

# Notice of Meeting



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## Western Area Planning Committee Wednesday 18 December 2024 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 17 December 2024 by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday 10 December 2024

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Western Area Planning Committee to be held on Wednesday 18 December 2024**  
(continued)

**To:** Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

**Substitutes:** Councillors Dennis Benneyworth, Martin Colston, Carlyne Culver, Billy Drummond and Stuart Gourley

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# Agenda

## Part I

Page No.

1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes**  
To approve as a correct record the Minutes of the meeting of this Committee held on 21 August 2024.  
To Follow
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
  - (1) **Application No. and Parish: 24/00348/FUL Cold Ash** 7 - 28  
**Proposal:** Erection of 6 dwellings with associated access, car parking and landscaping.  
**Location:** Coley Farm, Stoney Lane, Ashmore Green, Thatcham  
**Applicant:** Cala Homes Chiltern Ltd  
**Recommendation:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report.

**Agenda - Western Area Planning Committee to be held on Wednesday 18 December 2024**  
(continued)

- (2) **Application No. and Parish: 24/01467/HOUSE & 24/01541/LBC** 29 - 40  
**Leckhampstead**  
**Proposal:** Two storey rear extension to create two en-suite bathrooms with internal alterations. Relocation of existing oil boiler and increase in chimney height  
**Location:** Catslide Cottage, Hill Green, Leckhampstead, Newbury, RG20 8RB  
**Applicant:** Mr and Mrs Taylor  
**Recommendation:** Refusal
- (3) **Application No. and Parish: 24/00925/FUL Newbury** 41 - 56  
**Proposal:** Construction of single storey restaurant building using shipping containers. Renovation and fit out of existing brick storage barn to form new barn and seating area. External landscaping to form pub garden/seating area.  
**Location:** Cross Keys, 8 London Road, Newbury, RG14 1JX  
**Applicant:** Mr James Callery  
**Recommendation:** Approval

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

*Sarah Clarke*

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

If you require this information in a different format or translation, please contact Gordon Oliver on (01635) 519486.

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# Agenda Item 4.(1)

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

<sup>1</sup> Extension of time agreed with applicant until 23<sup>rd</sup> December 2024

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9GOBSRD0MN00>

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

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

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

**Committee Site Visit:** 12<sup>th</sup> December 2024

## Contact Officer Details

**Name:** Sian Cutts  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Sian.cutts@westberks.gov.uk

## 1. Introduction

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

## 2. Planning History

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

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

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

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



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

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on 21<sup>st</sup> March 2024 at the site entrance off Stoney Lane, with a deadline for representations of 13<sup>th</sup> April 2024. Neighbouring properties were notified by letter of the application.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

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

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 The CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.11 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 3.12 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.14 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The application site is not within the setting of any Listed Buildings.
- 3.15 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site is not within a conservation area or the setting of a conservation area.

## 4. Consultation

### *Statutory and non-statutory consultation*

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

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

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

### ***Public representations***

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

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

## 5. Planning Policy

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

- Policies ADPP1, ADPP2, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA3, C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies CAP1, CAP2, CAP3, CAP4, CAP5, CAP7, CAP11, of the Cold Ash Neighbourhood Development Plan (2024).

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

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

## 6. Appraisal

6.1 The main issues for consideration in this application are:

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

## ***Principle of development***

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

## ***Character and appearance***

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

## **Affordable Housing**

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

## 6.7 Residential Amenity

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

## Highway Safety

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

## Drainage and Flood Risk

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

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

## **Ecology**

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

## ***Town/Parish Council representations***

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

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

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



## 8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 PROVIDED THAT a Section 106 Agreement has been completed by 18<sup>th</sup> March 2025 (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.3 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

### Conditions

1.	<p><b>Commencement of development</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan Drawing No 24010 L301 Rev A received 29<sup>th</sup> February 2024; Proposed Site Layout Plan Drawing No 24010 301 Rev A received 20<sup>th</sup> May 2024; Ancillary Building – Car Port Drawing No 24010 312 received 20<sup>th</sup> May 2024; Boundary Material Layout Drawing No 24010 304 Rev A received 20<sup>th</sup> May 2024; Parking Strategy Layout Drawing No 24010 306 Rev A received 20<sup>th</sup> May 2024; Refuse Strategy Layout Drawing No 24010 307 Rev A received 20<sup>th</sup> May 2024; Surface Material Layout Drawing No 24010 305 Rev A received 20<sup>th</sup> May 2024;</p> <p>House Type- Aspen – Semi Drawing No 24010 309 received 16<sup>th</sup> February 2024; House Type -Everglade Drawing No 24010 310 received 16<sup>th</sup> February 2024; House Type-Mimosa &amp; HA7 Drawing No 24010 308 received 16<sup>th</sup> February 2024;</p> <p>Drainage Strategy Drawing No A420-DD-561 Rev P6 received 28<sup>th</sup> March 2024; Drainage Technical Note prepared by Abley Letchford partnership reference A420-R007 received 20<sup>th</sup> May 2024; Construction Environmental Management Plan (CEMP-B) prepared by The Landmark Practice dated July 2024 and received 15<sup>th</sup> August 2024; Landscape and Ecological Management Plan prepared by The Landmark Practice dated August 2024 and received 15<sup>th</sup> August 2024;</p> <p>Arboricultural Method Statement prepared by Middlemarch Environmental reference RT-MME-154552-01 Rev B dated October 2021 received 10<sup>th</sup> October 2024; Travel Plan Prepared by Glanville Ref: CV8190252/AD/DW/016 Issue 5: dated December 2021 received 10<sup>th</sup> October 2024; Geo-Environmental Report prepared by Enzygo Ref CRM.1780.003.GE.R.001 dated April 2021 received 10<sup>th</sup> October 2024; Construction Method Statement dated August 2022 received 10<sup>th</sup> October 2024; Traffic Management Plan Drawing No 00356/TMP Rev A received 10<sup>th</sup> October 2024; and</p>

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

9.	<p><b>Construction Method Statement</b></p> <p>The development shall be implemented in accordance with the Construction Method Statement dated August 2022 received 10<sup>th</sup> October.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10.	<p><b>Parking Spaces</b></p> <p>No dwelling shall be first occupied until vehicle parking and turning spaces for that dwelling have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006- 2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
11.	<p><b>Cycle Storage</b></p> <p>No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
12.	<p><b>Car Port Alterations</b></p> <p>The car port hereby permitted shall be kept available for parking (of private cars and/or private light goods vehicles) at all times. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no physical alterations shall be made to the car port (including enclosing the sides / installed doors), unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.</p> <p>Reason: To ensure that the car port is kept available for vehicle parking, and is not converted into a garage, in the interest of road safety. The residential parking standards of Policy P1 do not count garages towards parking provision. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026 and Policy CAP3 of the Cold Ash Neighbourhood Plan (2024).</p>

13.	<p><b>Sustainable Drainage Measures</b></p> <p>No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <p>a. Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises.</p> <p>b. Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses adjacent to the site.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p> <p>A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
14.	<p><b>Verification Report</b></p> <p>The dwellings hereby approved shall not be occupied into use until the following conditions are satisfied:</p> <p>a. A verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted immediately following construction submitted to and approved in writing by the Local Planning Authority. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</p> <p>b. Ordinary watercourse consent has been granted.</p>

	<p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Policy CAP5 of the Cold Ash Neighbourhood Plan, Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p> <p>A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
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### ***Heads of Terms for Section 106 Agreement***

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

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

1.	<p><b>Proactive</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>CIL</b></p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability</p>

	<p>Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3.	<p><b>BNG Not required</b></p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p><b>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</b></p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> <li>1. The application for planning permission was made before 12 February 2024.</li> <li>2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.</li> <li>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and       <ol style="list-style-type: none"> <li>(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or</li> <li>(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</li> </ol> </li> <li>4. The permission which has been granted is for development which is exempt being:       <ol style="list-style-type: none"> <li>4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:           <ol style="list-style-type: none"> <li>i) the application for planning permission was made before 2 April 2024;</li> <li>ii) planning permission is granted which has effect before 2 April 2024; or</li> <li>iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).</li> </ol> </li> <li>4.2 Development below the de minimis threshold, meaning development which:</li> </ol> </li> </ol>

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

#### APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

#### IRREPLACEABLE HABITAT

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

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

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

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

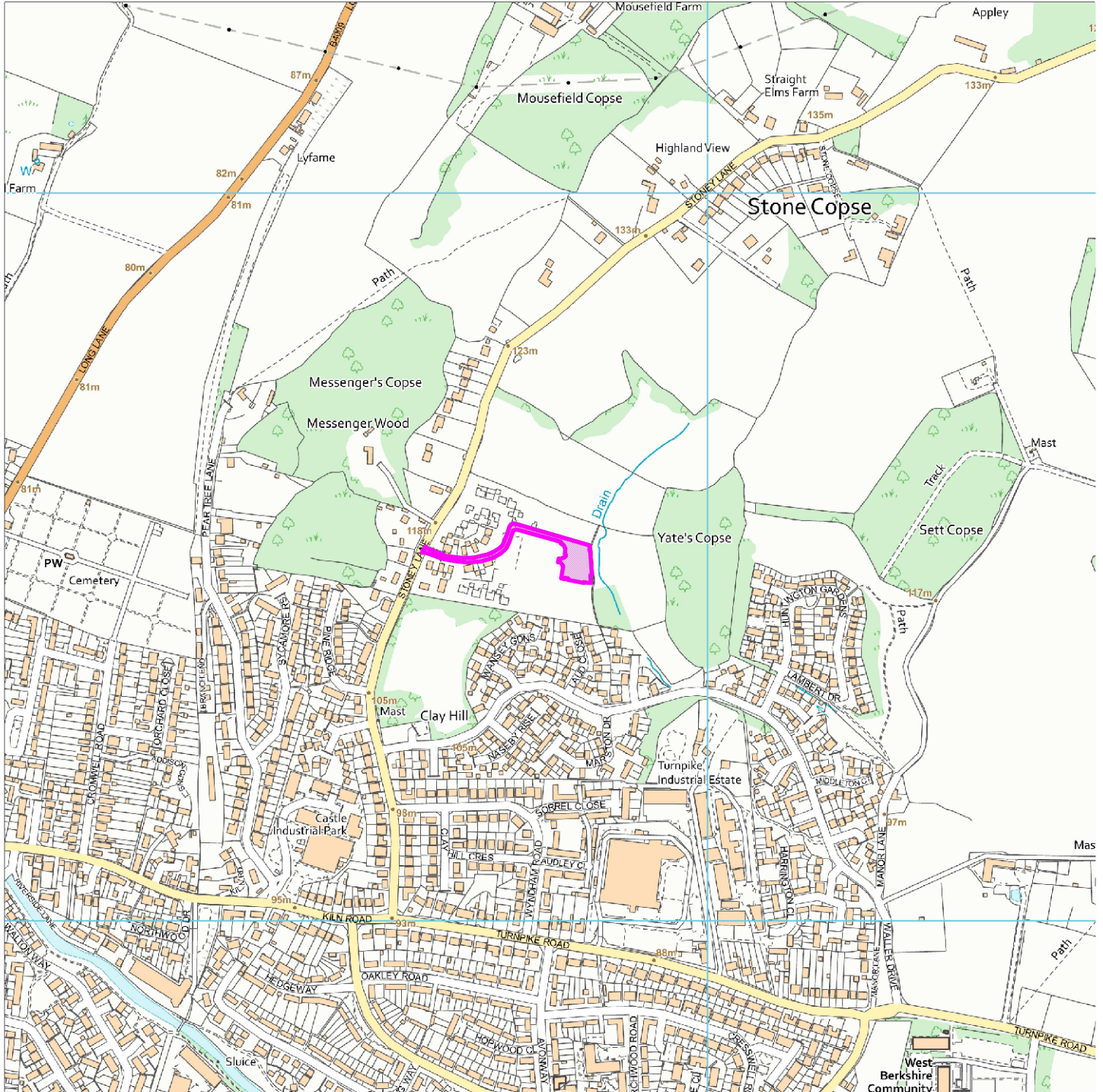
- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development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

#### PHASED DEVELOPMENT

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

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





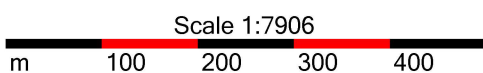
Map Centre Coordinates :

Scale : 1:7905

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	05 December 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(2)	24/01467/HOUSE & 24/01541/LBC Leckhampstead Parish Council		20.09.2024 <sup>1</sup>		Two storey rear extension to create two en-suite bathrooms with internal alterations. Relocation of existing oil boiler and increase in chimney height.  Catslide Cottage, Hill Green, Leckhampstead, Newbury, RG20 8RB  Mr and Mrs Taylor

<sup>1</sup> Extension of time agreed with applicant until 20.12.2024

The applications can be viewed on the Council's website at the following links (please note the submitted plans are the same for both references):

24/01467/HOUSE

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9GOBSRD0MN00>

24/01541/LBC

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9GOBSRD0MN00>

**Recommendation Summary:** Refusal

**Ward Member(s):** Councillor Clive Hooker

**Reason for Committee Determination:** Called in if officer likely to recommend refusal

**Committee Site Visit:** 12.12.2024

## Contact Officer Details

**Name:** Harriet Allen  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Harriet.Allen1@westberks.gov.uk](mailto:Harriet.Allen1@westberks.gov.uk)

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 The householder application seeks planning permission for a two-storey rear extension, raised chimney height, and a new opening.
- 1.3 The application for listed building consent is for the above external works, as well as associated internal alterations consisting of new internal walls and openings.
- 1.4 Catslide Cottage forms part of a small rural cluster of dwellings, over half of which are grade II listed, and is on the site of a pre-18th century settlement designated as the Hill Green Conservation Area. The cottage sits on the edge of the cluster and is directly adjacent open agricultural fields characteristic of the North Wessex Downs through which a public footpath runs. The character of the setting is therefore predominantly historic and rural in nature.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.
- 2.2 The two-storey extension for which permission is currently being sought was previously applied for under application references 23/02334/LBC and 23/02333/HOUSE. Following comments from the Senior Conservation Officer a single storey extension was proposed instead, which was approved.

Application	Proposal	Decision Date	/
89/35113/ADD	Two storey extension and conservatory to rear of existing dwelling	REFUSED 26.07.1989	
89/35114/LBC	Two storey extension and conservatory to rear of existing dwelling	REFUSED 26.07.1989	
89/35623/LBC	Two storey extension with rendered walls and thatched roof to provide bedroom and bathroom above and sitting room below	APPROVED 05.10.1989	
89/35624/ADD	Two storey extension to provide bedroom and bathroom above and sitting room below	APPROVED 05.10.1989	
90/36762/ADD	Two storey extension	REFUSED 15.05.1990	
90/36763/LBC	Two storey extension	REFUSED 15.05.1990	
90/37666/ADD	Two storey extension	APPROVED 29.08.1990	
90/37667/LBC	Two storey extension	APPROVED 29.08.1990	

91/39157/ADD	Erection of a garage	APPROVED 04.06.1991
91/40300/ADD	Revised siting of garage	APPROVED 08.01.1992
91/40301/LBC	Revised siting of garage	APPROVED 08.01.1992
95/47674/FUL	Extension to garage.	APPROVED 12.01.1996
09/01368/HOUSE	Addition of garden room	APPROVED 25.08.2009
20/02384/HOUSE	New painted timber framed summer house	APPROVED 20.11.2020
23/02333/HOUSE	Single storey rear extension to create an ensuite bathroom with internal alterations. Relocation of existing oil boiler and increase in chimney height	APPROVED 03.05.2024
23/02334/LBC	Single storey rear extension to create an ensuite bathroom with internal alterations. Relocation of existing oil boiler and increase in chimney height	APPROVED 03.05.2024

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Planning (Listed Buildings and Conservation Areas) Regulations 1990, and the Council's Statement of Community Involvement. Site notices were displayed on 28.08.2024 at the front of the site, with a deadline for representations of 18.09.2024. Public notices were displayed in the Newbury Weekly News on 08.08.2024; with a deadline for representations of 22.08.2024.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure

supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

- 3.5 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The cottage is a grade II listed C18 property in red and white painted brickwork. The significance of this cottage arises from its historic illustrative and aesthetic/architectural values. The 2 storey thatched cottage is an attractive example of C18 local vernacular dwellings, with a partially retained historic planform. The cottage has a modest linear form and an attractive, well-proportioned thatched roof, with visual interest added by the historic, but non-original, catslide roof to the rear. A full assessment of the impact of the works on this listed building is provided in Section 6 below.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site resides in the Hillgreen Conservation Area comprising 9no. c17/18 cottages, 6no. of which are grade II listed. Catslide Cottage makes a positive contribution to the setting of the conservation area, which has a pleasant rural and vernacular character, through its form and materiality. The front (west) elevation of the cottage has the most significance in the context of the conservation area as, although significantly set back, it faces onto the public highway. A full assessment of the impact of the works on the conservation area is provided in Section 6 below.

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>WBC Highways:</b>	No objections.
<b>WBC Ecology:</b>	No objections given evidence of exclusion features (mesh) covering the thatched roof and eaves.
<b>WBC Public Rights of Way:</b>	No objections although advise informatives in the event of an approval.
<b>Historic England:</b>	No comment.

- 4.2 No responses were received from the following on either application: WBC Conservation Officer, WBC Tree Team, Leckhampstead Parish Council.
- 4.3 No response from Historic Buildings and Places was received for the application for listed building consent.
- 4.4 Comments from the Council's Senior Conservation Officer were received with regards to the same scheme when applied for under application reference 23/02334/LBC, before amendments were made and approved. This Officer expressed objection to the proposed two-storey rear extension.

### ***Public representations***

- 4.5 No representations have been received at the time of writing.

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5, CS13 CS14, CS17, and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies C3 and C6 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - North Wessex Downs AONB Management Plan 2019-24
  - WBC House Extensions SPG (2004)
  - WBC Quality Design SPD (2006)
  - Planning Obligations SPD (2015)

## **6. Appraisal**

- 6.1 The main issues for consideration in this application are:



- The principle of development
- Impact on character, appearance, historic interest and significance
- Neighbouring amenity
- Ecology
- Trees
- Highway matters
- Flooding and drainage

### ***Principle of development***

- 6.2 The application site is situated within the countryside and North Wessex Downs National Landscape. Whilst development here is limited and must conserve the scenic beauty of the setting, in accordance with Policies ADPP1 and ADPP5, Policy C6 states there is a presumption in favour of proposals for the extension of existing permanent dwellings in the countryside. The dwelling is a Listed Building and is within the Conservation Area where particular regard will be given to the sensitivity of the area to change and to the conservation and enhancement of heritage assets and their settings.
- 6.3 The proposed extension to the dwelling generally accords with the Development Plan, however acceptability of the proposal is subject to the design and specific impacts. In this instance, the impact of the design on the character and appearance of the dwelling warrants refusal.

### ***Impact on character, appearance, historic interest and significance***

- 6.4 The proposed two-storey extension to the north east of the cottage would infill space between the original cottage/catslide extension and the 1990s two-storey extension, and have a similar form to this adjacent 1990s extension.
- 6.5 Due to the location, form and materiality of the proposed extension, it is not considered to impact the setting of the conservation area. However, the extension would have an impact on the significance and interest of the cottage itself. Firstly, the extension would result in the loss of historic fabric through the removal of the non-original catslide roof, as well as the older east-facing catslide roof. Non-original elements are still of historic and aesthetic interest, and there would likely be loss of original roof timbers and ceiling fabric.
- 6.6 The original modest linear form of the building has been retained, as well as part of the historic flank and rear walls. The extension would erode this by creating a bulky square form, extending the flank wall, blurring the distinction between the original house and modern additions, and thus harming understanding and readability of the original cottage.
- 6.7 More fundamentally, the proposed extension would obliterate the remaining portion of catslide roof, fundamentally altering the character and form of this cottage.
- 6.8 This proposed extension would have a ridge height 2m greater than the approved single storey extension. It is considered this greater height and bulk combined with the existing extension would almost completely obscure the rear elevation of the original cottage, and thus not achieve subservience.
- 6.9 This loss of historic fabric and erosion of historic planform would result in less than substantial harm to the historic interest and significance of the listed building. In accordance with the NPPF such harm must be clearly and convincingly justified (para 206) and balanced by public benefit (para 208) to be acceptable. In this case, the justification provided is the creation of an accessible ground floor bedroom. The

provision of a partly accessible dwelling could outweigh the harm caused by a single storey extension. However, these applications propose a two-storey extension, the first floor of which is not adequately justified nor balanced by public benefit.

- 6.10 Some aspects of the proposal however are considered acceptable. A new first floor window is proposed, which would result in removal of historic fabric, but it would be small and characteristic of the cottage and enable an improvement in daylight levels. The raising of a chimney stack is considered to be acceptable as the existing chimney, whilst of historic interest, is not original, and the proposed would be of a similar style. Lastly, the proposed boiler location would be in an acceptable unobtrusive location, away from the prominent front (west) elevation and views to/from/through the conservation area.

### ***Neighbouring amenity***

- 6.11 The impact on neighbouring amenity is an important material consideration, and works should not result in any undue or harmful impact on amenity such as a significant increase in overlooking, overshadowing or overbearing impacts on habitable rooms of neighbouring dwellings and their private amenity spaces. The proposed built form would extend to the rear, away from other dwellings, not resulting in any harmful impact on any neighbouring amenity.

### ***Ecology***

- 6.12 Mesh netting covers the roof and timber eaves. This has been considered by the Council's Principal Ecologist to be an exclusion feature negating concerns that the cottage may host roosting bats.
- 6.13 The proposal falls within the nutrient catchment of the River Lambourn Special Area of Conservation. Natural England's Nutrient Neutrality approach applies to this catchment area to monitor the impact of its land use on the generation and discharge of particular nutrients into the River Lambourn. The development proposed in this householder application will not result in any significant additional nutrients entering the catchment as the use of any dwellings within the curtilage will not change.

### ***Trees***

- 6.14 Parts of small domestic hedgerows could be affected by the proposal, but no trees at risk of harm from the proposal were identified. No comments have been received from the WBC Trees Team, and no protection measures were required under permission granted for a single storey extension on 03.05.2024.

### ***Highway matters***

- 6.15 There were no objections from, nor matters raised by, the Local Highway Authority. This current proposal involves an extension that would not affect the number of bedrooms nor existing parking arrangements.

### ***Flooding and drainage***

- 6.16 The site is not in Flood Zone 2 or 3, is less than 1ha, and the area of development would not be in an area at risk of flood from surface water nor groundwater. Therefore, no flood risk assessment is required.

## 7. Planning Balance and Conclusion

- 7.1 The proposed extension accrues a level of less than substantial harm to the heritage asset and is contrary to national (NPPF, 2023) and local (Local Plan Policies CS14 and 19) policy, which look to preserve and enhance the character and significance of heritage assets. In addition, the proposal fails to comply with Policy C6 which requires extensions to dwellings in the countryside to be subservient and have no adverse impact on the historic interest of the building.

## 8. Full Recommendation for 24/01467/HOUSE

- 8.1 To delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reason listed below.

### *Refusal Reason*

1.	<p><b>Character and appearance</b></p> <p>Catslide Cottage is a grade II listed 18<sup>th</sup> century house which has a modest linear form and an attractive, well-proportioned thatched roof, with visual interest added by the historic, but non-original, catslide roof to the rear. A two-storey extension to the north east of the cottage is proposed, which would infill space between the original cottage/catslide extension and a 1990s two-storey extension. This would result in the loss of the non-original catslide which is of historic and aesthetic interest, as well as historic timbers and ceiling fabric to the rear of the original cottage. In addition, the extension would create a bulky square form and extend the flank wall, blurring the distinction between the original house and modern additions, thus harming understanding and readability of the original cottage. Lastly, the extension would be similar in height to the existing extension and original cottage, resulting in the rear elevation of the original cottage being almost completely obscured, and not achieving subservience.</p> <p>This loss of historic fabric and erosion of historic planform would result in less than substantial harm to the historic interest and significance of the listed building, which is not sufficiently justified or balanced by public benefit.</p> <p>The proposal therefore runs contrary to the National Planning Policy Framework and Policies CS14 and CS19 which require the conservation and enhancement of historic assets, and also Policy C6 which requires extensions to dwellings in the countryside to be subservient and have no adverse impact on the historic interest of the building.</p>
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## 9. Full Recommendation for 24/01541/LBC

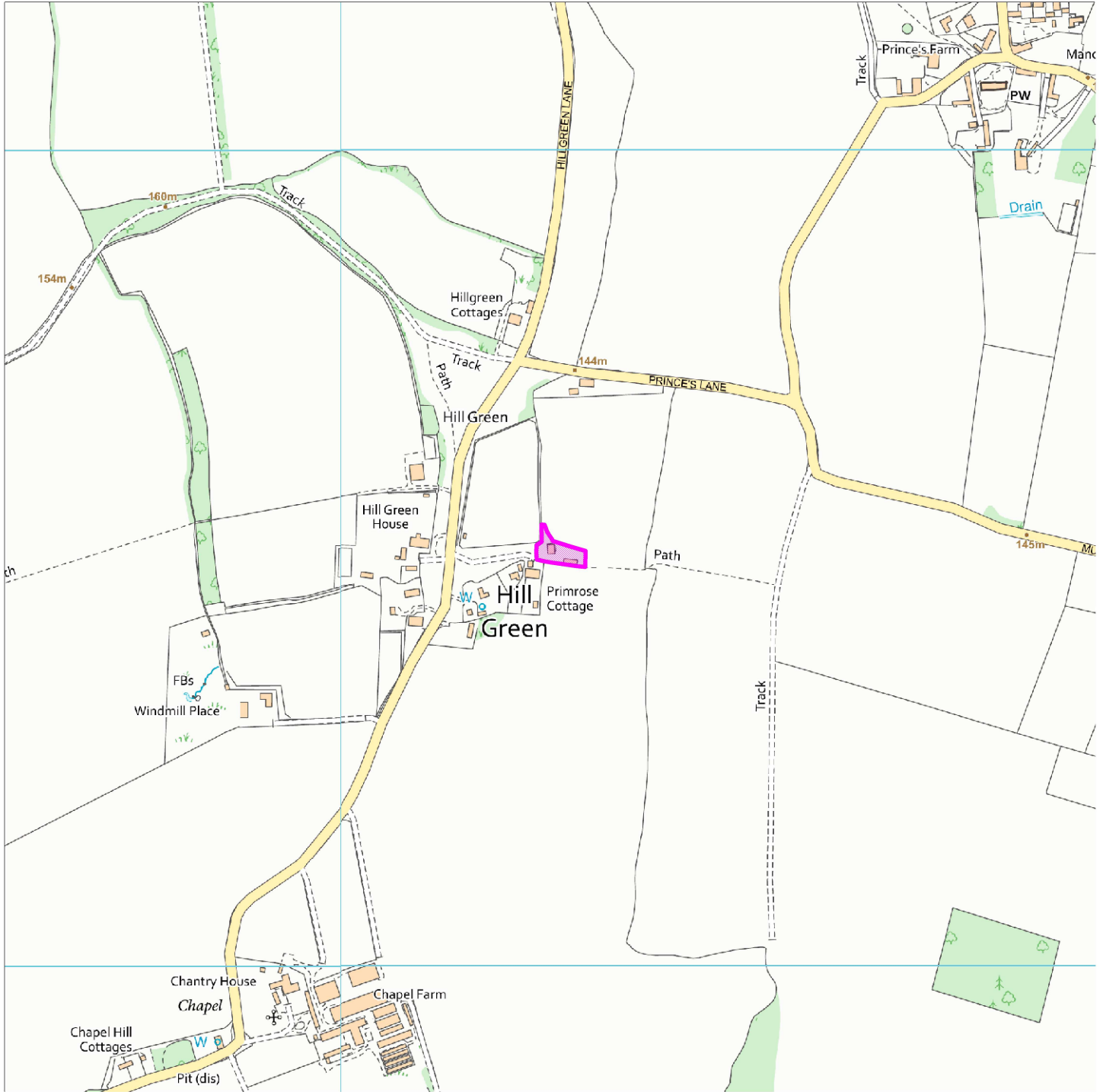
- 9.1 To delegate to the Development Manager to REFUSE LISTED BUILDING CONSENT for the reason listed below.

### ***Refusal Reasons***

1.	<p><b>Less than substantial harm</b></p> <p>Catslide Cottage is a grade II listed 18<sup>th</sup> century house which has a modest linear form and an attractive, well-proportioned thatched roof, with visual interest added by the historic, but non-original, catslide roof to the rear. A two-storey extension to the north east of the cottage is proposed, which would infill space between the original cottage/catslide extension and a 1990s two-storey extension. This would result in the loss of the non-original catslide which is of historic and aesthetic interest, as well as historic timbers and ceiling fabric to the rear of the original cottage. In addition, the extension would create a bulky square form and extend the flank wall, blurring the distinction between the original house and modern additions, thus harming understanding and readability of the original cottage. Lastly, the extension would be similar in height to the existing extension and original cottage, resulting in the rear elevation of the original cottage being almost completely obscured, and not achieving subservience.</p> <p>This loss of historic fabric and erosion of historic planform would result in less than substantial harm to the historic interest and significance of the listed building, which is not sufficiently justified or balanced by public benefit.</p> <p>The proposal therefore runs contrary to the National Planning Policy Framework and Policies CS14 and CS19 which require the conservation and enhancement of historic assets, and also Policy C6 which requires extensions to dwellings in the countryside to be subservient and have no adverse impact on the historic interest of the building.</p>
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# 24/01467/HOUSE

Catslide Cottage, Hill Green, Leckhampstead RG20 8RB

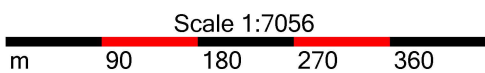


Map Centre Coordinates :

Scale : 1:7056

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	05 December 2024
<b>SLA Number</b>	0100024151

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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	24/00925/FUL Newbury	16/05/2024 <sup>1</sup>	Construction of single storey restaurant building using shipping containers. Renovation and fit out of existing brick storage barn to form new barn and seating area. External landscaping to form pub garden/seating area.  Cross Keys, 8 London Road, Newbury, RG14 1JX  Mr James Callery

<sup>1</sup> Extension of time agreed with applicant until: 18 December 2024

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SCWKIGRD0PL00>

**Recommendation Summary:** Approval

**Ward Member(s):** Councillor Antony Amirtharaj  
Councillor Martha Vickers

**Reason for Committee Determination:** 10+ objections

**Committee Site Visit:** 12<sup>th</sup> December 2024

## Contact Officer Details

**Name:** Donna Toms  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** donna.toms@westberks.gov.uk

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the construction of a single storey restaurant building using shipping containers. Renovation and fit out of existing brick storage barn to form new barn and seating area. External landscaping, including closed board fencing to form pub garden/seating area.
- 1.3 The application site is a public house located on the corner of London Road and Pelican Lane within the settlement boundary of Newbury. The application site is located within the conservation area and within the town centre commercial area.

## 2. Planning History

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

Application	Proposal	Decision
76/04323/ADD	Erection of two 4 sheet wall panels	Refused
77/07460/ADD	Internal alterations and erection of new urinal	Approved
84/21482/LBC	Part of garage to be converted for use as stores and wc existing store to be converted to wc external alterations	Approved
84/22344/ADD	Part of garage to be converted for use as stores and wc existing store to be converted to wc external alterations	Approved
90/36632/ADD	Erection of office use building with associated parking	Approved
90/36677/CON	Partial demolition of existing house	Approved
99/55715/LBC	Internal alteration of a Public House which involves the part removal of some internal walls and a staircase which will be re-sited to serve the first floor letting rooms. This work will improve the customer area and help from a supervision point of view. Demolition of existing outbuildings	Approved
01/00733/FUL	Proposed alterations and toilet extension	Approved
07/02164/FUL	Proposed new fire escape door and external metal staircase	Approved
22/00998/FUL	Construction of external seating area with canopy over and landscaping to pub garden at side and rear. Alteration private pub car park entrance	Approved



### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 31 May 2024, with a deadline for representations of 21 June 2024. A public notice was displayed in the Newbury Weekly News on 23 May 2024; with a deadline for representations of 6 June 2024.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council’s website.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. No listed buildings will be impacted by the proposed development.
- 3.13 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Newbury Town Council:</b>	No objection
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	Comment: consideration taken to minimise the impact on the neighbouring offices.
<b>WBC Highways:</b>	<p>This site is within Newbury Town Centre. It is therefore sustainably located within the District. Whilst there is a proposed increase in capacity, there is good access to alternative modes of travel. For those staff and patrons that do travel of car there are public car parks that could be utilised when required.</p> <p>Conditional approval – giving this location there must be no deliveries at peak times on the highway network.</p>
<b>WBC Drainage:</b>	The drainage engineer requested drainage details to be provided. They also asked for infiltration test results to ensure that a soakaway solution is feasible in this location, or that an alternative means of discharge is available.
<b>Environmental Health:</b>	<p>No Environmental Health Objection:</p> <p>The applicant has confirmed the timings for the operation of the proposal area and kitchen, of 11pm (closing time) and 9pm (shut down time) for the kitchen and extraction. I therefore have no noise objection to those operating hours which are acceptable for this location. I would suggest that these timings are conditioned.</p> <p>The principle of a commercial kitchen in this area is acceptable and the information submitted in relation to noise and odour for the kitchen is less detailed than I would typically expect. However, I have input the fan sound pressure level into a sound distance calculator and the sound levels at the nearest dwelling are predicted be relatively low and unlikely to result in adverse impact. With regards odour management, the information submitted is minimal, it shows that there will be grease baffles and fans to extract odour/fumes/smoke/vapour. Whilst the discharge height and orientation proposed is not generally considered ideal for optimal dispersal as the extract will be directed towards the car park (not a sensitive receptor) it is a reasonable distance from sensitive receptors, so significant adverse impacts should be unlikely. I therefore accept the proposals in the absence of a full odour and noise assessment and do not object. In the unlikely event nuisance complaints were to arise from the proposed extraction due to noise or odour, Environmental Health also have powers to investigate and take action to resolve the nuisance.</p>

### ***Public representations***

- 4.2 Representations have been received from 10 contributors, 1 of which is impartial, and 9 of which object to the proposal. A petition has been received with 18 signatures objecting to the application.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Impact of smells from kitchen and woodburning flues.
- General noise
- Concern re potential noise and antisocial behaviour of customers in the evenings and in summer when windows are open
- Concerned height of containers will be higher than existing boundary wall – loss of light into ground floor chiropractor’s clinic
- Not clear how the ground is to be levelled as the car park is not flat.
- Concern regarding building up public house within residential area.
- Concern for safety.
- Impact during construction period.
- Pelican Lane/London Road already busy enough.
- Loss of parking

## 5. Planning Policy

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

- Policies ADPP2, CS11, CS14, and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5, OVS6, SHOP1, ECON5 and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development
- The impact on the character and appearance of the area
- Impacts on residential area in terms of noise and smell
- Impact on offices in terms of overshadowing
- Highways matters
- Flood risk and drainage

### ***Principle of development***

6.2 Policy ADPP1 of the Core Strategy states that development in West Berkshire will follow the existing settlement pattern. The application site is within the defined settlement boundary of Newbury.

6.3 Commercial development within town centre locations is permitted and encouraged by Policy CS11 which states "The vitality and viability of the District's town, district and local centres will be protected and enhanced. The existing network of town, district,

local, and village centres will form the focal point for uses, services, and facilities serving the surrounding population. Any scheme will be of an appropriate scale and character to reflect and respond to the role and function of the centre, and should promote the individuality of the centre, responding to any distinct features.”

- 6.4 The proposal seeks to create a restaurant and provide improved outdoor seating area which will support the existing public house by providing outdoor seating area, which is considered to be supported by policy CS11 in that it seeks to support local businesses to aid their long term survival.
- 6.5 Therefore, development in this location is acceptable in principle subject to the proposal otherwise meeting the criteria of ADPP1, and detailed policies on matters such as design, the impact on the character of the area, on highways and on the amenity of adjacent properties.

### ***Character and Appearance***

- 6.6 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development should contribute positively to local distinctiveness and sense of place. Development proposals would be expected to make efficient use of land whilst respecting the density, character and landscape of the surrounding area (amongst other considerations).
- 6.7 Policy CS19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings including Listed Buildings and Conservation Areas amongst others. The NPPF indicates where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.8 The overall site area measures approximately 800 square metres and is situated on the junction between London Road to the south and Pelican Lane to the east. The main building adjoins the building to the west. Currently the rear of the site is a private car park accessed via London Road. The site is bounded by a 1.2 metre high modern wrought iron fence to the east and north, interrupted only with a 2 metre high brick wall. The public house and outbuildings occupy the south-west of the site. The site has a gentle fall from north to south of approximately 0.6 metres.
- 6.9 The proposal seeks for the construction of a single storey rear extension to the existing barn to create new restaurant and small, open kitchen, constructed using re-purposed shipping containers linked together. At the eastern side of the containers, the original steel container doors will be replaced by powder coated aluminium framed bi-folding, fully glazed doors opening out on the new garden area. A canopy roof/pergola will be added to this elevation. The roof of the containers proposes to have a new 'green' Sedum roof, with automatic watering system.
- 6.10 The existing brick storage barn outbuilding will be renovated and converted to a new bar area with a new structural opening formed in the north wall to link the space to the new restaurant area. The existing defective barn doors will be replaced by timber framed glazed screen with a pair of fully glazed doors to provide access.
- 6.11 The garden will be landscaped with sustainable self-draining hard finishes, such as resin bonded gravel, stone paving and areas of planting, including two new planters using steel from the re-used container doors and perimeter borders, all enclosed by a new timber closed boarded 2 metre high perimeter fence to create a private, sheltered

environment. A timber pergola is proposed to be erected in the centre to allow the addition of training plants and as support for lighting.

- 6.12 The north-west corner of the site will be screened off and used as a service area containing refuse and recycling bins.
- 6.13 The proposal includes both hard and soft landscaping which will enhance the character and appearance of the area by visually softening the area by the mixture of materials and the amount of planting included which also provides a small ecological benefit.
- 6.14 Overall, the proposal would not have a significant impact on the character and appearance of the local area and seeks to enhance this currently unattractive area to the side of this unlisted, but historic, building; therefore, complies with policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### ***Neighbouring Amenity***

- 6.15 Securing a good standard of amenity for all existing and future occupants of land and buildings is an expectation of the National Planning Policy Framework.
- 6.16 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.17 The application site is an existing public house with outdoor space; whilst the proposal seeks to enhance this outdoor space concern has been raised about the impact on neighbouring amenity. The application site and the wider site have an established use, and no objection has been raised by the Environmental Health Officer due to the current noise management plan in place, the details of the proposed wood burner flue and kitchen extract flue being acceptable, and the powers available under the licensing application. Therefore, is not considered that the proposal would lead to a significant increased impact on neighbouring amenity.
- 6.18 Overall, the proposed works are considered to be in accordance with Policy CS14 of the West Berkshire Core Strategy and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan (Saved Policies 2007).

### ***Highways***

- 6.19 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. The NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.20 The proposal involves removal of the car parking provision. As the site is situated within a sustainable location within the district, the highways officer raised no objections subject to pre-development condition being added to any permission given.
- 6.21 Given the scale of the proposed works and the existing use there is not considered to be a significant impact on highway safety and the proposal is considered to be in accordance with the NPPF, Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan.

## ***Flooding and Drainage***

- 6.22 The application site is situated within Flood Zone 1 which has the lowest flood risk. The drainage engineer requested further drainage information. Given the low flood risk of the area, and the existing hard surfacing of the application site, it is considered that requesting further details is not necessary in planning terms. Instead, it is recommended that an informative is applied to recommend sustainable drainage measures.

## **7. Full Recommendation**

- 7.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

### ***Conditions***

1.	<p><b>Commencement of development</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>2204/PL01 (Location Plan) received on 2 May 2024 2204/PL02 (Block Plan) received on 2 May 2024 2204/PL06 (Site Plan) received on 2 May 2024 2204/PL07 Rev. B (East Elevation) received on 16 May 2024 2204/PL08 (Elevations) received on 16 May 2024 2204/PL09 (Roof Plan) received on 16 May 2024</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Schedule of materials (prior approval)</b> No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the approved materials will be used throughout construction.</p>
4.	<p><b>Construction method statement</b> No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be</p>

	<p>undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) Parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> <li>(d) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control emission of dust during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(h) A site set-up plan during the works</li> <li>(i) No deliveries between 0800-0900 and 1700-1800</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS 5 and CS13 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
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### **Informatives**

1.	<p><b>Proactive statement</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>CIL</b></p> <p>The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, you are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>
3.	<p><b>Drainage</b></p> <p>We would hope that consideration would be given to the use of SuDS features that provide a control of rainfall at source. This would include features such as water butts and raised planters where a small volume of runoff would be contained for use in local irrigation of garden plants.</p>



	<p>For more information on SuDS features, reference should be made to Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Sustainable Drainage Systems (2018). Reference should also be made to the Environment Agency Standing Advice. Further information regarding SuDS can be found in C753 The SuDS Manual which is available for free online.</p> <p>We do not advise infiltration devices in areas where Clay is the underlying geology. To establish the underlying bedrock geology, reference should be made to the British Geological Survey (BGS) website. Where soakaways are to be used please carry out an infiltration test prior to construction and always ensure there is an alternative to discharge surface water runoff from the site (i.e. connection to a watercourse, or surface water sewer) when conceptualising the proposal.</p>
4.	<p><b>Biodiversity Net Gain</b></p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p><b>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</b></p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> <li>1. The application for planning permission was made before 12 February 2024.</li> <li>2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.</li> <li>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and       <ol style="list-style-type: none"> <li>(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or</li> <li>(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</li> </ol> </li> <li>4. The permission which has been granted is for development which is exempt being:       <ol style="list-style-type: none"> <li>4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:           <ol style="list-style-type: none"> <li>i) the application for planning permission was made before 2 April 2024;</li> </ol> </li> </ol> </li> </ol>

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

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

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

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

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

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

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

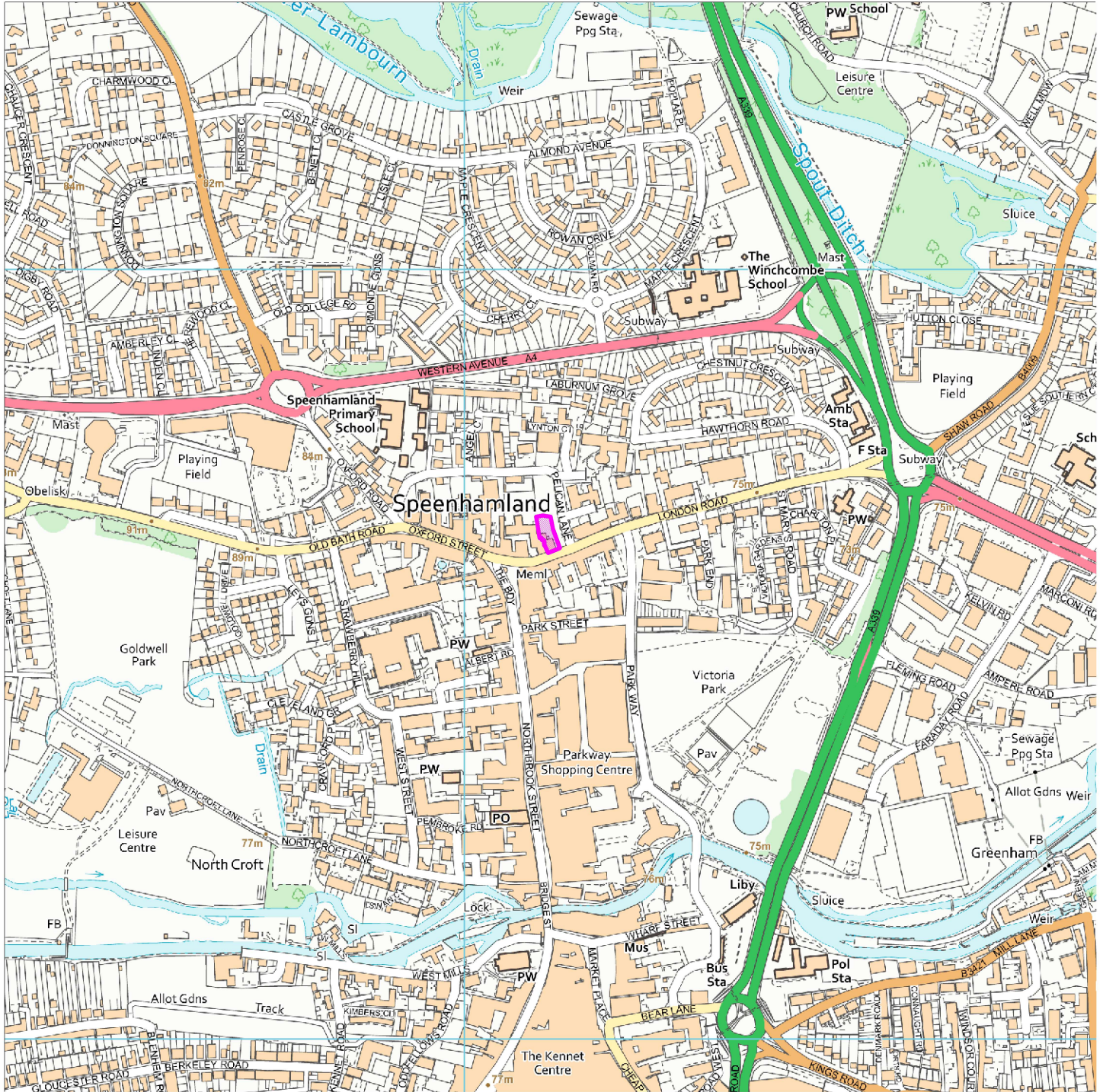
#### APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development below the de minimis threshold, meaning development which:  
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and  
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

#### IRREPLACEABLE HABITAT

	<p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.</p> <p>The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.</p> <p><b>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</b></p> <p>If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> <li>i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and</li> <li>ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.</li> </ul> <p><b>PHASED DEVELOPMENT</b></p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
5.	<p><b>Damage to footways, cycleways and verges</b></p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.</p>
6.	<p><b>Damage to the carriageway</b></p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>

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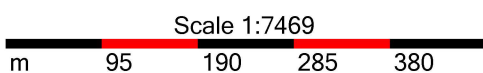
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	05 December 2024
<b>SLA Number</b>	0100024151



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