be carried out in strict accordance with Construction Phase Emergency Action Plan (Phase 1) (dated July 2021) as discharged under application 21/02215/CONDN.  
Following the occupation of the development hereby approved, the development shall be maintained in accordance with the Retail Store Emergency Action Plan (Phase 2) (dated July 2021), the Retirement Apartments Emergency Action Plan (Phase 2) (dated July 2021) and the Apartments Over Retail Store Emergency Action Plan (Phase 2) (dated July 2021) as discharged under application 21/02211/CONDN.  
In accordance with the details discharged, the Emergency Action Plans shall be reviewed on an ongoing basis, once every 12 months and submitted yearly on the 1st April to Basingstoke and Deane Borough Council and West Berkshire Council Emergency Planning Team. The development shall thereafter be maintained in accordance with the details so approved.  
REASON: In the interests of public safety in accordance with Policy SS7 of the Basingstoke and Deane Local Plan 2011-2029.

- 7 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.  
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 8 No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.  
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 9 The development hereby approved shall be carried out in strict accordance with the Ground Condition Assessment (ref: 5006864-RDG-XX-ST-DOC-C-0002 Dated: 21 September 2018); Additional Ground Investigation Report prepared by Ridge and Partners LLP (ref: 5006864-RDG-XX-ST-DOC-C-00AGI Dated: 18 September 2020); Further Asbestos Sampling Covering Letter prepared by Ridge and Partners LLP (Dated: 7 October 2021); Covering letter (Dated: 13 October 2021) as approved under application reference 21/03216/CONDN on 02.11.2021.  
If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.  
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.
- 10 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 9 that any remediation scheme required and approved under the provisions of condition 9 has been implemented fully in accordance with the approved details. Such verification shall comprise;  
as built drawings of the implemented scheme;  
photographs of the remediation works in progress;  
Certificates demonstrating that imported and/or material left in situ is free of contamination.  
Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9.  
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

11 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that any identified asbestos has been removed from the application site and disposed of by a licensed asbestos contractor in accordance with the Control of Asbestos Regulations 2012. REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

12 The development hereby approved shall be carried out in strict accordance with the details of the materials to be used for hard and paved surfacing, as approved under application 21/03773/CONDN on 09.02.2022. For clarification the details approved are as shown on the following drawings:

- Landscape General Arrangement Sheet 1 of 3; dwg. no. MCS623/Drg 10 P10
- Landscape General Arrangement Sheet 2 of 3; dwg. no. MCS623/Drg 11 P10
- Landscape General Arrangement Sheet 3 of 3; dwg. no. MCS623/DRG 12 P10

The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.

REASON: In the interests of visual amenity and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

13 The development hereby permitted shall be carried out in strict accordance with the hard and soft landscaping details and the positions, design, materials and type of screen walls/fences/hedges as approved under application 21/03773/CONDN on 04.02.2022. For clarification the details approved are as shown on the following drawings:

- Landscape General Arrangement combined - reduced scale; dwg. no. SO-2560-04-LA - MCS623/ Drg19 Rev P10
- Landscape General Arrangement (Sheet 1 of 3); dwg.no SO-2560-04-LA - MCS623/ Drg 10 Rev P10
- Landscape General Arrangement (Sheet 2 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 11 Rev P10
- Landscape General Arrangement (Sheet 3 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 12 Rev P10
- Detailed Planting Plan (Sheet 1 of 3); dwg. no. SO-2560-04-LA - MCS623/ Drg 15 Rev P7
- Detailed Planting Plan (Sheet 2 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 16 Rev P7
- Detailed Planting Plan (Sheet 3 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 17 Rev P7

The approved screen walls/fences shall be erected before the buildings hereby approved are first occupied and shall subsequently be maintained.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall be maintained in accordance with the Landscape Management Plan and Maintenance Specification - V3 - updated 19-01-2022 (ref: MCS623 / ADFK / 19-01-2022 v3) as approved under application 21/03773/CONDN on 04.02.2022.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 14 The development hereby approved shall be carried out in strict accordance with the scheme for protecting the approved dwellings from plant noise associated with the development as approved under application 21/03773/CONDN on 04.02.2022. For clarification, the details approved are:

- Guarding Glass Acoustic Calculation;
- Environmental Noise Survey Rev 3 (dwg. no. REP-1012069-5A-TH-20220127)
- Lo-Carbon Sentinel Kinetic Advance Brochure
- Window Details - Brickwork (dwg. no. SO- 2560- 04- AC-1015- B)

All works which form part of the noise mitigation scheme shall be completed before the dwellings hereby approved are occupied and thereafter retained.

REASON: In the interests of residential amenity, and to ensure acceptable noise levels are not exceeded within the dwellings and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011- 2029.

- 15 No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in approved reports under condition 14. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken. If the noise levels approved under Condition 14 are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to an approved in writing by the Local Planning Authority and implemented in full prior to the first occupation of the relevant phase.

REASON: In the interests of residential amenity, and to ensure acceptable noise levels are not exceeded within the dwellings and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011- 2029.

- 16 A minimum of 15% of the properties shall be built to accessible and adaptable standards to enable people to stay in their homes as their needs change. The development hereby permitted shall be carried out in accordance with the details approved under application 21/033773/CONDN on 09.02.2022 in this regard.

REASON: To ensure an appropriate high quality form of development and to accord with Policies CN1 and CN3 of the Basingstoke and Deane Local Plan 2011-2029.

- 17 No development above ground floor slab level shall commence on site until details of the height, design and materials to be used in the construction of the privacy screens to the balconies of Units 27 and 28 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: In the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 18 The development hereby approved shall be carried out in strict accordance with the Lighting Design as approved under application 22/00214/CONDN on 16.03.2022 and thereafter maintained.  
REASON: In the interests of the character and ecology of the area and to meet the requirements under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010 in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.
- 19 Prior to the first occupation of the development hereby approved the provision for the parking of vehicles shown in the approved plans parking shall be constructed, laid and marked out and shall thereafter be retained for the parking of vehicles.  
REASON: To ensure adequate on site car parking provision for the approved development is provided on site and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.
- 20 The windows at first floor level on the western elevation to Units 27 and 28 shall be non-opening and glazed with obscured glass, and shall be installed prior to the occupation of these units. The windows shall remain non opening and obscured glazed.  
REASON: To protect the privacy of the adjacent property and to prevent overlooking, in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

#### Notes to Applicant

- 1 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
- 1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

- 2 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
- proactively offering a pre-application advice (in accordance with paragraphs 39 - 46);
  - considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 55-58).

In this instance:

- the application was acceptable as submitted and no further assistance was required.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

- 3 This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
- 4 The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application> . For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency> .
- 5 The applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact the Planning and Development Manager with regard to the necessary consents applicable under the Building Regulations.
- 6 The planning permission does not authorise the undertaking of any works within the highway (carriageway, footway or verge). Any works within the highway must be approved by S278 Agreement, details of which can be found at <https://www.hants.gov.uk/transport/developers/constructionstandards>
- 7 The applicants attention is drawn to the attached email from Thames Water dated 18th March 2021.

The officer's report can be viewed on the council's website [www.basingstoke.gov.uk](http://www.basingstoke.gov.uk).

A handwritten signature in black ink, appearing to read 'Ruth Ormella'.

Ruth Ormella MRTPI  
Head of Planning Sustainability and Infrastructure

Date: 6 October 2022

It is important that you read the notes overleaf



## NOTIFICATION - APPEALS TO THE SECRETARY OF STATE

**21/00671/FUL**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

**If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.**

**However, if**

- (i) this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or,
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - 28 days of the date of service of the enforcement notice, *or*
  - within 6 months of the date of this notice, whichever period expires earlier; or,
- (iii) this is a decision to refuse planning permission for a minor commercial application you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Jane Watson

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From: BCTAdmin@thameswater.co.uk  
Sent: 18 March 2021 13:01  
To: DevelopmentControl  
Subject: 3rd Party Planning Application - 21/00671/FUL

\*\*\*\* PLEASE NOTE: This message has originated from a source external to Basingstoke & Deane Borough Council, and has been scanned for viruses. Basingstoke and Deane Borough Council reserves the right to store and monitor e-mails \*\*\*\*

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A/O Planning, Basingstoke & Deane Borough Council Our DTS Ref: 58930  
Planning Environment & Transport Your Ref: 21/00671/FUL  
Civic Offices, London Road  
Basingstoke  
Hampshire  
RG21 4AH

18 March 2021

Dear Sir/Madam

Re: 42-46, NEW ROAD, TADLEY, HAMPSHIRE , RG26 3AL

#### Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed

housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development” The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

Yours faithfully  
Development Planning Department

Development Planning,  
Thames Water,  
Maple Lodge STW,  
Denham Way,  
Rickmansworth,  
WD3 9SQ  
Tel:020 3577 9998  
Email: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)

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**Application 21/00671/FUL**

<b>Details of Application:</b>	Full Planning Application Erection of 42 retirement living apartments (Category II Type) with communal facilities, landscaping and car parking. Erection of a Class A1 Retail store with 5 flats at first floor level, car parking and service layby Date Registered 23 February 2021 (Subject to three year condition)
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<b>Location:</b>	Address: 42-46 New Road Tadley RG26 3AL Ward: Tadley & Pamber Parish: TADLEY CP OS: 459915 161408
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<b>Applicant:</b>	McCARTHY AND STONE RETIREMENT LIFESTYLES LTD
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<b>Case Officer:</b>	Jemma Cox 01256 845304
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**RECOMMENDATION:**

It is RECOMMENDED that the applicant be invited to enter into a legal agreement (in accordance with the Community Infrastructure Levy Regulations 2010 and Policies CN1 and CN9 of the Basingstoke and Deane Local Plan 2011-2029 between the applicant and the Borough and County Councils to secure:

- On site affordable housing;
- Traffic Regulation order

On completion of the legal agreement(s) planning permission is to be granted subject to the conditions listed at the end of this report.

**Planning Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Basingstoke and Deane Local Plan 2011-2029 which locates the application site within the Settlement Policy Boundary for Tadley and is also located within the DEPZ.

National Planning Policy Framework (July 2021)

- Section 2 (Achieving sustainable development)
- Section 4 (Decision-making)
- Section 5 (Delivering a sufficient supply of homes)
- Section 7 (Ensuring the vitality of town centres)
- Section 8 (Promoting healthy and safe communities)
- Section 9 (Promoting sustainable transport)
- Section 11 (Making effective use of land)
- Section 12 (Achieving well-designed places)
- Section 15 (Conserving and enhancing the natural environment)

National Planning Practice Guidance

## Basingstoke and Deane Local Plan 2011-2029

The Basingstoke and Deane Local Plan 2011-2029 sets the Council's vision and strategy for the area and will provide the basis for decisions on planning applications.

The main policies of the Local Plan relevant to this proposed development comprise:

Policy SD1 (Presumption on Favour of Sustainable Development)  
Policy SS1 (Scale and Distribution of New Housing)  
Policy SS7 (Nuclear Installations)  
Policy CN1 (Affordable Housing)  
Policy CN3 (Housing Mix for Market Housing)  
Policy CN4 (Housing for Older People / Specialist Housing)  
Policy CN6 (Infrastructure)  
Policy CN9 (Transport)  
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)  
Policy EM5 (Green Infrastructure)  
Policy EM9 (Sustainable Water Use)  
Policy EM10 (Delivering High Quality Development)  
Policy EM12 (Pollution)  
Policy EP3 (Town, District and Local Centres)

## Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Design and Sustainability SPD (2018)  
Parking Standards SPD (2018)  
Housing SPD (2018)  
Landscape, Biodiversity and Trees SPD (2018)  
Planning Obligations for Infrastructure SPD (March 2018)  
Tadley Design Statement (2004)

## Other material documents

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended)  
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017  
Green Infrastructure Strategy (2018)

## **Description of Site**

The application site was last occupied by a comparison goods retail premises (Reading Warehouses) with a floor area of 2496m<sup>2</sup> located within a two storey building, with a pitched and side gabled roof at the frontage and two storey and single storey flat roof buildings to the rear. Although it is noted that the premises is currently vacant.

A vacant two storey building lies adjacent to the western boundary of the site. Access for deliveries is taken to the eastern side of the site onto New Road to the south. The site is bounded to the north, east and west by a mixture of post and wire and close boarded timber fencing. To the south of the site is an area given over to the parking of customer's vehicles.

In terms of surrounding uses, there is a school to the north of the site, dwellings to the west, a surgery to the east and dwellings to the south (Candover Close). The site is bounded by New Road to the south.

## Proposal

This application seeks permission for the demolition of the existing retail premises and vacant building and the erection of a three storey block comprising of 42 retirement flats (24no. 1 bed and 18no. 2 bed) with associated communal facilities, including a detached mobility scooter garage, landscaping and car parking. The retirement flat block would be located in the northern part of the site and would have its main entrance in the southern elevation. The proposed flatted building would measure 65.7m in width, 34.4m in depth and have hipped pitched roofs with flat roofed elements with a maximum height of 11.28m.

The central portion of the building would be 3 storeys with 2 storey wings to the east and west.

Also proposed is a two storey building located in the south eastern part of the site comprising a retail unit of 391m<sup>2</sup> floor space at ground floor level and 5 market flats at first floor level (2no. 2 bed and 3no. 1 bed).

Access to the development would be taken from New Road in the south western corner of the site with 26 in no. vehicle parking spaces provided for the retirement flats, 9 in no. for the proposed market flats and 15 for the proposed retail unit.

### Amended Plans

At the time of submission, the application was submitted concurrently with an appeal for application reference 18/03146/FUL which was refused planning permission on 15.01.2021. As initially submitted, the development proposals were for a duplicate scheme to that considered under application reference 18/03146/FUL.

Throughout the course of the application, amended plans were received. The amendments comprise:

- External changes to proposed roof lines, balconies and bays of the retirement living block.
- Slight layout changes to the proposed parking area are also proposed.

## Consultations

**Tadley Town Council:** "Object.

Pleased to see an affordable housing cascade mechanism but would like some reassurances from Basingstoke & Deane Borough Council that the Registered Provider will be one of the existing well established providers. Options 2 and 4 offer a commuted sum which will be of little benefit to Tadley residents, there is a shortage of land for development in Tadley and all the land that is available is privately owned and therefore won't be used for affordable housing. Concerned as to how having 2 different organisations managing properties on the site is going to work in practice.

We agree there is a need for smaller/retirement homes to allow residents to downsize, however we are aware that McCarthy & Stone homes are aimed at the higher end of the market and their properties would therefore probably be out of the reach of a lot of our residents wanting to downsize. Looking on the McCarthy & Stone website, a development in Alton is marketing 1 beds for £280000 and 2 beds for £385000 and a development in Didcot is marketing 1 beds for £270000 and 2 beds for £299000. Those sorts of prices are more likely to attract those living nearer to London wanting to downsize so of no benefit to our residents.

Object to the height of the retirement building, this is out of keeping with the existing street scene and therefore should be limited to 2 storeys. A 3 storey development also comprises overdevelopment of the site. Concerned that a 3 storey building will overlook the adjacent Bishopswood infant and junior schools. Children from the schools use the area right up to the border with the site, concerned about safeguarding, suggest some sort of screening is installed. Also concerned about the evacuation of elderly people from a 3 storey building in an emergency situation, such as a fire, when lifts would be out of operation.

Note there is no parking barrier for the parking spaces allocated to the 5 flats above the retail unit.

No consideration for how ambulances and delivery vehicles will enter the car park (that has a barrier) for the retirement flats.

The proposal does not show any pedal or motor cycle parking for residents, staff and visitors. In addition, there is no pick up or drop off facility for taxis, chemist deliveries or any other deliveries.

Disappointed with the proposal for a Co-op on the site when there is a small independently run convenience store nearby. The Co-op would almost certainly put the Koala store out of business. It would be good to see some other retail development on the site which would increase the diversity of shops in the town. The Statement of Community Involvement (page 11) raises this as an issue but it is not addressed adequately.

Local doctor's surgeries are already struggling to serve the residents of Tadley and adjoining parishes, this development will undoubtedly put even more strain on the surgeries. The Statement of Community Involvement (page 12) raises this as an issue but the response addresses the impact on hospital accommodation and not the impact on local doctor's surgeries. Morland Surgery which is adjacent to the site is currently not taking on any new patients. Consideration in this respect also needs to be given to the planning approval already given for 15/03090/FUL 120-bedroom care home at Bishopswood Golf Course. Note that Tadley lost one of its dental surgeries in November 2018 so there is going to be a shortfall in dental provision too.

Concerned that as there is no pedestrian crossing in New Road, elderly residents would have difficulty crossing a very busy road.

The site is located within the AWE 3km exclusion zone.

Sad to see the closure of Reading Warehouse which has been a real asset to the town saving residents a trip to Basingstoke, Newbury or Reading for white goods, furniture and lots more."

**Housing:** No objection subject to agreement to secure affordable housing.

**Thames Water:** Waste: No objection. Water: No objection subject to condition.

**Biodiversity:** Additional information required.

**Landscape:** No objection.

**Joint Waste Client Team:** Amendments and additional information required.

**HCC Highways:** No objection subject to conditions and legal agreement to secure a Traffic Regulation Order.

**Urban Design:** No objection.

### **Public Observations**

Four letters of objection have been received on the application:

- The number of parking proposed is too low and does not provide for visitor parking
- Overspill of parking onto the highway will cause disruption to the free flow of traffic
- Proposed lay-by would cause obstruction when cars are using it
- No provision for delivery vehicles to the retail store
- No need for a further retail store in the area
- Highway is always very busy along this section of new road
- Many buses use this part of New Road for school children pick up and drop off
- Insufficient infrastructure to support the development
- Impacts on biodiversity
- Biodiversity information is not complete or comprehensive

### **Relevant Planning History**

18/03146/FUL	Erection of 42 retirement living apartments (Category II Type) with communal facilities, landscaping and car parking. Erection of a Class A1 Retail store with 5 flats at first floor level, car parking and service layby	REF Allowed on appeal	15.01.2021  25.06.2021
BDB/44450	Variation of conditions 1, 2 and 3 of BDB36622	GTD	11.11.1999
BDB/36622	ERECTION OF ADDITIONAL SHOWROOM WITH WAREHOUSE OVER	GTD	29.09.1994
BDB/15258	CHANGE OF USE OF FIRST FLOOR FROM STORAGE TO RETAIL	REF	12.09.1983

#### Application 18/03146/FUL

The former application sought planning permission for the demolition of the existing retail premises and vacant building and the erection of a three storey block comprising of 42 retirement flats (24no. 1 bed and 18no. 2 bed) with associated communal facilities, including a detached mobility scooter garage, landscaping and car parking. Also proposed was a two storey building located in the south eastern part of the site comprising a retail unit of 391m<sup>2</sup> floor space at ground floor level and 5 market flats at first floor level (2no. 2 bed and 3no. 1 bed). Access to the development would have been taken from New Road in the south western corner of the site with 26 in no. vehicle parking spaces provided for the retirement flats, 9 in no. for the proposed market flats and 15 for the proposed retail unit.

The application was refused planning permission on the 15th January 2021 following debate at the Development Control Committee for the following reason:

1. In the absence of any suitable legal agreement, or justification for the absence of a legal agreement, the proposed development does not make adequate provision in relation to Affordable Housing or for funding for a Traffic Regulation Order related to the use of the layby to the front of the site. The proposed development is therefore contrary to Sections 5 and Section 9 of the National Planning Policy Framework



(2019), Policies CN1 and CN9 of the Basingstoke and Deane Local Plan 2011-2029, the guidance contained within Section 2 of the Housing Supplementary Planning Document 2018 and the Community Infrastructure Levy Regulations 2010 (as amended).

#### *Development Control Committee - 11th September 2019*

The Application was initially recommended for approval by Officers to the Development Control Committee on 11th September 2019 subject to conditions and a legal agreement to securing an offsite affordable housing contribution.

However, during debate, concerns were raised by Members that an off-site affordable housing contribution would be difficult to spend in the area due to the Detailed Emergency Planning Zone restriction within this part of the Borough. Concerns were also raised in respect of accessible parking provision and the use of the proposed layby to the front of the site. At the meeting, it was resolved to defer the application to enable Officers to discuss alternative options in respect of affordable housing contributions and details on how the layby would be used.

#### *Development Control Committee - 6th November 2019*

Following discussion with the Applicant, the Application was referred back to the Development Control Committee on 6th November 2019 with a recommendation for approval subject to conditions and legal agreement. This time, it was recommended that the affordable housing be provided on site and this would be secured through a legal agreement.

At this meeting, the Committee considered the following three options to enable an on-site provision for affordable housing:

- Option 1 - 5no. x Social Rented Units (45% of Market Value) plus reduced profit (6% for the residential and 18.5% for the retail) Residual land value £940,237 i.e. Not Viable as this is below the Benchmark Land Value of £1,080,000
- Option 2 - 5no. x Intermediate Unit (60% of Market Value) plus reduced profit (6% for the residential and 18.5% for the retail) Residual land value £1,092,112 i.e. Viable as it is marginal~ above the Benchmark Land Value
- Option 3 - 5no. x Market Discount (80% of Market Value) profit at 18.5% across both Residual land value £1,186,912 i.e. Viable. This would also attract a commuted sum of £100,000

Additional reporting to the Development Control Committee also indicated that a Traffic Regulation Order could also be secured to restrict the use of the proposed layby if considered appropriate and necessary by the Committee.

As set out within the Officers Report to the Committee the Housing Team confirmed that the legal agreement should secure a cascade mechanism which would secure Option 2 first, and if there is a lack of interest from the Registered Providers then it would cascade to Option 3. The Committee resolved to approve the application on this basis with the minutes only stating that on-site affordable housing be secured through the section 106 agreement.

The resolution to grant planning permission also included the addition of a legal obligation to secure funding for a Traffic Regulation Order to restrict the use of the layby for the loading/unloading for the proposed shop.

However, during subsequent dialogue with the Applicant following the resolution to grant planning permission as set out above, the Applicant sought a further cascade option securing the following:

- Option 4 - should no Registered Provider come forward for Option 2 and it is proven that there is no demand for Option 3, then the applicant shall pay a commuted sum of £202,326 prior to occupation of the market units

Whilst, at the time, it was asserted that Option 4 was made clear to Officers prior to the November 2019 Development Control Committee, it was nevertheless not reported to the Development Control Committee at the time. As such, Officers were of the opinion that Option 4 did not form part of the resolution and that for it to be included, the application would need to be referred back to the Development Control Committee.

*Development Control Committee - 9th December 2020*

The application was referred back to the Development Control Committee on 9th December 2020 seeking to vary the legal agreement (as previously resolved to approve during November 2019 DCC) to secure the following:

- Option 1 - 5no. x Intermediate Unit (60% of Market Value)
- Option 2 - 5no. x Market Discount (80% of Market Value) and a commuted sum of £100,000
- Option 3 - should Options 1 and 2 not be achievable, then the applicant shall pay a commuted sum of £202,326

Officers recommended the above cascade approach for approval on the basis that it would, as a first priority secure onsite affordable housing (under Options 1 and 2) and would only as a third final option revert to an offsite contribution (if options 1 and 2 were not possible). Without the final third option, there is potential that Options 1 and 2 are available but cannot be met because no registered provider wishes to take the units or if there were no interest for the discount market housing, then the a proportion of the development would be prevented from being occupied. Not only would this be unacceptable to the developer but it would be undesirable in terms of housing provision if units were left unoccupied.

Notwithstanding this, Members resolved to refuse the amendment, due to continued concerns regarding the ability to identify affordable housing schemes in the Tadley area where the total contribution could be spent given the restrictions on development associated with the Detailed Emergency Planning Zone (DEPZ).

Accordingly the position reverted back to the original resolution of the November 2019 Development Control Committee, which was to grant planning permission subject to the signing of a section 106 Agreement. As with all such resolutions these are worded such that if a section 106 Agreement cannot be completed officers are delegated to refuse the application on those grounds.

After DCC on 9 December 2020 the applicant's agent confirmed in writing that the applicant would not complete a Section 106 Agreement without a third option of the cascade as it would potentially result in the market elements of the scheme being left unoccupied in the event of the other options not being fulfilled. Instead the intention to appeal a refusal of the planning permission was expressed.

Given the narrowness of the issue that would form a reason for refusal (in essence this single point on the options of how the affordable housing provision would be secured), the resolution to grant planning permission and the council's current position in relation to not being able to demonstrate a 5 year housing land supply, officers continued to engage with the applicants agent as to whether there could be an alternative third option.

*Development Control Committee - 13th January 2021*

The discussions with the Agent following the December 2020 DCC resulted in the following cascade of options being put to Development Control Committee in January 2021:

- Option 1 - 5no. x Intermediate Unit (60% of Market Value)
- Option 2 - should Option 1 not be achievable 5no. x Market Discount (80% of Market Value) available to qualifying persons and a commuted sum of £100,000
- Option 3 - should Options 1 and 2 not be achievable, 5no. x Market Discount (80% of Market Value) available to the market and a commuted sum of £100,000

This arrangement would allow for the discount market housing to be offered to the wider market in the event that the council are not able to nominate qualifying persons under Option 2. As with Option 2 the discount element of 80% market value would remain for re-sales.

However, and notwithstanding Officers recommending approval, Members continued to raise concerns with the proposed cascade arrangement in respect of affordable housing provision. Whilst this cascade arrangement did not include a full off-site affordable housing contribution, concerns were raised that the sale of discount market units on the open market would result in units being purchased at 80% of market value but let out at full market rate, resulting in a loss of affordable housing provision in the future.

The Development Control Committee resolved to refuse the suggested amendment to the legal agreement. As such, the position reverted back to the original resolution of the November 2019 Development Control Committee, which was to grant planning permission subject to the signing of a section 106 Agreement. As with all such resolutions these are worded such that if a section 106 Agreement cannot be completed officers are delegated to refuse the application on those grounds.

The Agent confirmed that the applicant would not sign the Legal Agreement as resolved to approve by the Development Control Committee in November 2019.

In the absence of a completed legal agreement to secure affordable housing, amongst other matters, and in accordance with the committee resolution of 06/11/2019, the Application was therefore refused.

### Appeal

An appeal was subsequently submitted following the Council's refusal of planning permission. The Appeal was accompanied by a draft unilateral undertaking seeking the following cascade of options in relation to affordable housing:

- Option 1 - 5x Affordable Units transferred as Shared Equity Dwellings to a Registered Provider for 60% of Open Market Value
- Option 2 - 5x Affordable Units transferred as Discounted Market Units to Qualifying Purchaser introduced by the LPA at 80% Open Market Value plus an Affordable Housing Commuted Sum of £100,000
- Option 3 - Any (or all) of the 5no. Discounted Market Units that remain unsold following position 2 can be offered to any purchaser at 80% of Open Market Value.
- Option 4 - Any (or all) of the 5 units that remain unsold following option 3 are sold as Open Market Units and an Affordable Housing Contribution in the maximum sum of £202,326 is payable

The Inspector allowed the appeal on 25.06.2021. This permission remains extant and constitutes a realistic fall-back position.

### **Assessment**

## Principle of development

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the Development Plan for the area is the Basingstoke and Deane Local Plan 2011-2029. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making, but is a material consideration in any subsequent determination.

The site is located within the Tadley Settlement Policy Boundary (SPB), wherein the principle of residential development is acceptable in accordance with Policy SS1 of the Local Plan. Policy SS1 outlines that the borough's housing target will be met by permitted development within defined SPB's which contribute to social, economic and environmental wellbeing.

Policy CN4 of the Local Plan states that: Proposals for housing specifically designed to meet the identified needs of older people or specialist accommodation (including for people with support needs) will be permitted where:

- i) they meet a proven identified need; and
- ii) the location is appropriate in terms of access to facilities, services and public transport.

It is noted that this application seeks an alternative design scheme to that considered under 18/03146/FUL. In support of the application, the applicant carried out an appraisal of the potential demand for specialist retirement housing using two alternative models, one of which is driven by the scale of potential need from those who would benefit from a move to specialised housing, the other looking at the propensity to move by age group. Both models are methodologies recommended in "Housing in Later Life", with both methodologies focusing on demand from existing households.

The applicant's supporting document in relation to housing demand and need states that there is a shortage of specialist older persons' housing for sale in the borough. Depending on the methodology used for estimating demand, demand for sheltered housing for sale and shared equity is estimated to be in the range of between 818 and 909 units. There is also a demand for Extra Care Housing for sale and shared ownership, estimated between 302 and 368.

At the ward level, within Tadley, the appraisal shows a potential demand for 138 units of sheltered and 45 units of Extra Care housing for sale or shared equity using the RHG model and 145 units of sheltered and 52 units of Extra Care housing using the CC model.

As such it is considered that the proposal meets the requirements of criteria i) of Policy CN4 of the Local Plan. Given the location of the site within the Tadley SPB and proximity to the services, facilities and public transport therein it is considered that the proposal also accords with criteria ii) of Policy CN4 of the Local Plan. Notwithstanding the above, it is acknowledged that the previous scheme remains extant at this time. The principle of the development has therefore been established.

## Affordable housing

Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products on all development proposals for one dwelling and above. The Housing Supplementary Planning Document (July 2018) expands on Policy CN1 and Principle 2.2 states that

Affordable housing will be required in accordance with the site size thresholds set out in national policy.

The NPPF which sets out that the 'provision of affordable housing should not be sought for residential development that are not major development, other than in designated rural areas (where policies may set out a low threshold of 5 units or fewer)' (para 64).

In instances where schemes do not meet these Policy requirements, an open book viability assessment would need to be submitted for appraisal by an independent consultant. Such proposals will only be acceptable where the viability case is accepted by the local planning authority and the approach contributes towards creating mixed and balanced communities. During the course of the previous application, the Applicant's open book viability assessment was interrogated by an independent consultant. They advised the Council that it would be viable for the developer to provide an off-site contribution to the sum of £202,326. However for the reasons discussed in more above, this was not acceptable to the Development Control Committee. Alternative options including the provision of 5no. intermediate units (60% of market value) or 5no. market discount units (80% of market value) along with a commuted sum of £100,000 have also been proven to be viable.

In this instance, the Applicant proposes 5no. on site affordable housing and the application is accompanied by a draft legal agreement, prepared by the Applicant, which reflects that of the allowed appeal (as set out above). The Housing Officer has confirmed no objections to this approach.

Therefore, subject to the completion of the agreement, the proposed development is considered to provide sufficient levels of affordable housing in line with Policy CN1 of the Local Plan.

### Housing Mix

The proposed development would provide a total of 42 retirement apartments, 24no. 1 bed and 18no. 2 bed, with 5 market flats (comprising 2no. 2 bed and 3no. 1 bed).

With regard to the proposed retirement apartments the applicant asserts that the scheme provides a needs-based choice for residents to downsize and move to an age restricted form of accommodation of like-minded people. Moreover, the applicant asserts that retirement housing, such as that proposed, will help release existing under-occupied housing (i.e. family houses that have become too large for small households) and thereby helps make better use of the housing stock in general.

This is considered to be a reasonable argument in respect of the proposed retirement apartments which justifies the mix of housing offered within this element of the proposal. As such, it is considered that the proposal can be considered to be in accordance with Local Plan Policy CN3 in this regard.

With regards to the 5 market flats, these would provide 1 and 2 bed units. Policy CN3 states that mix of housing should include a range addressing local requirements, being appropriate to the site's location and characteristics and appropriate to the character and density of the area. In this instance the market flats would be located above the proposed convenience store and are in an accessible location in relation to facilities and services.

In recognition that the Housing SPD highlights a need for smaller dwellings, no objection is raised in relation to the proposed mix and the development is therefore considered to be in accordance with Policy CN3 of the Local Plan.

In addition to housing mix, Policies CN1 and CN3 require provision of 15% of the provided

homes (both market and affordable) to comprise 'accessible and adaptable homes' to enable people to stay in their homes as their needs change. Details in this regard have been considered under application 21/03773/CONDN pursuant to condition 17 on the Inspectors Decision. It is considered that the details previously approved can be reasonably tied to this application (see condition 16) .

#### Impact on the character of the area/ design

##### - Retirement Apartment Block

The surrounding built form in the New Road area is predominantly one and two storey. However, it is considered that there are a number of aspects of this proposal which allow a 3-storey building to occupy this site without harm to the character of the area and streetscene. These include, the location of the building at the rear of the site away from New Road, so the perception of its height will be lessened from the surrounding public vantage points. Secondly, the reduction in building height to 2-storey on its eastern and western ends where it lies closer to existing residential areas would ensure that the impact of the central 3 storey element on existing residential properties is limited.

The tree belt and school playing field to the north of the site limit public views of the building from the north, which combined with the slight downwards slope of the site towards its northern end where the proposed flats are proposed to be sited, would further reduce the perceived bulk of the scheme.

The design of the proposed building is well articulated with a number of 2 and 3-storey projections which serve to visually break up the massing of the building, as well as adding visual interest. This approach is supported by the Urban Design officer.

It is considered that the proposed elevations of the retirement apartment block are acceptable. The use of brick for the main walls and the pitched tiles roofs, help tie the building into the character of the surrounding area, while the use of different coloured bricks (red and buff detailing bricks) helps to break up the massing and enliven the appearance of the building. Furthermore, the white framing (weatherboarding) around the main entrance to the building provides legible focus for visitors and adds variety to the elevations. Sufficient details have been submitted in relation to the types of bricks, tiles and windows proposed and therefore no condition is required in this regard.

##### - Retail store and first floor flats

It is noted that this element of the scheme remains unaltered from that previously allowed at appeal. That permission remains extant and is therefore a material consideration in the determination of this application.

It is considered that the scale and siting of the proposed retail building with the five flats above is appropriate to the site, with the siting broadly following the building line along New Road and the 2-storey scale being in keeping with the surrounding area. Furthermore, the visual interest of the elevations of this element of the proposal is enlivened by the use of contrasting coloured bricks which will match those proposed for the retirement flats.

The materials to be used in the construction of the retirement apartments and the retail store and flats are specified on the plans submitted and are considered to be acceptable. The use of these materials will be secured through the use of a condition requiring development be constructed in accordance with the approved plans.

As such it is considered that the proposed development is acceptable in design, streetscene and character terms and is in compliance with Local Plan Policy and EM10.

## Natural Environment

### - Biodiversity

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving, restoring and enhancing biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest. These requirements are also reflected within the NPPF (paragraph 180) and Policy EM4 of the Local Plan.

In support of the application the applicant has submitted a Preliminary Ecological Appraisal and Phase 2 Bat Emergence Survey, which while addressing the whole site has focussed on the derelict house to the southwest corner of the site. This survey found that whilst droppings from Brown Long Eared bats which were found in the derelict house, indicated the presence of bats due to the age of the droppings they indicate a historic night roost. During the dusk survey only commuting and foraging bats were seen and heard but none were observed leaving this property.

Due to the continued deterioration of the house the survey concludes that it is now in an unfavourable condition for roosting bats. Parts of the property have become open to the elements and a recent fire has caused extensive damage within the loft and second storey.

The Bat Survey suggest mitigation which requires a qualified ecologist to be present if the demolition is to take place between May and September but outside of this no specialist ecologist presence is necessary. The survey also suggests that if a lighting scheme is proposed then this should be sympathetic to bats. Bat tiles and sparrow terraces are also identified as being provided within the roofline of the retail unit.

On the basis of these reports, it is noted that the Biodiversity Officer raised no objection to the previous application, subject to the adherence of the mitigation measures outline in the Phase 2 Bat Survey.

Notwithstanding this, the Biodiversity Officer has, on this application, requested a biodiversity metric demonstrating a biodiversity net gain of 10% or above, in line with the requirement of Principle B7 of the Landscape, Biodiversity and Trees SPD (2018). No such information accompanied the previous application and as stated above, the previous permission (allowed at appeal) is extant.

Whilst the application submission lacks in the detail on biodiversity net gain, it is evident from the plans submitted that soft landscaping is proposed, which would provided net gains for biodiversity when considering the existing condition of the site. In this instance, the mix of plant species is appropriate for the urban location of the site and despite the lack of native plants, the ornamental species proposed are considered to be good for pollenating insects. Therefore, whilst not demonstrating through a metric, it is considered that the scheme would deliver a degree of biodiverse net gain which would comply with the requirements of Policy EM4 of the Local Plan and the Landscape, Biodiversity and Trees SPD.

In light of the content of the submitted reports, a condition was imposed on the appeal scheme, which required details of any lighting scheme to be approved (condition 19 on 18/03146/FUL). Details have been considered under 22/00214/CONDN and it is considered reasonable that these details can be carried over to the current application (see condition 18).

- Landscape

The Landscape Officer has also confirmed that the landscaping proposals are acceptable, however there are some planting areas within the proposed car park which may be vulnerable to trampling over. Subsequently, hard and soft landscaping details have been considered under application reference 21/03773/CONDN and are considered acceptable. A condition is imposed to secure these details (see condition 13). The approved documents also illustrate details of boundary treatments (as previously secured under condition 13). A reworded condition (condition 13) is therefore recommended in place of conditions 13 and 14 as imposed by the Inspector. This would ensure that the development is carried out in accordance with the landscaping details previously accepted.

- Trees

Policy EM1 of the Local Plan requires that development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected, paying particular regard to b) the visual amenity and scenic quality and e) trees, ancient woodland and hedgerows.

It is noted that no comments have been received from the Tree Officer on the current application.

However, on the previous application, the Tree Officer raised concern that the development could not be carried out without an impact upon trees within, or adjacent to the site. Given that the trees are not subject of Tree Preservation Orders or within a Conservation Area, they are not protected trees. However, it is acknowledged that some of the trees within the northern boundary shared with Bishopswood School do offer a verdant backdrop in glimpsed views when the existing site is viewed from New Road.

However, it is considered that, given the height and scale of the proposed retirement apartment building and the limited views of the existing trees from within the public realm, the trees do not represent a significant barrier to the development of the site, nonetheless in the interest of preserving the amenity to the site that the trees offer it is considered reasonable to impose a tree protection condition to detail how the existing trees would be protected from loss or damage during the construction phase. Details in this regard have been considered under application 21/02300/CONDN. It is considered reasonable that these details are carried over to the current application (see condition 5).

### Residential Amenity

- Impact on existing residents

There are windows and balconies on the western elevation of the proposed apartment building (which is two storey in this location) at first floor level (Plots 27 and 28), which look towards the rear of the properties on Reginald Close to the west. These windows are approximately 18m from the rear of the adjoining properties to the west, which is acknowledged to be slightly less than the back to back distance of 20m required by Principle RA6 of the Design and Sustainability SPD for 2-storey dwellings. However, these west facing windows are small, secondary windows within these rooms and the distance of 18m is only slightly less than the standard of 20m. In light of their secondary nature it is considered acceptable to obscure glaze these first floor windows to plots 27 and 28 only (see condition 20). It is noted that on the amended plans, these are marked to be obscured glazed and fixed shut.

As stated previously, the proposed flats which are in closest proximity to existing residential dwellings are located on the western side and are within the two storey



element. The flats at first floor are Units 27 and 28 and each have a small balcony area, accessed off the living room. Any potential overlooking from these balconies can be prevented by a screen, and this is as is annotated on the submitted first floor plans. The height and detail of these screens will therefore be secured by the use of an appropriate condition (see condition 17). Whilst details have previously been considered under application 21/02300/CONDN, it is considered that the design changes proposed (compared with 18/03146/FUL) would have implications for the type of screens proposed. As such, this condition is to be re-imposed on the current application.

Due to the position of the proposed flats set back from the existing dwellings on the western boundary, there would be no adverse impact in respect of overbearing or loss of light.

No. 50 New Road (a bungalow) is adjacent to the southwest corner, where currently there is a two storey boarded up building in close proximity to the boundary. The proposals would remove this building, replacing it with a 2.5m wide landscaping strip adjacent to parking. The proposed retail store would be over 26m to the east of no. 50 and the retirement flats to the north of the site would be over 40m from no. 50 New Road. Due to these relationships the proposals would not adversely affect the amenity of this dwelling.

Although a reconfiguration of roof lines, bays, windows and balconies are proposed within the eastern elevation of the retirement building are proposed (amended plans), the overall impact on neighbouring amenity is considered to remain largely unchanged from the extant, fall back position.

- Impact on new residents

In respect of residential amenity of future residents, the frequent use of private, small amenity areas immediately outside the ground floor flats and the use of balconies for the flats at first and second floor level is considered acceptable.

It is considered that there would be adequate levels of daylight and sunlight for the proposed flats. The northern arm of the retirement apartment building lies close to the tree belt along the northern boundary. However, it is noted that any north facing windows in this part of the building are only secondary windows and so adequate levels of natural light would be available through the easterly or westerly facing windows.

New residents would also benefit from the landscaped area around the retirement block which is easily accessible, with a residents lounge terrace area proposed to the front and a more private garden area with seating to the rear.

### Highways, Access and Parking

The application is supported by a Transport Statement, which describes the site as being well connected for pedestrians to nearby local facilities and the Highway Officer confirms that in this regard the Transport Statement is considered to be reasonably accurate. The site is in close proximity to local amenities within Tadley and the majority of these are on Mulford's Hill. As part of this development a retail unit is proposed, and there is an existing pharmacy to the south east corner of the site. Furthermore, the site benefits from a regular bus service that is accessible within a 5 minute walk from the site.

Footpaths in the vicinity are roughly 1.8m in width which is sufficient for pedestrian use. There are two refuge islands within 50m and 250m north of the site and these have dropped kerbs and tactile paving.

Whilst there are no dedicated cycle paths in the surrounding area road speeds are limited to

30mph which is considered fairly safe in terms of on road cycling. It is recognised that it is unlikely many residents will utilise cycling as a primary mode of travel.

An update to the existing site access is proposed and this would take the form of a 6m wide bell mouth junction with a 6m radii to accommodate a refuse vehicle. New Road is subject to a 30mph speed limit. ATC survey results indicate 85th percentile speeds of 35mph in each direction. The submission demonstrates that visibility splays of 2.4m x 53.6m are achievable from the proposed site access point and this is considered to be acceptable.

With regard to vehicle parking, 50 car parking spaces are proposed as part of the proposals. This includes 26 bays (including two accessible spaces) for the retirement home (separated by a low wall and railing and gates), 9 for the flats above the retail unit (including one visitor space and one accessible space), and 15 for the retail unit (including one accessible space). The spaces for the retail unit would be located to the western side of the proposed retail unit. It is noted that the accessible space is to be located in close proximity to the front of the store. The proposed number of parking spaces meets the standards in terms of quantum and dimensions and is therefore compliant with Policy CN9 of the Local Plan and the Parking SPD (July 2018).

The supporting Highways Note, states that in relation to electric charging points whilst no specific spaces are allocated as electric charging points, ducting will be installed in select bays should there be demand in the future. The Parking SPD states that parking areas should be designed so that charging infrastructure can be retrofitted at a later date with minimal disruption, and in light of the applicant's supporting information in this regard the proposals are considered acceptable.

The existing and proposed development traffic generation has been calculated based on trip rates taken from the TRICS database. A comparison of the existing and proposed development traffic generation predicts that the proposed development would generate 6 fewer trips during the weekday AM peak hour, and an additional 24 trips during the weekday PM peak hour. This increase in trips is unlikely to have a material impact on the operation of the local highway network.

Vehicle swept path analysis has been provided which demonstrates that a refuse vehicle can enter, turn, and exit the site in a forward gear. There are no concerns with servicing of the retail unit taking place via the proposed layby on New Road.

The HCC Highways Officer has also confirmed that the retail unit would be serviced from the layby on New Road which is highway land. A Traffic Regulation Order is recommended to be secured through the legal agreement and this will also need to be subject to a s.278 agreement.

#### Waste and recycling storage

Concerns have been raised by the Joint Waste Client Team due to the location of waste storage provision being located within the buildings, underneath proposed flats. Concerns are that these layouts tend to result in complaints by residents. Concerns have also been raised on the location of proposed collection points, where they have been indicated within the site. This would require refuse vehicles to enter the site and there are concerns on the practicalities of this when the car park is in use.

Notwithstanding these concerns, it is acknowledged that these arrangements remain largely unaltered from the previous extant scheme. Overall, it is therefore considered that a reason for refusal on these grounds would be difficult to substantiate.

## Public Safety

Policy SS7 of the Local Plan requires that development in the land use planning consultation zones (DEPZ) surrounding AWE Aldermaston be managed in the interests of public safety. The policy stipulates the development will only [officer emphasis] be permitted where the Off Site Nuclear Emergency Plan can accommodate the needs of the population in the event of an emergency. The production of the Off Site Plan is a statutory requirement of the Radiation Emergency Preparedness and Public Information Regulations 2001 and sets out the contingency arrangements for a multi-agency response should a radiation emergency occur at AWE and pose a hazard to the public outside the site boundary. The NPPF additionally stipulates that decision-taking processes should promote public safety and minimise impacts upon human health, and in particular ensure that new development is appropriate for its location.

The site is located within the DEPZ area of AWE Aldermaston positioned approximately 1490m from the AWE site boundary and is within Sector H - as the most densely populated sector. This location determines that the site is more likely to be subject to urgent evacuation in the event of an emergency as well as having an increased requirement for short, medium and potentially long term accommodation, which could also include meeting the needs of vulnerable people.

No comments have been received on the current application from the Office of Nuclear Regulation (ONR), or the emergency planners at West Berkshire Council or Hampshire County Council. It is however noted that comments were received on the previous, extant scheme.

Whilst ONR (Office of Nuclear Regulation) advised against the application, this was on the basis "unless the emergency planners at West Berkshire Council... are consulted with regard to this application and that they subsequently provide written confirmation that, in their opinion, the proposed development can be accommodated within their existing offsite emergency planning arrangements (or an amended version of it)." The West Berkshire Council Emergency Planning Officer (WBCEP) subsequently raised no objection to the proposal subject to the imposition of a condition which secures the provision of an outline Emergency Plan to be submitted and approved the Local Planning Authority. This was secured through the Appeal. This Emergency Plan seeks to address how the occupiers of the site will respond and manage the situation should there be a radiation emergency at AWE Aldermaston. The imposed condition would further require that the site should not be occupied until a detailed Emergency Plan has been developed, submitted and approved and that the Emergency Plan should be kept up-to-date, reviewed and amended as necessary.

It is noted that the condition imposed on the appeal has since been subject to a 'deemed discharge notice' under applications 21/02211/CONDN and 21/02215/CONDN. This resulted due to comments from the emergency planners at West Berkshire and Hampshire County Council being delayed. It is acknowledged that when comments were received, they requested amendments to the submitted information. Nevertheless, as these comments were received too late, the conditions have been discharged. This is an extant position. It is therefore considered that a condition could reasonably be imposed to secure that the development is carried out and occupied in line with the previously submitted information (see condition 6). Although not acceptable to the emergency planners in its submitted form, as extant, it is considered that it would be difficult to substantiate a reason for refusal in this regard. The wording of the condition requires that the emergency plan is regularly reviewed in any event.

## Retail Impact

Objections received in relation to this scheme have raised the impact of the proposed retail

element of the proposal upon other local retailers, and in particular one local convenience store close to the site. It must also be noted that it is not the role of the planning system to intervene in the operation of the market through the deterring of competition.

Policy EP3 of the Local plan seeks the submission of a Retail Impact Assessment where new retail floor space exceeding 250 square metres is proposed.

It is noted that Policy EP3 specifically addresses "new" retail proposals and their impact on the vitality of defined centres. The proposed development would in fact result in a different form of retail development to that which currently occupies the site. Currently the retail warehouse has a floor area of 2,496 square metres and occupies the site with no restriction upon the nature of the retail use at the site. The proposed store is also retail but has a floor area of 391 square metres. A reduction in overall retail floor space of 2,105 square metres.

As such, it is considered reasonable to conclude that in terms of potential impact, a smaller retail use will not have any impact on the vitality of a defined centre. As such, it is considered that it is not reasonable to require a retail impact assessment in this particular circumstance.

Concern was also expressed that the retail use of the proposed store was not what was required within the area surrounding the site, with a number of alternative retail and service outlets suggested as alternatives. However, an application for planning permission must be assessed based upon the proposal submitted with regard to the relevant material considerations. In this instance it is considered that a retail outlet of 391 square metres is acceptable and that a reason for the refusal of this application based upon the concerns expressed would be unreasonable.

#### Community Infrastructure Requirements

The Local Plan and the accompanying Planning Obligations for Infrastructure SPD (2018) seeks to ensure that development does not result in an adverse effect on existing infrastructure, and makes appropriate provision to mitigate documented impacts. It is therefore common to anticipate that development would by way of Obligation (legal agreement) make appropriate provision/improvements in line with the advice provided within the NPPF. As previously indicated with respect to affordable housing, the Local Planning Authority recommends that a legal agreement is secured to deliver on-site affordable housing. Further obligations are also proposed in respect of a Traffic Regulation Order for the use of the proposed lay-by.

Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. The retirement living element on its own would attract a £0 charge, as would the non-residential element (the retail unit). The residential element of the scheme is wholly flatted and are therefore nil rated.

#### Other Matters

Representations have raised concerns with regard to the proposed development and its impact upon the capacity of the adjacent medical practice. The Care Quality Commission (CQC), which is the body responsible for the regulation of GP services, was consulted upon receipt of this application. Whilst no comments were received on the former application, comments have been received on the current application. Nevertheless, these comments only acknowledged that in the absence of registration for services, they are unable to comment on the application. No evidence has been provided that there is not sufficient capacity in the local area to accommodate this development. As such it is considered that any reason for the refusal of this application based upon the capacity of local GP services

would be unreasonable and could not be sustained at appeal. Furthermore, the extant permission is a material consideration to be taken into account.

Thames Water have requested a prior to occupation condition that water network upgrades have been completed prior to occupation, or a development an infrastructure phasing plan to be agreed with Thames Water prior to occupation. Such a condition would not meet the tests and would rely on a third party completing the works. An informative will be added instead ringing Thames Waters comments to the applicants attention.

### Conditions

It is noted that the previous permission is extant following the Inspector allowing the appeal. This permission was subject to several conditions, some of which are pre-commencement conditions. Since the Appeal decision, several of these conditions have already been discharged by the Applicant. Where relevant, it is considered reasonable that the details already approved are carried over to this permission, which would then not require the submission of further details by the Applicant. However, the amendments to the proposed scheme do have to be taken into account. Where the amendments proposed conflict with the details that have already been approved, the conditions will need to be re-imposed (for example see condition 17).

It is noted that some conditions have been requested by Consultees which have not been included. However, in this instance, it is not considered reasonable to impose conditions which were not imposed on the scheme allowed on Appeal by the Inspector. The scale of the development remains largely unaltered from the previous extant scheme.

### Planning Balance and conclusions

The proposed development would provide 42 retirement apartments, 5 market flats and 391 square metres of A1 retail floor space, with associated parking and landscaping. The proposed development would also deliver housing for older people in response to an identified need. It is considered that the layout, design scale and materials to be used are acceptable and that the proposal would not have a detrimental impact in terms of the biodiversity interests of the site or upon the amenities of neighbours. It is considered that the proposal would not have a detrimental impact on local retail provision and it is noted that the role of the planning system is not to mitigate against competition in the market. Furthermore it is considered that the proposal would not have a detrimental impact upon the operation of the AWE Emergency Plan, subject to suitable conditions.

In addition a thorough assessment of the financial viability of the scheme has been undertaken and, as a result, it has been determined that the scheme can support the provision of on site Affordable Housing, which will be secured through legal agreement.

As such it is considered that the proposal represents sustainable development in accordance with the National Planning Policy Framework and is in compliance with the relevant Policies of the Basingstoke and Deane Local Plan 2011-2029 and the relevant guidance and SPD's.

### **Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

SO-2560-03-AC-7000-1 -Site Location Plan.pdf  
SO-2560-03-AC-01-A Site Existing Topographical Survey.pdf

SO-2560-03-AC-7222-1- Site Plan Proposed GA.pdf  
 SO-2560-03-AC-7002-1 -Proposed Site Plan -RL and Retail.pdf  
 SO-2560-03-AC-100-C Retail\_Proposed Floor Plans.pdf  
 SO-2560-03-AC-103-E Retail\_Proposed Elevations.pdf  
 SO-2560-03-AC-7010-- 1 -RL\_Ground Floor GA.pdf  
 SO-2560-03-AC-7011-1- RL\_First Floor GA.pdf  
 SO-2560-03-AC-7012-1- RL Second Floor GA.pdf  
 SO-2560-03-AC-7013-1. RL Roof Plan GA.pdf  
 SO-2560-03-AC-15-A Proposed Site Sections.pdf  
 SO-2560-03-AC-7015-1- North Elevation Comparison.pdf  
 SO-2560-03-AC-7016-1-East Elevation Comparison.pdf  
 SO-2560-03-AC-7017-1-South Elevation Comparison.pdf  
 SO-2560-03-AC-7018-1 West Elevation Comparison.pdf  
 SO-2560-03-AC-84-B MSS Elevations.pdf  
 034.112.003A Site Access & Refuse Tracking  
 034.112.005 Proposed Layby and Visibility Assessment  
 SO-2560-03-DE-02 C Proposed Drainage Design Layout Plan.pdf  
 990KC XX YTREE TREE CONSTRAINTS PLAN 01 REV 0.pdf  
 SO-2560-03-LA-02 E Landscape proposals.pdf  
 SO-2560-03-LA-03 C Detailed Planting plan Sheet 1of 3.pdf  
 SO-2560-03-LA-04 C Detailed Planting plan Sheet 2of 3.pdf  
 SO-2560-03-LA-05 B Detailed Planting plan Sheet 3of 3.pdf

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 3 The development hereby approved shall be carried out in strict accordance with the Chapter 6 Mitigation and Chapter 7 Enhancements of the Phase 2 Bat Emergence Survey by Abbas Ecology dated July 2018.

REASON: In order to meet with derogation test 3 of the Conservation of Habitats and Species Regulations 2017, and also in accordance with the National Planning Policy Framework (July 2021) and Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

- 4 The development hereby approved shall be carried out in strict accordance with the Construction Method Statement Plan by McCarthy & Stone (dated February 2020) as approved under application reference 21/02300/CONDN on 19.11.2021.

REASON - To minimise the effect of the works on the amenity of the locality and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.

- 5 The development hereby approved shall be carried out in strict accordance with the Tree Protection Plan (dwg ref: 9990-KC-XX-YTRES-TPP01 Rev 0) (dated 23.01.2020) as approved under application reference 21/02300/CONDN on 19.11.2021.

The approved tree protection shall be erected prior to any site activity commencing and maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.

REASON: In the interests of local amenity and the enhancement of the development itself, in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

6 The development hereby approved shall be carried out in strict accordance with Construction Phase Emergency Action Plan (Phase 1) (dated July 2021) as discharged under application 21/02215/CONDN. Following the occupation of the development hereby approved, the development shall be maintained in accordance with the Retail Store Emergency Action Plan (Phase 2) (dated July 2021), the Retirement Apartments Emergency Action Plan (Phase 2) (dated July 2021) and the Apartments Over Retail Store Emergency Action Plan (Phase 2) (dated July 2021) as discharged under application 21/02211/CONDN. In accordance with the details discharged, the Emergency Action Plans shall be reviewed on an ongoing basis, once every 12 months and submitted yearly on the 1st April to Basingstoke and Deane Borough Council and West Berkshire Council Emergency Planning Team. The development shall thereafter be maintained in accordance with the details so approved.

REASON: In the interests of public safety in accordance with Policy SS7 of the Basingstoke and Deane Local Plan 2011-2029.

7 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

8 No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

9 The development hereby approved shall be carried out in strict accordance with the Ground Condition Assessment (ref: 5006864-RDG-XX-ST-DOC-C-0002 Dated: 21 September 2018); Additional Ground Investigation Report prepared by Ridge and Partners LLP (ref: 5006864-RDG-XX-ST-DOC-C-00AGI Dated: 18 September 2020); Further Asbestos Sampling Covering Letter prepared by Ridge and Partners LLP (Dated: 7 October 2021); Covering letter (Dated: 13 October 2021) as approved under application reference 21/03216/CONDN on 02.11.2021.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

10 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent

person approved under the provisions of condition 9 that any remediation scheme required and approved under the provisions of condition 9 has been implemented fully in accordance with the approved details. Such verification shall comprise; as built drawings of the implemented scheme; photographs of the remediation works in progress; Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 11 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification that any identified asbestos has been removed from the application site and disposed of by a licensed asbestos contractor in accordance with the Control of Asbestos Regulations 2012. REASON: ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 12 The development hereby approved shall be carried out in strict accordance with the details of the materials to be used for hard and paved surfacing, as approved under application 21/03773/CONDN on 09.02.2022. For clarification the details approved are as shown on the following drawings:

- Landscape General Arrangement Sheet 1 of 3; dwg. no. MCS623/Drg 10 P10
- Landscape General Arrangement Sheet 2 of 3; dwg. no. MCS623/Drg 11 P10
- Landscape General Arrangement Sheet 3 of 3; dwg. no. MCS623/DRG 12 P10

The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.

REASON: In the interests of visual amenity and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 13 The development hereby permitted shall be carried out in strict accordance with the hard and soft landscaping details and the positions, design, materials and type of screen walls/fences/hedges as approved under application 21/03773/CONDN on 04.02.2022. For clarification the details approved are as shown on the following drawings:

- o Landscape General Arrangement combined - reduced scale; dwg. no. SO-2560-04-LA - MCS623/ Drg19 Rev P10
- o Landscape General Arrangement (Sheet 1 of 3); dwg.no SO-2560-04-LA - MCS623/ Drg 10 Rev P10
- o Landscape General Arrangement (Sheet 2 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 11 Rev P10
- o Landscape General Arrangement (Sheet 3 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 12 Rev P10
- o Detailed Planting Plan (Sheet 1 of 3); dwg. no. SO-2560-04-LA - MCS623/ Drg 15 Rev P7



- Detailed Planting Plan (Sheet 2 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 16 Rev P7
- Detailed Planting Plan (Sheet 3 of 3); dwg no. SO-2560-04-LA - MCS623/ Drg 17 Rev P7

The approved screen walls/fences shall be erected before the buildings hereby approved are first occupied and shall subsequently be maintained.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall be maintained in accordance with the Landscape Management Plan and Maintenance Specification - V3 - updated 19-01-2022 (ref: MCS623 / ADFK / 19-01-2022 v3) as approved under application 21/03773/CONDN on 04.02.2022.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 14 The development hereby approved shall be carried out in strict accordance with the scheme for protecting the approved dwellings from plant noise associated with the development as approved under application 21/03773/CONDN on 04.02.2022. For clarification, the details approved are:
- Guarding Glass Acoustic Calculation;
  - Environmental Noise Survey Rev 3 (dwg. no. REP-1012069-5A-TH-20220127)
  - Lo-Carbon Sentinel Kinetic Advance Brochure
  - Window Details - Brickwork (dwg. no. SO- 2560- 04- AC-1015- B)

All works which form part of the noise mitigation scheme shall be completed before the dwellings hereby approved are occupied and thereafter retained.

REASON: In the interests of residential amenity, and to ensure acceptable noise levels are not exceeded within the dwellings and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011- 2029.

- 15 No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in approved reports under condition 14. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken. If the noise levels approved under Condition 14 are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to an approved in writing by the Local Authority and implemented in full prior to the first occupation of the relevant phase.
- REASON: In the interests of residential amenity, and to ensure acceptable noise levels are not exceeded within the dwellings and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011- 2029.

- 16 A minimum of 15% of the properties shall be built to accessible and adaptable standards to enable people to stay in their homes as their needs change. The development hereby permitted shall be carried out in accordance with the details approved under application 21/033773/CONDN on 09.02.2022 in this regard.

REASON: To ensure an appropriate high quality form of development and to accord with Policies CN1 and CN3 of the Basingstoke and Deane Local Plan 2011-2029.

- 17 No development above ground floor slab level shall commence on site until details of the height, design and materials to be used in the construction of the privacy screens to the balconies of Units 27 and 28 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: In the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 18 The development hereby approved shall be carried out in strict accordance with the Lighting Design as approved under application 22/00214/CONDN on 16.03.2022 and thereafter maintained.

REASON: In the interests of the character and ecology of the area and to meet the requirements under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010 in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

- 19 Prior to the first occupation of the development hereby approved the provision for the parking of vehicles shown in the approved plans parking shall be constructed, laid and marked out and shall thereafter be retained for the parking of vehicles.

REASON: To ensure adequate on site car parking provision for the approved development is provided on site and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.

- 20 The windows at first floor level on the western elevation to Units 27 and 28 shall be non-opening and glazed with obscured glass, and shall be installed prior to the occupation of these units. The windows shall remain non opening and obscured glazed.

REASON: To protect the privacy of the adjacent property and to prevent overlooking, in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

#### **Informative(s):-**

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number

of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

proactively offering a pre-application advice (in accordance with paragraphs 39 - 46); considering the imposition of conditions and or the completion of a s.106 legal agreement (in accordance with paragraphs 55-58).\*

In this instance:

the application was acceptable as submitted and no further assistance was required.\*

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
4. The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application>. For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency>.
5. The applicant is advised that this permission is only pursuant to the Town and Country Planning Act 1990 and is advised to contact the Planning and Development Manager with regard to the necessary consents applicable under the Building Regulations.
6. The planning permission does not authorise the undertaking of any works within the highway (carriageway, footway or verge). Any works within the highway must be approved by S278 Agreement, details of which can be found at <https://www.hants.gov.uk/transport/developers/constructionstandards>
7. The applicants attention is drawn to the attached email from Thames Water dated 18th March 2021.

**N/A** – Pre commencement conditions

Y CIL checked

CIL Liable Y

Signed: JC

Name: Jemma Cox Case officer

Date: 25.05.2022

Y CIL checked

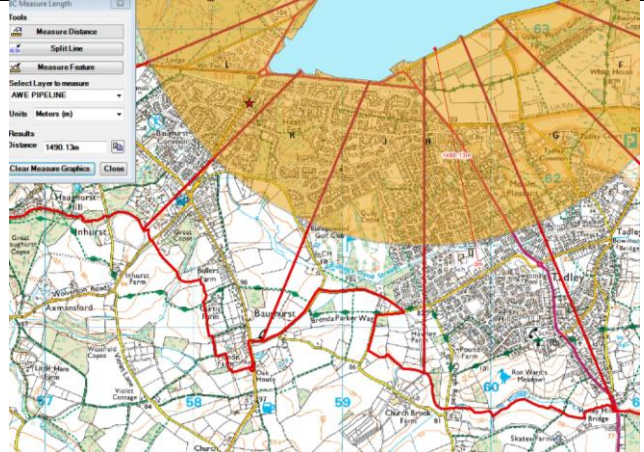
Signed: SMT

Name: Sue Tarvit APM

Date: 06/10/2022

## AWE Planning Consultation Considerations - 18/03146

Consideration	Details	Notes						
Planning Application No	18/03146							
Site Location:	42 - 46 New Road Tadley Hampshire RG26 3AL							
Description of development:	Erection of 42 retirement living apartments (Category II Type) with communal facilities, landscaping and car parking. Erection of a Class A1 Retail store with 5 flats at first floor level, car parking and service layby							
Is the proposed development within the relevant site DEPZ or area of Extendibility?	Yes - DEPZ							
If yes, within which sites DEPZ or area of extendibility does the application fall within (Aldermaston/Burghfield):	AWE Aldermaston							
If yes which Sector is the proposal within?	H							
Current Demographic Information within Sector the sector and 2 adjacent sectors.	<table border="1"> <tbody> <tr> <td>G</td> <td>948</td> </tr> <tr> <td>H</td> <td>2503</td> </tr> <tr> <td>J</td> <td>919</td> </tr> </tbody> </table>	G	948	H	2503	J	919	
G	948							
H	2503							
J	919							
Is the proposal for:								
Residential	Yes							
What is the increase in Population Density within the Sector (Based on the average household size to be 2.4 persons per household and details in application relating to employees for business developments)	Increase in 47 dwellings							
Commercial	Yes							
Are there details of any Site Emergency Plan in place	No							
Are there any vulnerable developments proposed?	Yes – 42 retirement apartments							

	<b>Consideration</b>	<b>Impact on AWE Off-site Emergency Plan</b>	
1	Within DEPZ area or area of Extendibility	<b>DEPZ</b>	
2	Proximity to Site Boundary	1490m, within the DEPZ	 <p>The screenshot shows a GIS application window titled 'Measure Length'. The 'Tools' menu is open, showing options like 'Measure Distance', 'Split Line', and 'Measure Features'. The 'Select Layer to measure' dropdown is set to 'AWE PIPELINE'. The 'Units' are set to 'Meters (m)'. The 'Results' section shows 'Distance: 1490.13m'. The background is a map with a red line representing the 'AWE PIPELINE' and a yellow shaded area representing the 'DEPZ'.</p>
3	Impact on short term Sheltering – 24 – 48hrs	Since this is retirement living there will be a greater number of people who are likely to require support as a result even a short period of requirement to be under shelter is likely to require additional specialist support. This would therefore put an adverse impact on responders.	
4	Impact if requirement for Medium/Long term Sheltering 48hrs+	Impact due to high density of the population in this sector in addition to the details in 3 above in that the longer the period of requirement to be under shelter then the greater the need to provide the support to those requiring it – often it can be stopped for a short period with some remote contact to the people involved but this is not a longer term solution.	

	<b>Consideration</b>	<b>Impact on AWE Off-site Emergency Plan</b>	
5	Requirement for Immediate Evacuation & Impact –including reception and rest centre	This is unlikely to be required due to the distance involved. However since the majority of the proposal is retirement living the resources required and specialist support needed to evacuate and provide in the rest centre they are moved to is significant. The application site is in sector H which is a densely populated sector and adjacent to 2 other densely populated sectors. This has an impact with respect to the fact should evacuation be required it will not be just this applications premises which will require evacuation therefore the addition of 47 additional units would be a significant impact.,	
6	Impact if requirement for subsequent Evacuation—including reception and rest centre	The impact would be the same as in 5 above.	
7	Impact on Warning & Informing processes	Minimal with proviso that there is a landline on site	
8	Day time or night time impact	No difference in impact on the plans	
9	Vulnerable People considerations	Since this is retirement living the impact on the plan will be significant not only with respect to support required potentially if under shelter conditions but also with respect to if they are evacuated and potential specialist support and equipment requirements. Specialist homes available for this number of residents are not readily available in the area.	
10	Impact on plan from External issues e.g. parents wanting access to children etc.	There may be an additional impact in relation to the relatives of those in the retirement living area.	

	<b>Consideration</b>	<b>Impact on AWE Off-site Emergency Plan</b>	
11	Access and Egress Routes	None	
12	Recovery implications	Significant due to the sector being densely populated therefore long term alternative accommodation would be a significant effect on top of others required in an area with minimal additional housing. The period could be for a long period	

**Summary of Considerations:** As a result of the above review of the impact of the development in relation to the responders and the impact on the AWE off-site plan it is considered the impact would be low with the proviso that there is a robust Emergency Plan in place. It is therefore advised that subject to a satisfactory robust emergency plan being in place there would be no adverse comment. Suggested wording for the condition in relation to this is set out below:

***No development, shall take place until an outline Emergency Plan has been submitted to and approved in writing to the Local Planning Authority in relation to how the occupiers of the site will respond and manage the situation should there be a radiation emergency at AWE Aldermaston. In addition the site should not be occupied until a detailed Emergency Plan has been developed, submitted and approved in writing by the Local Planning Authority.***

***The Emergency Plan shall be kept up-to-date by the applicant being reviewed and amended as necessary. The Local Planning Authority may at any time require the amendment of either/both plan(s) by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.***





## Appeal Decision

Site visit made on 11 May 2021

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 June 2021**

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### **Appeal Ref: APP/H1705/W/21/3268065**

#### **42-46 New Road, Tadley RG26 3AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by S Paull of McCarthy and Stone Retirement Lifestyles Ltd against the decision of Basingstoke & Deane Borough Council.
  - The application Ref 18/03146/FUL, dated 19 October 2018, was refused by notice dated 15 January 2021.
  - The development proposed is erection of 42 retirement living apartments (Category II Type) with communal facilities, landscaping and car parking. Erection of a Class A1 retail store with 5 flats at first floor level, car parking and service layby.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for erection of 42 retirement living apartments (Category II Type) with communal facilities, landscaping and car parking. Erection of a Class A1 retail store with 5 flats at first floor level, car parking and service layby at 42-46 New Road, Tadley RG26 3AL in accordance with the terms of the application, Ref 18/03146/FUL, dated 19 October 2018 and subject to the attached schedule of conditions.

### **Procedural Matter**

2. The appellant has submitted a completed signed planning obligation by way of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 6 May 2021. This deals with affordable housing and the provision of a traffic layby. I will discuss this in more detail later in this decision.

### **Main Issue**

3. The main issue is whether or not the proposal makes adequate provision for affordable housing.

### **Reasons**

4. Policy CN1 of the Basingstoke and Deane Local Plan 2016 (Local Plan) requires 40 per cent affordable housing on all market housing sites. On-site provision will be expected for five or more net residential units. In exceptional circumstances, off-site provision or financial contributions of equivalent value will be accepted.

5. The appeal proposal is for the provision of 42 retirement homes and five flats. The proposal includes a contribution to affordable housing. The appellant submitted a viability assessment to justify the amount of affordable housing it could provide, either as on-site provision or as a financial contribution to affordable housing. In the event of off-site provision of affordable housing, the viability assessment determined a figure of £202,326. This figure is not disputed by the Council.
6. The submitted UU sets out that affordable housing would be secured through a 'cascade' approach whereby if on-site affordable housing could not be secured, then a financial contribution would be provided. In the first instance, under cascade position 1, five intermediate units (shared equity dwellings) would be transferred to a registered provider for 60 per cent of open market value. If there were to be no interest from a registered provider, then cascade position 2, offering five discounted market units (DMUs) to qualifying persons with an additional £100,000 commuted sum for off-site provision, would be made available. The Council accepts these two options.
7. If, after due process, there were to be no demand for DMUs from qualifying persons then the UU secures two alternative options which would be a choice for the Council. Cascade position 3 sets out that the DMUs would be made available to the market with a commuted sum of £100,000 payable. Alternatively, cascade position 4 sets out that the appellant would pay an affordable housing contribution of up to £202,326 prior to occupation of the market units.
8. The UU secures any future sales of the units as DMUs and requires subsequent sales of the units to be to a qualifying person in accordance with the same requirements as set out in cascade position 2. This would therefore secure the ongoing contribution of these units to affordable housing in the future.
9. The appeal site lies within the Detailed Emergency Planning Zone (DEPZ) surrounding the Atomic Weapons Establishment (AWE) at Aldermaston. It is located approximately 1,490 metres from the site boundary and is within Sector H and within the most densely populated sector within the DEPZ.
10. Policy SS7 of the Local Plan requires that development in the DEPZ be managed in the interests of public safety. It only permits development where the Off Site Nuclear Emergency Plan can accommodate the needs of the population in the event of an emergency.
11. Due to its location within the DEPZ and the restrictions on development as set out in Policy SS7, the Council has indicated that it would not be possible to identify affordable housing schemes in the Tadley area where the total contribution as set out under cascade position 4 could be spent. In support of its position, the Council has referred me to a dismissed appeal<sup>1</sup> at 27 Millers Road, Tadley. In this case, the Inspector accepted that the additional dwelling proposed would result in an incremental increase in the number of dwellings affected by an incident and that cumulatively such incremental increases in housing could undermine the general thrust and purposes of Policy SS7. This lends some weight to the Council's position that the availability of housing schemes locally are limited.

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<sup>1</sup> APP/H1705/W/19/3221311

12. Nevertheless, I have not been provided with firm evidence that there are no affordable housing schemes to which this proposal could contribute. Furthermore, if such a scheme were to come forward, bearing in mind each scheme must be determined on its own individual merits, the dismissal at 27 Millers Road does not provide conclusive evidence that an affordable housing scheme would similarly be rejected.
13. I appreciate that it would be preferable for financial contributions to contribute to affordable housing within Tadley. However, they would nevertheless contribute to affordable housing needs within the Borough. This approach is supported in the Council's Housing Supplementary Planning Document 2018 (SPD) which sets out that financial contributions towards affordable housing will be available for allocation throughout the Borough.
14. The principle of a commuted sum has been accepted by the Council in regards to cascade position 2. The proposed contribution under cascade position 4 is approximately double this figure. If the full contribution were to be made this would provide a reduced level of affordable housing provision compared to what could be provided on site. The Council has indicated that it would be sufficient to fund the conversion of four 1-bedroom flats from shared ownership to social rented units. However, cascade position 4 is a backstop once all other options have been exhausted. I am satisfied that this is reasonable.
15. The Council has confirmed that there are over 100 people registered on the local Help to Buy register who are interested in low cost home ownership initiatives within the Tadley area as well as 272 households on the housing register who have a verified local connection to Tadley.
16. If the cascade approach were to be restricted to the first two cascade positions and the appellant was unable to secure the occupation of the units in accordance with these options, it would be open to the appellant to seek a variation to the legal agreement. However, in such circumstances 25 per cent of the market units would be unoccupied whilst a variation is being sought. In view of my findings on the additional options, it seems unreasonable, given the available options under cascade positions 3 and 4, to require the appellant to seek a variation in these circumstances.
17. I conclude that the proposal would make adequate provision for affordable housing. It would therefore accord with Policy CN1 of the Local Plan as referred to above. It would also accord with the National Planning Policy Framework (the Framework) which requires affordable housing to be met on site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified. It would also accord with the approach to affordable housing provision set out within the SPD.

#### *Planning obligation*

18. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations require that planning obligations should only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
19. The UU makes provision to secure funding of £7,500 for a Traffic Regulation Order to restrict the use of the layby at the front of the site to be used solely

for loading and unloading for the proposed shop. This layby would be within highway land. The restriction of this area for servicing the retail unit is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development.

20. I find that the provision of affordable housing also secured through the UU, also meets these tests.

### **Other Matters**

21. A large number of objections to the scheme were raised in relation to the provision of another convenience retailer in the location and its effect on a local independently run convenience store. However, it is not the role of the planning system to restrict competition between different commercial interests.
22. New Road is a relatively busy road with laybys, a GP surgery and children crossing. With additional vehicles and people associated with the proposal, concerns have been raised about its impact on highway safety. New Road benefits from wide footpaths and a refuge island a little further north of the site. This has dropped kerbs and tactile paving and provides a crossing place. The proposal would provide visibility splays which are considered to be acceptable. There is no firm evidence to suggest that the proposal would give rise to unacceptable highways impacts.
23. The scheme provides 50 car parking spaces, shared between the retirement home, flats and retail unit. The Council has confirmed that the number of spaces would meet the parking requirements set out within Policy CN9 of the Local Plan and the Parking Supplementary Planning Document.
24. The proposal would demolish a vacant property adjacent to a bungalow at 50 New Road (No 50). The replacement buildings would be some distance from No 50, separated from it by an area of car parking and a 2.5 metre wide strip of landscaping. The proposal would be sufficiently separate from the proposed development to not adversely affect the living conditions of this neighbour.
25. There is no evidence that the proposal would give rise to unacceptable pressures on the local surgery and other health care.
26. The three-storey design of the building would be higher than surrounding development. However, its design incorporates two-storey elements closer to surrounding development, which in combination with its position to the rear of the site, helps to reduce the visual impact of its scale and height. I have found no reason to disagree with the Council's assessment of the proposal in that it would be compatible with the surrounding area.

### **Conditions**

27. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency and clarity.
28. A condition specifying the approved plans is necessary as this provides certainty. In the interests of ecology, I have imposed a condition requiring the development to be carried out in accordance with the submitted ecological report.

29. Pre-commencement conditions requiring the submission and approval of a construction method statement in the interests of highway safety and avoiding nuisance; and requiring a tree protection plan in the interests of the amenity of trees on site; are reasonable and necessary. A condition requiring Emergency Plans to be in place is necessary in order to protect public safety in proximity to AWE Aldermaston. I have however separated this so that the pre-commencement part of that condition only relates to the demolition and construction phase of the development. These have been agreed by the appellant. A condition controlling the hours of work, deliveries and removal of plant and materials on site are also necessary to avoid harm arising through nuisance.
30. Conditions requiring an assessment of the risk of contamination, remediation and verification that works have been completed are necessary and relevant in the interests of environmental protection and safety of users of the site. For the same reason, a condition requiring the removal of asbestos is necessary.
31. In the interests of character and appearance, I have imposed conditions specifying materials to be approved and retained; details of hard landscaping; and for the implementation and management of soft landscaping in accordance with submitted details, which I have also included to ensure the proper establishment and maintenance of the scheme of planting.
32. I have imposed a condition requiring a proportion of the dwellings to be built to accessible and adaptable standards. This is necessary to meet future housing needs and required by Policies CN1 and CN3 of the Local Plan.
33. A condition requiring details of external lighting is both necessary and reasonable to ensure such lighting does not harm ecology or cause a nuisance. I have imposed conditions requiring noise mitigation and confirmation that appropriate noise levels can be met in the interests of achieving satisfactory living conditions for occupants. In order to protect the privacy of occupants, a condition requiring details of screening is reasonable and the use of obscured glass.
34. A condition requiring car parking on site to be provided and retained, is both necessary and reasonable in the interests of highway safety and avoiding parking nuisance.

### **Conclusion**

35. For the reasons set out above, I conclude the appeal should be allowed.

*Rachael Pipkin*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - SO-2560-03-AC-00-B
  - SO-2560-03-AC-01-A
  - SO-2560-03-AC-02- D
  - SO-2560-03-AC-100-C
  - SO-2560-03-AC-103-E
  - SO-2560-03-AC-10-A
  - SO-2560-03-AC-11-A
  - SO-2560-03-AC-12-A
  - SO-2560-03-AC-13-A
  - SO-2560-03-AC-15-A
  - SO-2560-03-AC-222-E
  - SO-2560-03-AC-80-A
  - SO-2560-03-AC-81-A
  - SO-2560-03-AC-84-B
  - 034.0112.003 Rev A
  - 034.0112.005
  - 64010-02-Rev C
  - 9990-KC-XX-YTREE-TCP01 Rev 0
  - MCS623/DRG 02 REV E
  - MCS623/DRG 03 REV C
  - MCS623/DRG 04 REV C
  - MCS623/DRG 05 REV B
- 3) The development hereby approved shall be carried out in strict accordance with Chapter 6 Mitigation and Chapter 7 Enhancements of the Phase 2 Bat Emergence Survey by Abbas Ecology dated July 2018.
- 4) No development shall start on site until a construction method statement has been submitted to and approved in writing by the local planning authority. It shall include:
  - a) A programme of and phasing of demolition and construction work;
  - b) The provision of long-term facilities for contractor parking;
  - c) The arrangements for deliveries associated with all construction works;
  - d) Methods and phasing of construction works;
  - e) Access and egress for plant and machinery;
  - f) Protection of pedestrian routes during construction;
  - g) Location of temporary site buildings, compounds, construction materials and plant storage areas.

Demolition and construction work shall only take place in accordance with the approved method statement.

- 5) No development or other operations shall commence on site until a Tree Protection Plan has been submitted to and approved in writing by the local planning authority. The approved tree protection shall be erected prior to any site activity commencing and maintained until completion of the development. No development or other operations shall take place other than in accordance with the Tree Protection Plan.
- 6) A comprehensive Emergency Plans for the retirement apartments, the affordable housing units and the retail unit shall be submitted to and approved in writing by the local planning authority in relation to how the occupiers of the site will respond and manage the situation should there be a radiation emergency at AWE Aldermaston. The Emergency Plan shall include:
  - a) all emergency and business continuity considerations for employees, visitors and the business at the site during construction and operation of the development.
  - b) all actions to follow should there be a radiation emergency at AWE Aldermaston and should set out the notification of an emergency, the response actions, how guests (and others) will be alerted of an incident, where they will go (shelter or evacuate to) and how they will be supported.
  - c) the information to be provided to residents in their homes as well as actions for the site operators and staff to respond to.

A timetable shall be submitted setting out yearly dates for review and amendments where necessary for consideration and agreement by the local planning authority.

The Emergency Plan shall be provided in two phases.

- i) Phase One to cover employees, visitors and businesses at the site during the demolition and construction phase, shall be submitted to and approved in writing prior to any development or other operations commencing on site; and
  - ii) Phase Two to cover residents, employees, visitors and businesses at the site during the operational phase of the development, shall be submitted to and approved in writing prior to the development hereby permitted being occupied/brought into use.
- 7) Demolition or construction works shall take place only between the hours of 0730 and 1800 on Mondays to Fridays, 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
  - 8) Deliveries of construction materials or plant and machinery and removal of any spoil from the site shall only take place between the hours of 0730 and 1800 on Mondays to Fridays, 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
  - 9) With the exception of the demolition of existing buildings and removal of existing hardstanding no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning

authority:- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the Council's Environmental Health team, in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority, (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and, if necessary, proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified, it should be reported immediately to the local planning authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

- 10) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification by the competent person approved under the provisions of condition 9(b) that any remediation scheme required and approved under the provisions of condition 9(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(b), unless otherwise agreed in writing by the local planning authority.

- 11) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification that any identified asbestos has been removed from the application site and disposed of by a licensed asbestos contractor in accordance with the Control of Asbestos Regulations 2012.
- 12) No development above ground floor slab level shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the local planning authority. The approved surfacing shall be completed before the approved buildings are first occupied and thereafter maintained.



- 13) No development shall take place above ground floor slab level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected. The approved screen walls/fences shall be erected before the buildings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the local planning authority before replacement occurs.
- 14) Notwithstanding the details provided on drawings MCS623/DRG 05 REV B, MCS623/DRG 04 REV C, MCS623/DRG 03 REV C, and MCS623/DRG 02 REV E, no development shall take place above ground floor slab level until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the local planning authority. Hard landscaping details shall include, as appropriate:
- a) proposed finished levels or contours,
  - b) means of enclosure,
  - c) car parking layouts,
  - d) other vehicle and pedestrian access and circulation areas,
  - e) minor artefacts and structure (e.g. furniture, refuse or other storage units, signs, lighting, external services, etc.).

Soft landscape details shall include:

- f) planting plan, specification (including cultivation and other operations associated with plant and grass establishment),
- g) schedules of plants, (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate,
- h) any works to enhance wildlife habitats where appropriate.

In addition, implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping, shall be submitted to and approved in writing by the local planning authority before development above slab level commences. The landscaping works shall be carried out in accordance with the approved details before any part of the development is occupied or in accordance with a timetable agreed with the local planning authority.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the local planning authority.

- 15) No development above ground floor slab level shall take place on site until a scheme for protecting the approved dwellings from plant noise associated with the development has been submitted to and approved in writing by the local planning authority. Any proposed mitigation scheme shall have regard to the

Basingstoke & Deane 'Noise assessments and reports for planning applications - Guidance note for developers and consultants'. Mitigation proposals will consider and utilise where possible, reduction in noise exposure achieved by effective site layout, building orientation, the use of physical barriers, utilising open space as a buffer, internal room configurations and any other available mitigation strategies. The following noise levels shall be achieved with mitigation in place:

- a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open)
- b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAfMax (windows open).
- c) Garden areas shall not exceed 55 dB LAeq, 16hr.

Where it is predicted that the internal noise levels specified above will not be met with windows open despite mitigation strategies, an alternative method of mechanical ventilation must be specified to supply outside air to habitable rooms with windows closed, and relieve the need to open windows. Background and passive ventilators, and system 3 extraction systems are not considered adequate for this purpose. Methods may include a system 4 MVHR system with cool air by-pass, or standalone mechanical units supplying outside air to each affected habitable room.

All works which form part of the scheme shall be completed before the dwellings hereby approved are occupied and retained thereafter.

- 16) No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the local planning authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 15. A method statement should be submitted to and approved by the local planning authority prior to the survey being undertaken. If the noise levels set out in condition 15 are exceeded, additional noise mitigation measures, (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the local planning authority and implemented in full prior to the first occupation of the relevant phase.
- 17) A minimum of 15% of the properties shall be built to accessible and adaptable standards to enable people to stay in their homes as their needs change. No development above ground floor slab level shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 18) No development above ground floor slab level shall commence on site until details of the height, design and materials to be used in the construction of the privacy screens to the balconies of Units 27 and 28 has been submitted to and

approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

- 19) Details of any external lighting shall be submitted to and approved in writing within one month of the date of development commencing. Any external lighting should follow the guidelines set out by the Bat Conservation Trust and shall be submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details.
- 20) Prior to the first occupation of the development hereby approved the provision for the parking of vehicles shown in the approved plans shall be constructed, laid and marked out and shall thereafter be retained for the parking of vehicles.
- 21) The windows at first floor level on the western elevation to Units 27 and 28 shall be non-opening and glazed with obscured glass, and shall be installed prior to the occupation of these units. The windows shall remain non opening and obscured glazed.

### **End of Schedule of Conditions**