

CIL Compliance Statement

Local Planning Authority

Town and Country Planning Act 1990
Community Infrastructure Levy Regulations 2010
Section 78 appeal against the refusal of planning permission

Appeal: APP/W0340/W/22/3312261

Site: The Hollies Reading Road Burghfield Common Reading
RG7 3BH

Proposal: Erection of 32 dwellings including affordable housing,
parking, and landscaping. Access via Regis Manor Road.

Date: May 2023

Council Reference: 22/00244/FULEXT

CIL Compliance Statement

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1. Introduction

Scope of statement

- 1.1 This statement has been prepared for appeal reference APP/W0340/W/22/3312261 for the Erection of 32 dwellings including affordable housing, parking, and landscaping. Access via Regis Manor Road at The Hollies Reading Road Burghfield Common Reading RG7 3BH.
- 1.2 This statement justifies the planning obligations sought in relation to the appeal proposal, in the context of the relevant legislation and policies.
- 1.3 Section 122 of the Community Infrastructure Levy (CIL) Regulation 2010 (as amended) provide the three tests for planning obligations, which are repeated by the NPPF. It provides that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 1.4 West Berkshire Council is the Local Planning Authority and the CIL Charging Authority in respect of this application. The Council's CIL was implemented on 1 April 2015. Whilst CIL replaces most of the previous system of developer contributions collected under Section 106, it will still be necessary to have S106 planning obligations under certain circumstances, for example to provide affordable housing, or provide infrastructure on site, or pay for infrastructure improvements required off site but specifically as a result of a development.
- 1.5 The Council adopted a CIL Charging Schedule and approved a Regulation 123 List on 4th March 2014, with an implementation date of 1st April 2015. Development permitted from 1 April 2015 onwards is liable to pay the Levy as set out in the CIL Charging Schedule.

- 1.6 This statement considers compliance in respect of each of the planning obligations proposed in the unilateral undertaking submitted by the appellant.

Policy context

- 1.7 The statutory development plan for West Berkshire is currently made up of a number of different documents¹. The table below sets out those development plan documents that are relevant to the proposed planning obligations, together with a list of the relevant policies.

Development Plan Document	Relevant Policies
West Berkshire Core Strategy 2006-2026 (WBCS) http://info.westberks.gov.uk/corestrategy	CS6
Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD) http://info.westberks.gov.uk/hsa	GS1, HSA16

- 1.8 A number of documents are material conditions relevant to the proposed planning obligations.
- 1.9 The **National Planning Policy Framework (NPPF)** sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decision, which should be read as a whole (including its footnotes and annexes). The latest version was published in February 2019.
- 1.10 The **Planning Practice Guidance (PPG)** is an online publication which supplements the NPPF and, as a statement of government policy, may also be material when deciding applications/appeals.

¹ Full development plan: West Berkshire Core Strategy 2006-2026 (adopted July 2012); Housing Site Allocations DPD 2006-2026 (adopted May 2017); West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (as amended in July 2012 and May 2017); Stratfield Mortimer Neighbourhood Development Plan (adopted June 2017); South East Plan, Natural Resource Management Policy 6 (relating to the Thames Basin Heaths Special Protection Area; Replacement Minerals Local Plan for Berkshire (incorporating alterations adopted in December 1997 and May 2001); Waste Local Plan for Berkshire (adopted December 1998).

1.11 The **Quality Design SPD (2006)** aims to help developers create places of high quality design which are sustainable, secure and accessible to all. The SPD series is made up of 10 documents.

1.12 The **Planning Obligations SPD (2014)** was adopted by the Council in December 2014, following a period of consultation which took place in Summer 2014. It sets out the Council's approach for securing contributions and requiring obligations from development, alongside the Community Infrastructure Levy (CIL). This approach is in accordance with national CIL Regulations and the council's pdf CIL Regulation 123 List.

Proposed planning obligations

1.13 The following planning obligations are proposed. CIL compliance is considered in subsequent sections of this statement.

- a) Affordable housing

2. Proposed planning obligation Affordable Housing

- 2.1 Policy CS 6 of the Development deals with affordable housing. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The Council's priority and starting expectation will be for affordable housing to be provided on-site in line with Government policy
- 2.2 Core Strategy Policies CS6 and the Planning Obligations SPD the development needs to deliver 40% affordable housing on site with a 70% social rent and 30% intermediate tenure split across all the affordable housing.
- 2.3 The units or all of the 'general affordable housing' units to be of a unit size mix in accordance with table 140 of the Western Berkshire HMA and pepper potted across the development.
- 2.4 The Council's requirement for fully policy compliant permanently available affordable housing, is necessary to mitigate the impact/needs of the development, directly related to the appeal scheme and fairly and reasonably related in scale and kind to the appeal development.

3. Conclusion

- 3.1 Without prejudice and subject to resolving any outstanding matters of substance and detail relating to the infrastructure matters at issue, the Council agrees that they can be effectively addressed by way of a satisfactory s106 Unilateral Undertaking.
- 3.2 The obligations sought in respect of affordable housing and infrastructure requirements, would not be duplicated through CIL funding and they are all necessary, directly related to the development and fairly and reasonably related in scale and kind to the appeal scheme. They are considered to comply with the CIL Regulations for the reasons set out above.