

Notice of Meeting



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Western Area Planning Committee Wednesday 23 April 2025 at 6.30 pm

in the Council Chamber, Council Offices,
Market Street, Newbury

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

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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 22 April 2025 by emailing 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: Friday 11 April 2025

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.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



WestBerkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday 23 April 2025
(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, Carolyn Culver,
Billy Drummond and Stuart Gourley

Agenda

Part I

Page No.

1. **Apologies for absence**

To receive apologies for inability to attend the meeting (if any).

2. **Minutes**

To
Follow

To approve as a correct record the Minutes of the meeting of this Committee held on 19 March 2025.

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) **24/00657/FUL - Land at Tudor Avenue, Chieveley**

5 - 28

Proposal: Erection of single dwelling, double garage and associated works

Location: Land at Tudor Avenue, Chieveley, Newbury, RG20 8RW

Applicant: Calco Construction Limited

Recommendation: PROVIDED THAT a Section 106 Agreement has been completed with 3 months of the committee resolution (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 in the



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(continued)

report.

OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in the report.

- (2) **24/02784/PIP - Laburnum Cottages, Westbrook, Boxford** 29 - 48
- Proposal:** Application for Permission in Principle for residential development for a new detached dwelling
- Location:** Laburnum Cottages, Westbrook, Newbury RG20 8DN
- Applicant:** Gareth Johns (Pro-vision)
- Recommendation:** To DELEGATE to the Development Manager to GRANT PERMISSION IN PRINCIPLE subject to:
- (i) the completion of a Habitats Regulations Assessment (HRA) which demonstrates a neutral impact on current nutrient levels in the catchment; and
 - (ii) the completion of a Section 106 Agreement within 3 months of the committee resolution (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)
- OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PERMISSION IN PRINCIPLE for the reasons listed below.
- (3) **25/00128/HOUSE - Swimbrels, Newbury Hill, Hampstead** 49 - 64
- Norreys**
- Proposal:** Proposed single storey rear extension, new first floor rear dormer windows and replacement paving to front steps with new handrails.
- Location:** Swimbrels, Newbury Hill, Hampstead Norreys, Thatcham, RG18 0TR
- Applicant:** Hungerford Design 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 23 April 2025
(continued)

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
Interim Executive Director - Resources
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00657/FUL Chieveley Parish Council	23/05/2024 ¹	Erection of single dwelling, double garage and associated works Land at Tudor Avenue Chieveley Newbury RG20 8RW Calco Construction Limited
¹ Extension of time agreed with applicant until 30/04/2025			

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SBF45ZRD0S100>

Recommendation Summary: To DELEGATE to the Development Manager to GRANT PLANNING PERMISSION subject to conditions and Section 106 agreement

Ward Member(s): Councillor Heather Codling
Councillor Paul Dick

Reason for Committee Determination: The application has received more than 10 letters of objection, and the officer recommendation is for conditional APPROVAL.

Committee Site Visit: 17/04/2025

Contact Officer Details

Name: Mr. Matthew Shepherd
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@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 erection of a single dwelling, double garage and associated works at Land at Tudor Avenue Chieveley Newbury RG20 8RW.
- 1.3 The application site is situated on the northeast side of Tudor Avenue in Chieveley in the open countryside. Tudor Avenue lies beyond the designated settlement boundary for Chieveley on the west side of the Oxford Road.
- 1.4 The site is within the North Wessex Downs National Landscape (Formerly AONB). The site has several Tree Protection orders within it composing of two individual tree TPO's and band of TPO's along the southern boundary. The existing site is unkept, mostly clear vacant land that is enclosed on all sides by trees. To the north is open countryside fields, to the south is Tudor Avenue and the adjoining dwelling. To the east and west lay residential dwellings. and on three sides by residential development or access.
- 1.5 The proposed development consists of a two-storey dwelling whereby the first-floor rooms are in the roof of the house. The dwelling is rectangular in form, long and narrow reflecting the application side. A small adjoining side extension is located to the north of the main gable ended dwelling. To the east of the proposed dwelling is a detached garage and access. A footpath runs from Tudor Avenue to the proposed front door.
- 1.6 To the west/northwest there is an area that will be used for nutrient neutrality mitigation.

2. Planning History

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

Application	Proposal	Decision / Date
75/02625/ADD	Erection of 10 dwellings	Refused.
79/10053/ADD	11 no detached houses and garages	Refused.
79/12061/ADD	Six detached dwellings and garage accommodation	Approved.
81/14492/ADD	Proposed layout for six detached dwellings roadworks and foul drainage system	Approved.
81/15259/ADD	Erection of detached dwelling with garage on plot 1 realignment of access road	Approved.
81/15805/ADD	Erection of detached dwellings with garages plots 3 5 and 6	Approved.
83/19298/ADD	Detached dwelling and garage plot 7	Approved.
83/20568/ADD	Detached dwelling and garage plot 9	Approved.
84/20961/ADD	Erection of a house	Approved.

84/22155/ADD	Erection of 3 no detached dwellings with garages	Refused.
89/35370/ADD	Erection of two detached houses with garages	Refused.
00/00294/FUL	Two detached houses. One pair of semi-detached houses. (two low cost housing)	Withdrawn.
04/01201/FUL	One house and garage.	Refused.
23/01535/FUL	Erection of single dwelling, garaging and associated works	Refused

2.2 It is considered the two most pertinent cases to this recommendation are applications 04/01201/FUL and 23/01535/FUL which both considered a proposed dwelling on site. The case officer has reviewed these decisions and has considered the material difference between these applications and the proposed development in this application.

2.3 It should also be stated that both previous decisions were made on up-to-date local plans and therefore paragraph 11 of the NPPF and the tilted balance were not engaged.

3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs National Landscape (Formerly known as an Area of Outstanding Natural Beauty). The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.

3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required. A screening opinion has been sent to the applicant/agent reflecting this view and is saved to the file.

3.3 **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 30/04/2024 at the entrance of Tudor Avenue, with a deadline for representations of 22/05/2024.

3.4 **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

Community Infrastructure Levy (CIL)	Yes	No
New Homes Bonus	Yes	No
Affordable Housing	No	No
Public Open Space or Play Areas	No	No
Developer Contributions (S106)	No	No
Job Creation	No	No

3.5 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

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 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CROW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

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.

Chieveley Parish Council	<p>The Parish Council Object to this planning application proposal on the following grounds.</p> <ul style="list-style-type: none"> - The proposed development is outside the defined settlement boundary which is considered unacceptable according to ADPP1 of West Berkshire Core Strategy2006-2026. - It is in an Area of Outstanding Natural Beauty (AONB) and impacts on its surroundings. Policy ADPP5 of West
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	<p>Berkshire Core Strategy 2006-2026 permits development within the AONB, providing its impact on the surrounding is acceptance - This proposal is not acceptable.</p> <ul style="list-style-type: none"> - There are trees which will obtain root damage by the construction. The loss of further trees will threaten the habitat. This will impact an area of open greenspace. - Risk of flooding, removing more of the soakaway for this development will cause a risk to further flooding. A more in-depth flood assessment is required, members of the public reported to Parish Council that flooding is a major issue in this location who in the past have had to create flood defences to stop their homes from being flooded, this development would only add to the already problem off loading. - Privacy issues, neighbours will become overlooked. Screening / landscaping needs to be a condition of this planning. - Access issues, it is a single track, loss of the passing circle and turning bay will cause problems. Including Construction Traffic issues. There is also not enough room for extra waste collections. - The telephone pole will need to be moved and it was not known where this could be re-located. - The Nutrient Neutrality Plan contains no mitigation.
WBC Highways:	No objections subject to conditions.
Thames Water Utilities:	No response with the 21 day consultation period
WBC Ecology Officer	No objection subject to conditions and section 106 agreement.
WBC Environmental Health Officers	No comments
Environments Agency	No comments.
WBC Tree Officer	No objections subject to conditions.
WBC Lead Local Flood Authority	No objections

Public representations

- 4.2 Representations have been received from 22 contributors, 0 of which support, 1 provides ambivalent comments and 21 of which object to the proposal.
- 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:

- The land was once productive agricultural land until the owner enclosed it.
- The site dips to the west to east across the site resulting in issues in regard to drainage on the site and flooding
- The existing systems in the area managed by Thames Water are inadequate
- The application is contrary to planning policy by being outside of settlement boundaries and in the AONB
- The development would impact the TPO trees of the site
- There would be harm to the AONB as per the previous inspector's decision
- The application has minimally changed since the previous application.
- The site has been cleared of landscaping recently to which was to the detriment of the ecology of the site.
- The proposed development is not nutrient neutral
- The proposed development is not in keeping with the existing pattern of development
- The design of the proposed development is not in keeping with the existing character of the area.
- It would incur into root protection areas of the site's trees
- It would increase the risk of flooding in areas around the site.
- The access road and turning area is currently used as informal parking and bin storage.
- Could set a precedent for further dwellings on or near the plot
- The development would be detrimental to the AONB and possibly lead to cutting back or down of trees in a protected landscaping.
- The development would increase vehicle movements in the nearby and immediate highway to the detriment of safety, privacy and noise.
- The development would conflict with the local plan.
- The garage block remains visually intrusive.
- The turning area should not be used for the access of the dwelling.

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, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1, C1, C3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).
- Policy NRM6 of the Southeast Plan.

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 Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

Principle of development

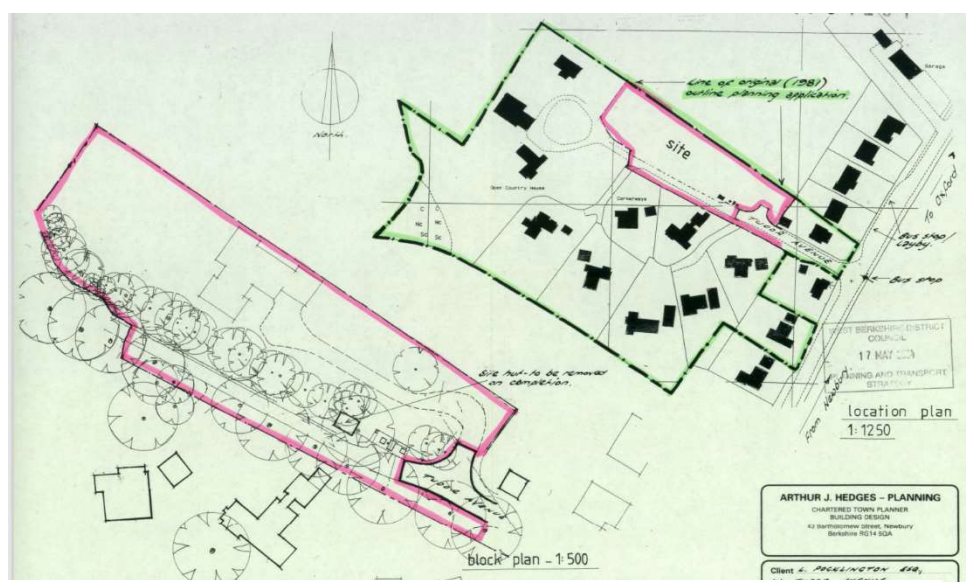
- 6.1 The site is not within a defined settlement and is within the North Wessex Downs National Designated Landscape. As such, development is limited (ADPP1) and must preserve and conserve the area's natural beauty (ADPP5). With these constraints, development is more favourable when it can demonstrably meet local needs or support the rural economy.
- 6.2 Policy C1 states there is a presumption against new residential development outside of settlement boundaries, although limited infill development can be appropriate subject to criteria set out within the policy.
- 6.3 All proposals will need to satisfy the other policies in this section of the Plan.
- 6.4 In settlements in the countryside with no defined settlement boundary, limited infill development may be considered where:
- i. It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
 - ii. The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built-up frontage; and
 - iii. It does not extend the existing frontage; and
 - iv. The plot size and spacing between dwellings is similar to adjacent properties and respect the rural character and street scene of the locality.
- 6.5 Planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the National Landscape or where development would have an adverse cumulative impact on the environment or highway safety.
- 6.6 The development is not considered to fall within a closely knit cluster of 10 or more dwellings adjacent to, or fronting an existing highway. The development is north of Tudor Avenue, to the east of the site is the dwelling known as Fairfield and its back garden and garage. The area north of Tudor Avenue is undeveloped in nature and enclosed by Trees and Landscaping. Furthermore, to the north-west there is an outbuilding serving the dwelling known as Open Country House.
- 6.7 Given these site factors the site is open and undeveloped, and the development is not considered to be infill in a built-up frontage. The dwelling would be adjacent to Fairfield's garden but would leave an open gap to the northwest of the site. The proposed dwelling is not considered to be within the cluster of dwellings. It is adjacent to just one, Fairfield's and then open space to the northwest. Tudor Avenue itself would divide the site away from the built form to the south of the site.
- 6.8 The new curtilage would be to the north of the avenue, notably separated from the existing cluster south of the main avenue road and is proposed to have a longer and thinner form than existing curtilages. The proposed curtilage would be more akin to those along Oxford Road however the actual position of the curtilage would mean it is read more in accordance with the layout of those to the south of Tudor Avenue. These are more rounded and box like. The impact on the character of the area is discussed in more detail below but the plot size and spacing would be similar to some of the dwellings in the area (those along Oxford Road) but not in accordance with the plots the proposed dwelling is most likely to be read against (those in Tudor Avenue).

- 6.9 It is not considered to be in accordance with criteria i., ii, iii and iv. of policy C1 and therefore would not meet the exceptions for appropriate limited infill development. This is a view consistent with the previous officer's reason for refusal under application 23/01535/FUL.

Character and appearance

- 6.10 Forming part of the West Berkshire Core Strategy, Policies CS14 and CS19 relate to design and impacts on the character and appearance of the area. 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. Furthermore, it is expected that the design and layout of any development are relative to the wider context, having regard to not just to the immediate area, but also the wider locality. Development should contribute positively to local distinctiveness and sense of place.
- 6.11 Policy ADPP5 recognises the national landscape designation of the NWD National Landscape and says that development will conserve and enhance the local distinctiveness, sense of place and setting of the NWD National Landscape, whilst preserving the sense of remoteness tranquillity and dark night skies. It goes on to say that development will respond positively to the local context. Policy CS19 seeks development that ensures the diversity and local distinctiveness of the landscape character of West Berkshire is conserved and enhanced.
- 6.12 Tudor Avenue comprises a small cluster of detached dwellings off Oxford Road in a landscape otherwise characterised by open fields, outside of any defined settlement and within the North Wessex Downs National Landscape. The curtilage on the western edge of the avenue was the site of a 19th century country house and farmstead known as Broomdown Farm, to which the land now known as Tudor Avenue formed part of. The character of the setting therefore holds some historical value although 7 detached dwellings were erected to the south of the site in the late-20th century, followed by a further 8 along Oxford Road. The site is well assimilated into the rural setting due to the presence of mature trees and an area of vegetation to the north of Tudor Avenue containing multiple tree preservation orders. It is in this section that the proposed development would be sited.
- 6.13 The design of the dwelling itself is respectful in terms of its form, scale, and materials. The form and scale are similar to that of the existing dwellings in the area, and the materials would be in-keeping, albeit with the introduction of some more modern materials such as anthracite UPVC windows. Regarding the proposed garage, the materials would be similar to those for the main dwelling, and thus equally respectful and in-keeping.
- 6.14 The proposed garage siting has been changed in response to the previous applications comments and is now located to the northeast of the site behind the building line drawn from the frontage elevation of the proposed dwelling away from the highway. This is a similar layout to that of the adjacent dwelling Fairfield.
- 6.15 The proposed residential curtilage form, size, and siting has been reduced from the previous submission. It is now much smaller with a curtilage frontage similar to that of Walnut Lodge opposite, albeit being just slightly longer to include the access to the east. It would be notably smaller than the previous application and more in line with the size of the curtilage of those dwellings to the east along Oxford Road.
- 6.16 The proposed curtilage would be more akin to those along Oxford Road however the actual position of the curtilage would mean it is read more in accordance with the layout of those to the south of Tudor Avenue. These are more rounded and box like.

- 6.17 The new curtilage would be to the north of the avenue, notably separated from the existing cluster south of the main avenue road and is proposed to have a longer and thinner form than existing curtilages. Therefore, the new residential site would extend an isolated group of dwellings northwards into the countryside and would introduce built form inconsistent with the character and settlement pattern.
- 6.18 It is acknowledged that the proposal seeks to retain mature trees to form the curtilage border, and thus the development would be partially obscured from views from the street scene. The level of protected trees has increased from the previous application and the tree officer has no objections to the application. There is no loss of trees to the northern boundary that is adjacent to the open National Landscape.
- 6.19 It is noted that a previous appeal APP/W0340/A/04/1163526 considered a dwelling located in this area to be harmful to the National Landscape (formerly AONB) due to the risk it would pose to the Trees of the site and the possibility of future residents wishing to remove these trees. The block plan for this appeal shows the dwelling pushed tight to the northern boundary whereas this application it is centred in the site. The length of the proposed curtilage is also reduced in this application compared to the appeal decision. The block plan also does not show any landscaping to the northern boundary of the site. Furthermore, the proposed dwelling was proposed to be of a different design and scale. Therefore, there are significant material changes to the proposed scheme compared to the previous appeal scheme.



- 6.20 The proposed development would be seen in the context of the other built form of Tudor Avenue and respects the existing boundaries of the site. However, some protected

mature trees and vegetation would still require removal to accommodate the works. This impact can be mitigated to an extent by a landscaping condition.

- 6.21 The proposal would introduce built form to a previously undeveloped site, thus eroding the rural character of the site. However, this harm has been reduced since the previously considered application under 23/01535/FUL.
- 6.22 The views of the site would be limited to the immediate areas of Tudor Avenue and with the existing strong boundary treatments, the wider views of the site would only be altered to a small extent. There would be limited change to the interconnectivity of views from Tudor Avenue and the National Landscape.
- 6.23 The proposed development would be seen in localised views in the context of dwellings of Tudor Avenue and would affect minimal change on the wider National Landscape.

Neighbouring Amenity

- 6.24 The NPPF states that planning should create places with a high standard of amenity for all existing and future users. Policy CS14 states that development should make a positive contribution to the quality of life. As such amenity is an important consideration.
- 6.25 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. According to Policy OVS.6, the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. The NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Part 2 of the Quality Design SPD provides guidance on residential amenity, including on acceptable relationships between built form and habitable windows.
- 6.26 The assessment considered the impact on neighbouring amenity in terms of
- Sunlight / daylight
 - Overlooking / privacy
 - Overbearing impact
 - Noise and disturbance
- 6.27 The proposal has been assessed against the above metrics. The proposed development should have no adverse impact on the living conditions for those in neighbouring amenities due to the distance the proposed dwelling would be and the intervening features such as boundary treatments/landscape and the Tudor Avenue.
- 6.28 The dwelling and garage would be over 20m from any neighbouring dwelling, and partially obscured by mature trees, thus negating concerns of overshadowing and overlooking.
- 6.29 Whilst there may be some noise during the construction phase this would be temporary and would stop when construction is finished. Conditions can be utilised to reduce disturbance during the construction period.
- 6.30 It is therefore considered that the proposal accords with Policy CS14 of the West Berkshire Core Strategy with regards to neighbouring amenity subject to conditions.

Future occupants' amenity

- 6.31 Part 2 (Residential Development) of the Quality Design SPD considers that it is essential for the living conditions of future residents that suitable outdoor amenity space is provided in most new residential developments, and suggest that as a general guide the following garden sizes are suggested for houses:
- 1 and 2 bedroom houses and bungalows, from 70 sq.m;
 - 3 or more bedroom houses and bungalows from 100 sq.m
- 6.32 The proposed development has adequate private amenity space and meets the SPD's requirements as shown on the site plan.

Highway Matters

- 6.33 The existing access on to the site is being retained and will serve the parking area for the garage and driveway to the east of the proposed dwelling. This is access from a turning space for vehicles on Tudor Avenue which is unaffected by the proposed development. The vehicular access to the site is considered acceptable and the proposed development is not considered to alter the existing arrangements on Tudor Avenue to a refusal level.
- 6.34 The details submitted for an electric vehicle charging point with a minimum of 7kw are considered acceptable and can be secured by planning condition.

Flooding and Drainage

- 6.35 The site is not located in Flood Zone 2 or 3. The nature of the works could have the potential to affect flood risk due to the increased levels of impermeable materials and loss of vegetation within the site itself. However, a drainage strategy has been put forwards that has been accepted by the LLFA.
- 6.36 The submitted infiltration testing proposed cellular soakaway, and permeable paving is considered satisfactory by the Sustainable Drainage officer and they have no objection to the proposed method of discharge via infiltration. A condition securing the SUDS details is recommended. The development is considered to comply with CS16 of the development plan in terms of surface water and flooding.

Trees

- 6.37 As part of the previous application 4 trees were proposed to be removed these were T6-T9. This was identified as having an adverse impact on the character of the area contributing to the previous reason for refusal.
- 6.38 The current application has been changed so that now only two trees are proposed to be removed these are T4 and T9. According to the planning statement
- "One of these is a small, coppiced hazel growing around a telegraph pole that requires ongoing maintenance to ensure it doesn't affect the cables above. The second is a cherry laurel, which is an incongruous non-native invasive species. Both trees are categorised as C grade trees and were not included as part of the TPO."*
- 6.39 Whilst the planning statement identifies just two trees to be removed the Arboricultural Impact Assessment recommends further trees are removed due to issues identified with them during a tree survey.

- 6.40 T3 is now a U grade Corsican Pine and is not part of the TPO which is to be removed due to a risk of failure at the point of defect on the tree. T6 and T19 a Norway Maple have been identified to be considered for removal. Furthermore T31, T32, T33 are recommended to be felled.
- 6.41 Whilst the tree report identifies they may be removed in the future the application only proposes the removal of two trees. The worst-case scenario has been considered by the tree officer that the greater number of trees is being removed. The West Berkshire Council Trees Team do not object to the proposed removal of trees provided the protection schemes are adhered to and replacement planting of native trees is incorporated into the proposal. These can be secured by planning condition and the vast majority of the trees are being retained.
- 6.42 The previous application objected to the loss of 4 trees on this boundary line (T6-T9). This would have significantly opened the site creating a higher degree of visibility. This scheme seeks the loss of different trees (T4 and T9). The loss of different trees from the scheme results in less harm to the character of the area in the case officers view and does not illicit an objection from the tree officer. The trees to be removed are spaced out and not as prominent in the street scene as the former trees that were to be removed. Therefore, their loss is not considered, on balance, as harmful as the previous scheme.

Ecology

- 6.43 A summer/transitional bat roost for common pipistrelle has been confirmed from emergence surveys in tree T6 a Horse Chestnut. The original proposals were to remove this tree, but it is now proposed to retain it. The submitted proposed layout drawings show that this is possible. This tree – and others to be retained in TL1 and TL2 will need robust protection during the construction phase. This can be controlled by a suitable condition. As the tree is to be retained, no Regulation 55 licence from Natural England will be required to enable the development to proceed lawfully if approved. However, it will be important to limit any artificial light spill onto the confirmed bat roost following occupation. This too can be controlled by a suitable planning condition.
- 6.44 Section 6.1 of the submitted Ecological Appraisal outlines measures for the avoidance and mitigation of impacts to biodiversity.
- 6.45 The application has been registered on the basis that it did not at the time of application require to demonstrate a minimum 10% Biodiversity Net Gain (BNG) in accordance with the new regulations. It was received on 28th March 2024 and as a minor application it was therefore received before minor applications became liable for mandatory BNG on 1st April 2024.
- 6.46 Nevertheless, the NPPF does still require planning applications to seek no net loss and net gains wherever possible. Section 6.2 of the submitted Ecological Appraisal outlines measures for ecological enhancements. It is advised that conditions are applied to ensure the protection and enhancement of biodiversity are secured.
- 6.47 The proposed development is therefore considered to accord with CS17 of the development plan.

Nutrient Neutrality

- 6.48 The proposed development falls within the catchment of the River Lambourn SAC and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural

England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission. This planning application was subject to a Habitats Regulations Assessment, dated 29th November 2024. This concluded that provided mitigation is secured in the form of a condition restricting occupation until January 2025 and a legal agreement securing the offsite mitigation land is in place, there will be no likely significant effects on the River Lambourn SAC.

- 6.49 Given this recommendation is made post January 2025 this condition is no longer needed.
- 6.50 Based on the assessment, the total phosphate budget for the proposed development is **0.09g/yr** once the upgrades to the WwTW have been completed in January 2025. A condition preventing occupation until after this date will be necessary.
- 6.51 A mitigation site has been found which is to be purchased by the developer. The land consists of a 0.57ha parcel currently in arable production and will be fallowed and planted as a woodland to provide the nutrient mitigation for the development. This will be secured by a section 106 agreement and will remain for a period of 80 years.

Permitted Development

- 6.52 According to paragraph 53 of the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. Given the developments location in a National Landscape and the considerations given above in regard to the harm the proposed curtilage may create through the creation of a dwelling it is considered appropriate to restrict permitted development rights. A taller dwelling would not be appropriate in the countryside therefore restrictions to class AA are considered acceptable. The further extension into the countryside from development under class A is not considered appropriate either as this will take development closer to the boundaries increasing its visibility in the National Landscape and placing development closer to trees of the site. The creation of outbuildings may impact the national landscape by placing further development in the application site which may impact the national landscapes views and character. Inappropriate hard boundaries such as close boarded fences will also have a negative impact on the National Landscape if inappropriate design and placed. It is therefore considered justified to restriction Class A, AA, B and E alongside Class A of Part 2 of the permitted development rights.

7. Planning Balance and Conclusion

- 7.1 This application is proposing a new dwelling in the countryside outside of any settlement boundaries. The site is not previously developed land as defined by the NPPF. It does not constitute a form of development which is permitted by policy C1, as it does not constitute a closely knit cluster of 10 or more dwellings adjacent to or fronting an existing highway and so is contrary to the spatial policies set out in the development plan.
- 7.2 The Council is unable to demonstrate a five-year supply of deliverable housing sites. Because of the significant increase in the minimum local housing need figure, the Council can currently demonstrate only a 2.6 years' supply of deliverable housing sites, using a five-year housing land supply from 2024/25 to 2028/29 against a five-year housing land supply requirement, plus a 5% buffer. Because the Council cannot demonstrate a five-year housing land supply, the presumption in favour of sustainable development as outlined in paragraph 11 of the NPPF is engaged.

7.3 For planning decisions, the presumption in favour of sustainable developments means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including due to lack of 5 year housing supply), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.4 The addition of one house would contribute to the overall housing supply which is in shortage in the area. There would be social and economic benefits associated with the provision of housing. However, given the small scale of the development, these benefits carry moderate weight in the planning balance.

7.5 The previous similar application was refused on its impact to the National Landscape and lack of mitigation for Nutrient Neutrality. The issues around Nutrient Neutrality have been resolved with mitigation which can be secured by way of planning condition and legal agreement. The impact to the National Landscape has been substantially reduced by reducing the number of trees lost, reducing the curtilage size and moving the garage.

7.6 The proposal nonetheless would introduce built form to a previously undeveloped site, eroding the rural character and introducing further built form into views in the National Landscape. However, the harm from this built form is considered to be isolated to immediate views of the site. This issue attains moderate weight given the limited harm in the case officer's view. Mitigation can be secured by way of appropriate materials, landscaping and the retention of trees on the boundaries.

7.7 In the context of paragraph 11 of the NPPF and the titled balance which is engaged the limited harm identified is not considered to significantly and demonstrably outweigh the benefits of an additional dwelling. This is reflective of both the moderate level of harm and moderate level of benefit.

7.8 Therefore, the application is recommended for APPROVAL subject to conditions and legal agreement.

8. Full Recommendation

8.1 PROVIDED THAT a Section 106 Agreement has been completed with 3 months of the committee resolution (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.

8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan. Drawing number PL/15 Rev B. Block Plan. Drawing number PL/18 Rev B. Proposed Site Setting Plan & Architectural Grain. Drawing number PL/16. Rev C. Proposed Part Site Plan with Roof Plan. Drawing number PL/19 Rev B. Proposed Dwelling - Elevations, Sheet 01. Drawing number PL/21 Rev B. Proposed Dwelling - Elevations, Sheet 02. Drawing number PL/22 Rev B. Proposed Dwelling – Floor Plans. Drawing number PL/20 Rev A. Proposed Dwelling – Sections. Drawing number PL/23. Rev A. Proposed Garage – Floor Plans & Sections. Drawing number PL/24 Rev A Proposed Garage – Elevations. Drawing number PL/25 Rev A. Proposed Drainage Strategy. Drawing number 8940-501 Rev B.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
4.	<p>Schedule of materials</p> <p>No construction work above ground foundation level related to the replacement dwelling hereby permitted, (apart from demolition of the existing building), 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).</p>
3.	<p>Electric Charging Point</p> <p>The dwelling shall not be occupied until an electric vehicle charging point, minimum of 7kw, has been provided in accordance with the approved drawings.</p> <p>The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed 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</p>

	Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
4.	<p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities (f) Measures to control the emission of dust and dirt during construction (g) A scheme for recycling/disposing of waste resulting from demolition and construction works (h) A site set-up plan during the works <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, 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>
5.	<p>Parking/turning in accord with plans</p> <p>The dwelling shall not be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or 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 imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
6.	<p>SUDS</p> <p>The development hereby approved shall be constructed in accordance with the Proposed Drainage Strategy. Drawing number 8940-501 Rev B.</p> <p>The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p>

7.	<p>Precautionary Biodiversity Method Statement</p> <p>No development shall take place (including any ground works, site or vegetation clearance), until a precautionary method statement has been submitted to and approved in writing by the local planning authority. The content of the precautionary method statement shall be based on the recommendations set out in Section 6.1 of the submitted Ecological Appraisal, Icon Ecology dated March 2024 and include the:</p> <ul style="list-style-type: none"> a) Detailed working methods necessary to avoid damage to the mature trees to be retained within the application site and damage or disturbance to tree T6 the Horse Chestnut supporting a confirmed bat roost. b) Detailed working methods necessary to avoid the killing or injury of breeding birds, reptiles and hedgehogs. c) Detailed working methods necessary to control and avoid the spread of invasive species e.g. Rhododendron. d) Extent and location of proposed avoidance measures shown on appropriate scale maps and plans. e) Timetable for implementation, demonstrating that avoidance measures are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups. f) Use of protective fences, exclusion barriers and warning signs. g) Persons responsible for implementing the avoidance measures, including times during site clearance/construction when specialist ecologists need to be present on site to undertake /oversee works. h) Provision for bat 'rescue' if animals are encountered. i) Provision for reptile 'rescue' if animals are encountered. <p>The works shall be carried out in accordance with the approved details.</p> <p>Reason: To avoid adverse impacts to legally protected species during site clearance and construction and in accordance with the requirements of the NPPF to minimise impacts on biodiversity.</p>
8.	<p>Lighting Design</p> <p>No external lighting shall be installed on the buildings hereby approved until details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined in the recommendations of the Ecological Appraisal (March 2024, Icon Ecology) and the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals) and will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To avoid adverse impacts to legally protected species during site clearance and construction and in accordance with the requirements of the NPPF to minimise impacts on biodiversity and in accordance with CS17 of the West Berkshire Core Strategy (2006-2026).</p>
9.	<p>Ecological Enhancements</p> <p>Prior to the occupation of the dwelling hereby approved the development, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority.</p>

	<p>These shall be based on those outlined in Section 6.2 of the Ecological Appraisal, (March 2024, Icon Ecology) and include the installation of bat roosting and bird nesting boxes along with provision of generous native species planting where possible.</p> <p>The approved details will be implemented prior to any occupation of the dwelling hereby approved and there after retained.</p> <p>Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the requirements of the NPPF and in accordance with CS17 of the West Berkshire Core Strategy (2006-2026).</p>
10.	<p>Arboricultural Method Statement</p> <p>The development shall be carried out in accordance with the Arboricultural Method Statement and tree protection measures within report ref: 22.1483 dated Feb '24 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
11.	<p>Permitted development restriction (extensions/outbuildings)</p> <p>Notwithstanding the provisions of Article 3 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 extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B, and E and Schedule 2, Part 2 Class A of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site, to ensure appropriate boundary treatments of the site in the National Landscape, to ensure appropriate development in the National Landscape in the interests of respecting the character and appearance of the surrounding area in the National Landscape. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006)</p>
12.	<p>Landscaping Soft</p> <p>The dwelling hereby approved shall not be occupied until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:</p> <p>a) Completion of the approved landscaping scheme within the first planting season following /first occupation of the dwelling or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.</p>

	<p>b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.</p> <p>Thereafter the approved scheme shall be implemented in full.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
13.	<p>Hard landscaping</p> <p>The dwelling hereby approved shall not be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>

Heads of Terms for Section 106 Agreement

1.	<p>Securing Nutrient Neutrality Mitigation</p> <p>The s.106 agreement will need to secure the implementation of the following requirements:</p> <ul style="list-style-type: none"> - The area required for mitigation of the current planning application, out of the total area. - That the woodland planting scheme details are agreed and the woodland planted prior to the occupation of the first residential unit. - The s.106 agreement must also specify the required maintenance for the woodland and secure the guarantee that the woodland is maintained for the duration of the residential use or at least 80 years (as advised by Natural England).
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Refusal Reasons

1.	<p>S106 Planning Obligation Refusal Reasons</p> <p>The application is for development inside the catchment of the River Lambourn Special Area of Conservation ("SAC"), which Natural England advises is in an unfavourable condition due to an exceeded nutrient threshold. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, the proposed development, either alone or in combination with other plans or projects, is likely to have a significant effect on the River Lambourn SAC. A nutrient budget has been</p>
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	<p>calculated and submitted in connection with the proposal which includes an assessment of the implications for the River Lambourn SAC.</p> <p>The application fails to provide an appropriate planning obligation to secure Nutrient Neutrality Mitigation to mitigate the developments impact without which the proposal would be contrary to the NPPF, Policy CS17 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD</p>
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Informatives

1. S106 Legal Agreement

This decision notice should be read in conjunction with the associated s106 legal agreement. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.

2. Compliance with conditions

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

3. Pre-conditions

This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

4. Compliance with approved drawings

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

5. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

6. **Building Regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

7. **Foul drainage**

The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

8. **Damage to footways, cycleways and verges**

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.

9. **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

10. **Excavation in close proximity to the highway**

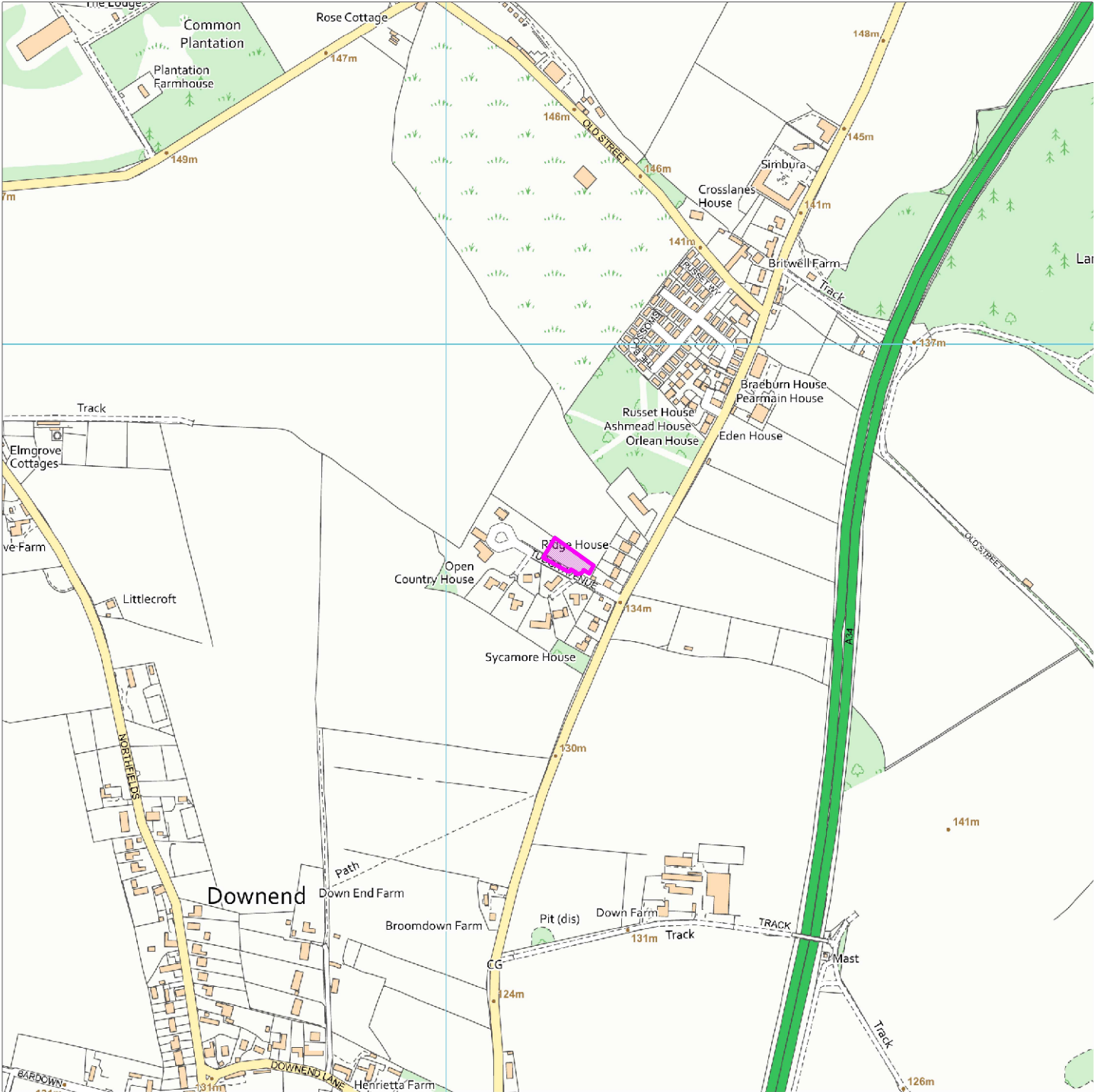
In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

11. **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519169, before any development is commenced.

12. **Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

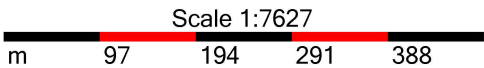


Map Centre Coordinates :

Scale : 1:7626

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	10 April 2025
SLA Number	0100024151

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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	24/02784/PIP Boxford Parish Council	07.02.2025 ¹		Application for Permission in Principle for residential development for a new detached dwelling Laburnum Cottages, Westbrook, Newbury RG20 8DN Gareth Johns (Pro-vision)

¹ No extension of time was agreed by the applicant.

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=SOZSDNRD09N00>

Recommendation Summary: To DELEGATE to the Development Manager to GRANT PERMISSION IN PRINCIPLE subject to:

- (i) the completion of a Habitats Regulations Assessment (HRA) which demonstrates a neutral impact on current nutrient levels in the catchment; and
- (ii) a Section 106 agreement to secure the necessary offsite phosphate mitigation measures.

Ward Member(s): Councillor Benneyworth
Councillor Denise Gaines
Councillor Tony Vickers

Reason for Committee Determination: The Council has received in excess of 10 objections and the officer recommendation is to approve.

Committee Site Visit: 17 April 2025

Contact Officer Details

Name: Lauren Hill
Job Title: Senior Professional Officer
Tel No: 01635 519111
Email: lauren.hill1@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 'permission in principle' for a residential development for 1no. new detached dwellinghouse at land north of Laburnum Cottages.
- 1.3 The site comprises modified grassland with a tall native hedgerow along the western boundary of the site. There are 4 medium trees. The site is classified as agricultural land. It is located directly adjacent and to the north of the small ribbon settlement of Westbrook. There are detached and semi-detached dwellings of varying sizes on all sides.
- 1.4 The indicative layout indicates that 1no. detached dwelling would be located at centre front of the site with a detached garage to the north west. Except for the access, the site would be surrounded by hedgerow.
- 1.5 The Town and Country Planning (Permission in Principle) Order 2017 (as amended) provides for an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second (technical details consent) stage is when the detailed development proposals are assessed. This proposal relates to the first stage (permission in principle stage) for a residential development of 1no. dwelling.
- 1.6 The scope of permission in principle is limited to the consideration of location, land use and amount of development. Issues beyond these 'in principle' matters (such as dwelling design, access arrangement and drainage etc.) should not be considered at the permission in principle stage. Such matters would be considered at the technical details consent ("Details") stage should this permission in principle application be approved.
- 1.7 In terms of the location, use and amount of development that is considered as part of this application, the following details are relevant:
 - Location: Land north of Laburnum Cottages, Westbrook.
 - Land use: C3 dwellinghouse.
 - Amount: 1no. dwelling house.

2. Planning History

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

Application	Proposal	Decision / Date
No recorded planning history.		

- 2.2 The site is outside and directly north of the settlement boundary of Boxford. As part of the Local Plan Review (LPR) process the site was promoted for inclusion within the settlement boundary by the landowner. The site was therefore considered as part of the Settlement Boundary Review which was undertaken as part of the evidence base for the LPR. As part of this process the Council wanted to explore the potential for including the site as a single plot or other similar small-scale development opportunity which would provide infill or rounding off opportunity that is physically, functionally and visually related to the existing built-up area. The Parish Council was consulted on this basis and objected to the proposed settlement boundary amendment.
- 2.3 In response to this objection, the Council reviewed the proposal. It was acknowledged that the character of Westbrook becomes more rural at the site's location and the site itself is an open field used as a paddock. The properties beyond the site are much more of a loose knit nature than those to the south of the site and relate more to the wider rural landscape than the main settled area. Whilst an extension to the boundary to the east of the highway would present a good rounding off opportunity, on balance and considering the strong objections received from the local community, the settlement boundary was not revised to include this site.

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 16.01.2025 on the site's street boundary hedge with a deadline for representations of 06.02.2025.
- 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	
New Homes Bonus	Yes	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	

Job Creation	No	No	
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- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>
- 3.5 **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.
- 3.6 **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 It is acknowledged that there are certain properties where there may be some impact (this can be mitigated by conditions where relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of one dwelling.
- 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. There are several listed buildings south of the site. These include "Manor Cottage" (Grade II) approx. 20m from the site, "Stream Cottage" (Grade II) approx. 45m from the site, and "Elm Cottage" (Grade II) approx. 57m from the site.
- 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 site is located within the northern edge of the Boxford and Westbrook Conservation Area.
- 3.15 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CROW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

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.

Boxford Parish Council:	<ul style="list-style-type: none"> - The site is outside the settlement boundary. This boundary was subject to a review and public consultation in 2022. The site was excluded from any changes to the settlement boundary. A house should therefore not be built in this location. Approving this application would cast public doubt on the planning system and consultation. - The context of the site has been subject to significant building concentration over the last 20 years. This has resulted in massing that should not be extended along the road. - The site establishes the sporadic building and interspaced free spaces which are typical of the transition from the village of Boxford out towards the NWD National Landscape. - The site is within a Nutrient Sensitive Zone (NNZ). Development would affect the Lambourn River Special Area of Conservation and should not be granted permission in principle without mitigation. The number of bedrooms has not been specified therefore no meaningful mitigation can be given and cannot be monitored. - The applicant has calculated nutrient 'liability' based on 2.4 occupants, suggesting a 2-3 bedroom property. The indicative plan shows a building larger than this. - Traffic congestion would be exacerbated through the introduction of a formal drive and associated vehicle movements. - The applicant's suggestion that the recent change by the Ministry of Housing, Communities and Local Government (MHCLG) to national housebuilding targets has the effect of removing power from the Local Authority to control development is misleading. The MHCLG guidance does not support these claims. - The addition of 1 dwelling would not have a meaningful contribution in meeting the new central government housing targets.
Ecology response)	(1st No objection.

Ecology response) (2nd	<p>Biodiversity Net Gain (BNG) may be required. The Preliminary Ecological Appraisal (PEA) indicates apple trees on site. The site has not been designated by MAGIC maps as an orchard priority habitat, however, Ecology request clarification as this would influence the BNG calculator that would be used for the proposal of BNG and is therefore a critical factor in decision-making.</p> <p>The site is within the Nutrient Neutrality zone (NNZ) and would be subject to providing mitigation for its impact. Mitigation proposals are to take agricultural land out of production to enable this development and are deemed appropriate in principle. Other mitigation solutions may be sufficient such as the use of a package treatment plant.</p> <p>Suggested conditions relate to (1) compliance with existing detailed biodiversity method statements, strategies, plans and schemes, (2) a Construction Environmental Management Plan, (3) lighting design strategy for light sensitive biodiversity, and (4) ecological enhancements.</p> <p>We will need to conduct an HRA on this site despite being a PIP and then consult Natural England, which would require 21 days.</p>
Environmental Health	No objection.
Drainage	No comment. Advice for applicant provided relating to sustainable drainage systems.
Highways	No objection subject to conditions.
Archaeology	<p>The greenfield site is within the Conservation Area and historic settlement of Westbrook and may also have archaeological potential due to known finds in the vicinity. Some assessment of this heritage interest would be required prior to any determination, in line with the 2024 NPPF paragraph 207. There are several historic cottages and houses nearby and the impact of any new building should be considered, along with its design.</p>
Conservation Officer	<p>No objection.</p> <p>No conservation area appraisal exists for this conservation area.</p> <p>The village exhibits a very clear linear form with housing on either side of the main road. This sort of ribbon development is typical of smaller settlements evolving along well-travelled routes.</p> <p>Dwellings within the village are set slightly back from the road with small gardens to the front and larger ones to the rear, but the front elevations are prominent and generally fairly visible. Trees, hedges and grass verges are all important features as are the dwellings which are generally good examples of vernacular architecture.</p>

	<p>The site in question is an open undeveloped plot that is sandwiched between other plots containing dwellings – Laburnum Cottage to the south, Knapps farm to the north, Coppers Farmhouse to the west and the rear of The Malting to the east which is just visible from the road. Further north there is another small cluster of dwellings which therefore also lie outside the conservation area and settlement boundary but can be seen to form a continuation of the village. Therefore, the development of the site in principle would not harm the significance of the conservation area, subject to the details of the application.</p>
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Public representations

4.2 Representations have been received from 22 contributors. All object to this 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:

- Westbrook is a narrow lane frequented by pedestrians and regularly congested.
- Additional traffic and on-street parking would be problematic.
- There is a large rock in front of the house opposite which creates strain on the highway.
- The adjacent cottages already park in front of the site which cause obstruction.
- No parking of contractor or delivery vehicles should be permitted.
- Development on the site should be connected to the mains sewer.
- Over the years, this narrow no-through road has been infilled with new houses. This has had a negative visual impact.
- Access is already difficult for emergency vehicles. This will be worsened.
- Visual amenity in Westbrook and within the context of the AONB is fundamental.
- The site is within a conservation area.
- The site is located outside the settlement boundary which should not be expanded in this location and would have an urbanising effect.
- The site contains a green field and is agricultural.
- The proposal would alter the essentially rural character of the village and historic open views of fields and water meadows.
- This site has never been included in a Local Plan. In-fill options within the settlement boundary should be prioritised.
- Building in this location would likely cause overlooking and overshadowing and obstruct rural views.
- The field was previously used for village allotments and the site is subject to restrictive covenants.
- Nutrient neutrality is a concern as phosphate levels are already too high.
- The existing sewerage infrastructure is overloaded.
- The settlement boundary differentiates Westbrook and the rural, farming landscape.
- There is already inappropriate development on the opposite side of Westbrook.
- This is not an urban area and the rural character of the area should be retained.
- The proposal does not comply with the Boxford Parish Plan. Action S1 "Housing development" which states that appropriate small-scale infill development is generally supported. This site is outside the settlement boundary and is therefore not 'infill' development.
- If the application is approved, then there is no point in having building and environmental policies.

- The planning statement states that development presents a 'rounding off' opportunity which is disingenuous as any development on the boundary of a settlement area could be so described and settlement boundaries are designed to stop development creep.
- The settlement boundary should not be changed to cater for individual speculative developments.
- The application amounts to an attack on the ability of West Berkshire Council to meet its overall housing delivery needs. It does not identify any need for development of this site in this location.
- The NWD National Landscape needs to be protected.
- The site is close to water meadows, a SSSI and a delegate ecosystem.
- One additional dwelling is not going to impact on housing targets.
- The applicant does not live in Westbrook and the development is not for their benefit.
- Another inappropriate planning application by the applicant has already been approved. As a result, there would be an increase of 2 dwellings in Westbrook.
- The site is classified as agricultural land.
- The details associated with the PIP application are irrelevant as they would be likely changed in a 'Details' application.
- There would be traffic congestion during construction.
- There is a potential impact on flood risk as the site is close to the river which has previously flooded in this area. A proper assessment should be undertaken prior approval.

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, CS1, CS4, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1 and C1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6 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)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- WBC Sustainable Drainage Systems SPD (2018)
- Planning Obligations SPD (2015)
- The Conservation of Habitats and Species Regulations (2017).
- Boxford Parish Plan
- Emerging Local Plan (limited weight)

6. Appraisal

‘Permission in Principle’ Scope

- 6.1 In accordance with Paragraph 012 of the Planning Practice Guidance, the scope of this ‘permission in principle’ application is focussed on whether the proposed location, land use and amount of development is acceptable. It therefore needs to be determined whether the proposed land use (C3 dwelling house) and the amount of development (1 dwelling house) is appropriate in this location. All other details such as the proposed dwellings’ design, access arrangement, drainage etc. are not relevant to this application.

“Location” and “Use”

- 6.2 The question of whether the location for the proposed use is acceptable is linked from a policy perspective. These aspects are therefore considered together.
- 6.3 Policy CS1 states that new homes will be located in accordance with the Spatial Strategy and Area Delivery Plan Policies. Policies ADPP1 and ADPP5 of the Core Strategy and Policies C1 and C3 of the Housing Site Allocations (HSA) DPD are relevant.
- 6.4 For the purposes of the West Berkshire Core Strategy, the site is located outside the settlement boundary of Boxford as defined under Policy ADPP1 and is therefore within the countryside where only appropriate limited development is permitted.
- 6.5 Policy ADPP5 states that housing in the North Wessex Downs AONB (NWD National Landscape) will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Development will conserve and enhance the local distinctiveness, sense of place and setting of the NWD National Landscape whilst preserving the strong sense of remoteness, tranquillity and dark night skies. Development will respond positively to the local context. Furthermore, development will respect and respond to the historic environment of the NWD National Landscape.
- 6.6 Policy C1 of the Housing Site Allocations (HSA) DPD gives a presumption against new residential development outside of the settlement boundaries. In settlements in the countryside with no defined settlement boundary, limited infill development may be considered where:
- i. It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
 - ii. The scale of the development consists of infilling a small under-developed plot commensurate to the scale and character of existing dwellings within an otherwise built-up frontage; and
 - iii. It does not extend the existing frontage; and
 - iv. The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.
- 6.7 Policy C3 of the HSA DPD states that the design of new housing must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. This policy, which speaks mostly to the design of the dwelling rather than the location, use and amount of development, would be used to assess any “Details” application should this application be approved.
- 6.8 As the site is located outside of a defined settlement boundary, the proposed location of the residential development is unacceptable in terms of Policy ADPP1.

- 6.9 In terms of the exceptions within Policy C1, these only apply in settlements in the countryside with no defined settlement boundary. As the site is located adjacent to Boxford's defined settlement boundary, these exceptions do not apply.
- 6.10 In terms of Policy ADPP5, and the proposal's impact on the NDL, the site is of a sufficient size to accommodate a single dwelling whilst retaining an open and spacious setting. Furthermore, the proposal would be read in relation to the existing ribbon development that runs through Westbrook. It is therefore considered that the proposal would have only a limited impact on the NDL.
- 6.11 The site is located within a collection of dwellings within Westbrook, which forms part of the village of Boxford. The site is within the countryside, and there is a small Heritage Centre next to the church, a restaurant 'The Boxford' and a bus service. However, for most services and amenities, residents would need to travel to Newbury to the south east, which is approx. 3.3 miles (approx. 7mins drive) to the edge of the Newbury settlement boundary via Lambourn Road. On account of the site's proximity to the edge of a settlement boundary, and the bus links to Newbury, the site is considered to be within a sustainable location.
- 6.12 According to Natural England's Agricultural Land Classification (ALC)(England), the quality of the site as farmland is Grade 4. As such, this land is not considered as "best and most versatile agricultural land" in terms of the NPPF. The loss of this agricultural land in this location to accommodate 1no. dwelling house is acceptable.
- 6.13 In summary, while the proposal would only have a limited impact on the NDL, it would be unacceptable in terms of Policy ADPP1, and does not meet the criteria of Policy C1.

"Amount"

- 6.14 The site is of a sufficient size to accommodate a single dwelling whilst retaining an open and spacious setting.

Collective impact of proposed location, use and amount of development

- 6.15 The Conservation Area contributes the historic qualities of the NWD National Landscape. As such, it should be ensured that there is no negative impact on the Conservation Area or the surrounding area in general.
- 6.16 No Conservation Area Appraisal exists for the Westbrook Conservation Area, however, it has been determined by the Conservation Officer that the village exhibits a very clear linear form with dwellings on either side of the highway. This sort of ribbon development is typical of smaller settlements that evolve along well-travelled routes. Dwellings within the village are set slightly back from the highway with small gardens to the front and larger gardens to the rear. Front elevations feature prominently. Trees, hedges and grass verges are all important features. The dwellings are generally good examples of vernacular architecture.
- 6.17 The site is an undeveloped plot. Although outside the conservation area and settlement boundary, there is a small cluster of dwellings immediately to the north of the site which forms a continuation of the village. The development of the site in principle would not harm the significance of the conservation area, subject to acceptable design proposal submitted at 'Details' stage.
- 6.18 It has been argued that the vacant greenfield site informs the rural character of the conservation area. However, there is a high hedge that spans the site's frontage which obstructs the view of the site from most directions. The indicative plan demonstrates

proposed hedging. It is acknowledged that this proposal could change in a 'Details' application, however, it has been demonstrated that maintaining a large section of the hedge is possible. In maintaining the hedge, the presence of 1no. dwelling in this location would be partially mitigated. The impact of the proposal on the character of the area would be reassessed during the 'Details' stage when a final dwelling design and site layout is submitted.

- 6.19 The impact on the Conservation Area and the and the NWD National Landscape would not be significant or detrimental and the proposal complies with Policy CS19 and the NPPF.

Other matters

- 6.20 As mentioned, the scope of this application is limited to location, use and amount of development. All other material considerations must be considered at 'Details' stage. However, the following comments are made:

Highways:

- 6.21 Highways-related considerations (including access, trip generation etc.) are not part of the scope of this 'permission in principle' application. Such would be considered at 'Details' stage should this application be approved.

Nutrient Neutrality:

- 6.22 The site is within the River Lambourn Special Area of Conservation (SAC) which is in an unfavourable condition due to excess phosphates. In accordance with the Habitats Regulations, nutrient neutrality requires that housing developments should not add more 'nutrient pollution' to the water catchment.
- 6.23 A Nutrient Assessment and Budget has been submitted which indicates that the applicant has significant wider landholdings where there is scope for mitigation by taking agricultural land out of production to enable this development. The Council's Ecological Officer has reviewed the proposal and confirmed that they were satisfied in principle with the proposed mitigation. The proposal is therefore recommended for approval subject to a planning agreement to secure the offsite mitigation.
- 6.24 It is important to note that although the PPG indicates that planning obligations cannot be secured at the PIP stage. A recent appeal costs decision (APP/A1910/W/22/3303737) highlighted the fact that PIP must not be granted for development which is habitats development unless the local planning authority is satisfied, after taking account of mitigation measures that the development will not adversely affect the integrity of the protected site. Therefore, the Inspector found that the council had not behaved unreasonably in requiring a planning obligation to secure habitat mitigation measures. Another appeal in Gloucester in 2023 (APP/C1625/W/23/3329704) allowed Permission in Principle for 'between 2 and 4 custom build houses' within in a SAC subject to a legal agreement. In this appeal the inspector found that whilst the PPG states that it is not possible for conditions to be attached to a grant of permission in principle and that planning obligations cannot be secured at this stage, "...there is no legal reason why an obligation cannot be entered into at any time, which can secured by way of a S106 Agreement".
- 6.25 In addition to the above it is now understood that before any consent can be granted, a Habitats Regulations Assessment (HRA) must be conducted by the competent authority (in this case the Local Authority) and Natural England must be given 21 days to comment on the findings.

- 6.26 This is set out in the PPG which states that permission in principle must not be granted for development which is 'habitats development'. Habitats development means *"any development that is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017...."*.
- 6.27 The PPG goes on to states that *"If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle."* (Paragraph: 005 Reference ID: 58-005-20190315).
- 6.28 To prevent unnecessary delays, it is therefore recommended that Members DELEGATE authority to the Development Manager to GRANT PERMISSION IN PRINCIPLE, subject to the completion of a Habitats Regulations Assessment (HRA) that confirms no adverse impact on current nutrient levels in the catchment (allowing for the 21 day consultation with Natural England); and the completion of a Section 106 agreement to secure the required off-site phosphate mitigation measures.

Biodiversity Net Gain:

- 6.29 The Government's Guidance on Biodiversity Net Gain states that the grant of permission in principle is not within the scope of biodiversity net gain, but would form part of a subsequent 'Details' application should this 'permission in principle' application be approved.

Trees

- 6.30 There are no trees in or adjacent to the site that are protected by tree preservation orders (TPO) and as such, there are no protected habitats that would be affected by the amount of development proposed. Should it be deemed that the existing trees are worthy of protection however, the site is large enough to accommodate the proposed amount of development without impacting on any of the existing trees, as per the indicative plan.

Amenity

The impact on neighbouring amenity is an important consideration. As design matters are not within the scope of this application, there is limited consideration on amenity as any overlooking, overshadowing or overbearing impact of the dwelling would be considered at 'Details' stage. However, it can be noted that the proposed residential use and associated activity would be similar to the dwellings surrounding it.

Flooding and drainage

- 6.31 Flooding and drainage matters would be dealt with at 'Details' stage. It is worth noting however that the site is not within Flood Zones 2 or 3.

Land covenants:

- 6.32 An objector has stated that the site was previously used for village allotments and the site is subject to restrictive covenants. This is a civil matter and not a material planning consideration.

Construction noise, associated parking and congestion

- 6.33 Any noise and associated parking and congestion during construction would be temporary in nature and can be managed with appropriate conditions if necessary.

Conditions

- 6.34 The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development.
- 6.35 Where permission in principle is granted by application, such as this, the default duration of that permission is three years, and there is no justification to vary this.

7. Planning Balance and Conclusion

- 7.1 This application is proposing a new dwelling in the countryside outside of any settlement boundaries. The site is not previously developed land as defined by the NPPF. It does not constitute a form of development which is permitted by policy C1.
- 7.2 The Council is unable to demonstrate a five-year supply of deliverable housing sites following the publication of the NPPF (December 2024), which has significantly increased the minimum local housing need figure. The Council can currently demonstrate only a 2.6 years' supply of deliverable housing sites, using a five-year housing land supply from 2024/25 to 2028/29 against a five-year housing land supply requirement, plus a 5% buffer. As a result, the WBC Core Strategy is regarded as out-of-date in terms of the NPPF and the presumption in favour of sustainable development as outlined in paragraph 11 of the NPPF (i.e. 'tilted balance') is engaged, unless the provisions in footnote 7 apply.
- 7.3 For planning decisions, the presumption in favour of sustainable developments means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including due to lack of 5 year housing supply), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.4 With relevance to this application, National Landscapes are listed in footnote 7 of the NPPF and therefore any harmful impact could disengage the 'tilted balance'. It has been deemed that the impact on the National Landscape would be limited. However, the proposal nonetheless would introduce built form to a previously undeveloped site, introducing further built form into the area which could erode the rural character of the area. However, the harm from this built form is considered to be isolated and the proposal would be read in the context of the exiting linear development in Westbrook.

Furthermore, mitigation can be secured by way of appropriate design, scale, materials, and landscaping. This issue attains only moderate weight given the limited harm in the case officer's view.

- 7.5 In the context of paragraph 11 of the NPPF and the tilted balance, the limited harm identified is not considered to provide a strong reason for refusing the proposal.
- 7.6 The addition of 1no dwelling would contribute to the overall housing supply which is in shortage in the area. While the addition of a single dwelling house would not have a significant impact on the housing supply, collectively, small developments such as that proposed would have a positive impact. There would be social and economic benefits associated with the provision of housing. However, given the small scale of the development, these benefits carry moderate weight in the planning balance.
- 7.7 It is considered by officers that, taken together, the planning benefits of the proposal insofar as the location, use and amount of development is concerned outweighs any disbenefits. This conclusion is reached in the context of the NPPF's presumption in favour of sustainable development. It is not considered that NPPF policies provide a strong reason for refusing the development (as per point i. in paragraph 11d), and that any adverse impacts of the development would significantly and demonstrably outweigh the benefits (as per point ii. In paragraph 11d).
- 7.8 Overall, and in light of the tilted balance, it is considered that the development plan and material considerations are such that permission in principle should be granted. As such, the application is recommended for approval subject to the completion of a Habitats Regulations Assessment (HRA) that confirms no adverse impact on current nutrient levels in the catchment; and the completion of a Section 106 agreement to secure the required off-site phosphate mitigation measures.
- 7.9 Full Recommendation
- 7.10 To DELEGATE to the Development Manager to GRANT PERMISSION IN PRINCIPLE subject to:
- (i) the completion of a Habitats Regulations Assessment (HRA) which demonstrates a neutral impact on current nutrient levels in the catchment; and
 - (ii) the completion of a Section 106 Agreement within 3 months of the committee resolution (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)
- 7.11 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PERMISSION IN PRINCIPLE for the reasons listed below.

Informatives

1	3 years This permission in principle is granted by application, the default duration of this permission is 3 years from the date of this consent.
2	Positive Decision making 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 which improves the economic, social and environmental conditions of the area.
3	<p>CIL Liable</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 www.westberks.gov.uk/cil</p>

Heads of Terms for Section 106 Agreement

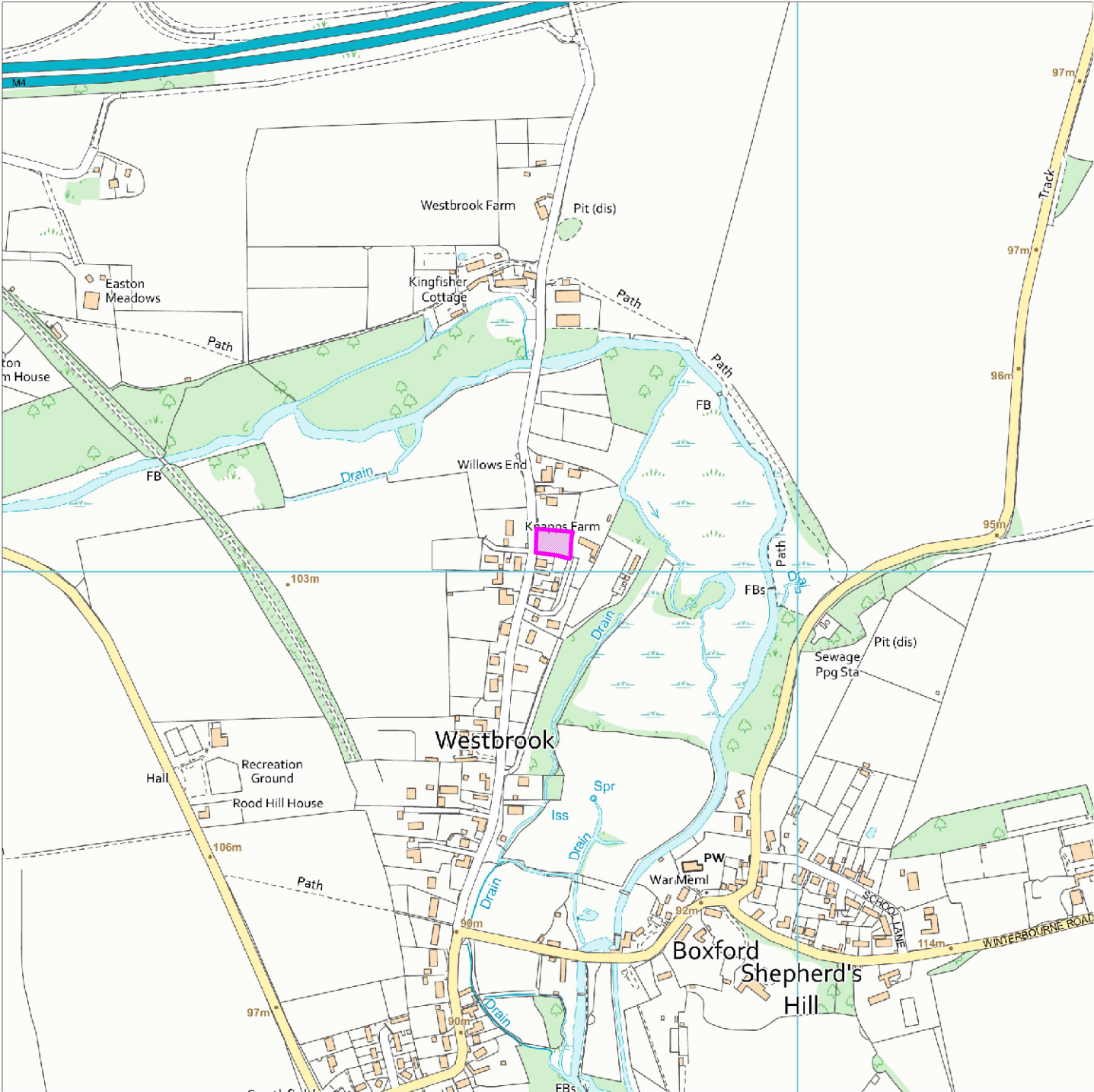
1.	<p>Securing Nutrient Neutrality Mitigation</p> <p>The s.106 agreement will need to include the following heads of terms:</p> <ul style="list-style-type: none"> - On the grant of TDC (<i>or prior to occupation</i>), to cease the agricultural use of an agreed amount of land within their ownership and not to undertake or permit or procure within the Agreed Site any farming; agriculture; viniculture; horticulture; cultivation (other than the cultivation of trees agreed by the Council for the Agreed Site); ploughing; digging; grazing by any animals; or use of any fertilisers for a period of 80 years. - Prior to the occupation of the dwelling to agree with the Council a schedule of monitoring and management of the Agreed Site to ensure proper management and maintenance of the Agreed Site to the Council's reasonable satisfaction. Should the monitoring reports demonstrate that the mitigation land is not being managed or maintained in accordance with the agreed S106, the report must set out the steps the appellant is taking to remedy this and the timescales. - Inclusion of a mechanism within the S106 which would allow the Council to approve or request amendments to these reports. - For a total continual period of 80 years from the establishment of the Agreed Site to properly manage and maintain the Agreed Site in accordance with the agreed monitoring and management arrangements. - A contribution towards monitoring
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Refusal Reasons

1.	<p>Impact on Nutrient Neutrality – Lack of S106</p> <p>The application is for development inside the catchment of the River Lambourn Special Area of Conservation ("SAC"), which Natural England advises is in an</p>
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	<p>unfavourable condition due to an exceeded nutrient threshold. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, the proposed development, either alone or in combination with other plans or projects, is likely to have a significant effect on the River Lambourn SAC.</p> <p>The application fails to provide an appropriate planning obligation to secure Nutrient Neutrality Mitigation to mitigate the developments impact without which the proposal would be contrary to the NPPF, Policy CS17 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.</p>
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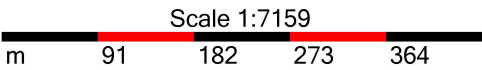
Map Centre Coordinates :

Scale : 1:7158

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	10 April 2025
SLA Number	0100024151



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Agenda Item 4.(3)

Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(3)	25/00128/HOUSE Hampstead Norreys Parish Council		20.03.2025 ¹		Proposed single storey rear extension, new first floor rear dormer windows and replacement paving to front steps with new handrails. Swimbrels, Newbury Hill, Hampstead Norreys, Thatcham, RG18 0TR Hungerford Design Ltd.
¹ Extension of time agreed with applicant until 08.04.2025.					

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SQJBLDRD0NK00>

Recommendation Summary: To delegate to the Development Manager to APPROVE planning permission.

Ward Member(s): Councillor Culver

Reason for Committee Determination: WBC Planning Officer application

Committee Site Visit: 17th April 2025

Contact Officer Details

Name: Lauren Hill
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Lauren.Hill1@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 a proposed single storey rear extension, 2no. first floor rear dormer windows and replacement paving to the front steps with new handrails.
- 1.3 The application site comprises a south-facing 2-storey dwellinghouse with a footprint of approx. 45sqm and a rear garden. The first floor is located within the pitched roof. There are 2 no. gable dormer windows facing the highway to the south, and 3no. velux windows facing the rear garden which is enclosed by a timber fence. There are existing entrance steps measuring a distance approx. 3.2m leading upwards from the highway towards the main entrance of the dwelling.
- 1.4 The site is located within the middle of a terrace of three houses fronting Newbury Hill. Collectively, the dwellings form a cohesive unit through their use of identical multi-red facing brickwork, plain clay tile roofing and 2no. dormer windows facing the Newbury Hill highway. While clearly linked, they do not have an established uniform built form, as the western end-of-terraced dwelling's entrance is orientated towards The Cuttings and the eastern-most terraced dwelling is orientated toward Pendals Close. In addition, the footprints of the dwellings are dissimilar. The site is surrounded by both detached and semi-detached dwellings of varying sizes.
- 1.5 The site is located within the Hampstead Norreys Conservation Area and the North Wessex Downs National Landscape.

2. Planning History

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

Application	Proposal	Decision / Date
81/16337/ADD	Construction of new showroom 21 x 12 incorporating office and toilet closure of two existing vehicular access to the site and formation of new vehicular access	Approved 13.01.1982
84/20916/ADD	Residential development of 6 houses with parking.	Approved 17.07.1984
95/47679/OUT	Demolition of existing buildings- erection of 4 no. 2 bed houses.	Approved 08.05.1996

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 06.02.2025 in front of the dwelling with a deadline for representations of 27.02.2025. A public notice was displayed in Newbury Weekly News on 30.01.2025. Notification letters were sent to the owners of Elwood, Rivendell and 1 Pendals Close.

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 identifies the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision
Community Infrastructure Levy (CIL)	No	No
New Homes Bonus	No	No
Affordable Housing	No	No
Public Open Space or Play Areas	No	No
Developer Contributions (S106)	No	No
Job Creation	No	No

3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

3.5 **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.

- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 All proposed building work will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 It is acknowledged that there are certain properties where there may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme.

- 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 **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 site is within the Hampstead Norreys Conservation Area.
- 3.15 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CROW) Act 2000 (as amended) provides a general duty for public bodies: “Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty).” AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

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.

Hampstead Norreys Parish Council:	No objection.
Ecology:	No objection.

Public representations

- 4.2 No public representations have been received.

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, CS4, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
 - Policies TRANS1, OVS5 and OVS6 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 House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- West Berkshire Emerging Local Plan (limited weight)

6. Appraisal

Principle of development

- 6.1 Policy ADPP1 states that most development will be within or adjacent to the settlements included in the settlement hierarchy and will be related to the transport accessibility of the settlements, their services and the availability of suitable sites for development. The scale and density of development will be related to the site's current or proposed accessibility.
- 6.2 Policy ADPP5 states that the North Wessex Downs AONB (NWD National Landscape) will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Smaller villages will continue to support the needs of their residents and surrounding communities for facilities and services.
- 6.3 The site is located within the settlement boundary of Hampstead Norreys which is a sustainable location for development with access to services and amenities. The scale and density of the proposal would be modest and serve an identified need of the applicants. As will be explored below, the proposal would not detract from the character of the area or the NWD National Landscape.
- 6.4 The proposal complies with ADPP1 and ADPP5 and the principle of the development is acceptable.

Character, appearance and heritage

- 6.5 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 also sets out that the design and layout of proposals should respond not just to the immediate area but the wider locality, contributing positively to local distinctiveness and sense of place. Policy CS14 also confirms that development proposals will be expected to:
- Make good provision for access by all transport modes, ensuring environments are accessible to all and give priority to pedestrian and cycle access.
 - Make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area, as well as any historic and cultural assets.
 - Provide, conserve and enhance biodiversity.
- 6.6 As is relevant to this proposal, Policy CS19 states that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural and functional components of its character will be considered as a whole. Particular regard will be given to the sensitivity of the area to

change, the proposal's design within its context and the conservation and enhancement of heritage assets and their setting. Proposals should be informed by, and respond to, their distinctive character areas and key characteristics identified and design features.

Rear extension:

- 6.7 The existing 2-storey dwellinghouse has a footprint of approx 45sqm. It is proposed to extend the ground floor at the rear of the dwelling by approx. 1.5m to enlarge the floor area of the kitchen & dining room by approx. 8sqm. The extension would measure approx. 2.8m in height and would have a single ply flat roof. The extension would have 2no. grey aluminium framed windows and a bi-fold door. The existing rear paving would be raised by 0.3m and the rear patio extended. The existing eastern timber fence would be raised to 2.3m on the neighbour's side due to the slight increase in ground level adjacent to the extension. The extension would be multi-red facing brickwork to match existing.
- 6.8 The House Extensions SPG states that the basic shape and size of the extension should normally be subservient to the design of the original building. The shape pitch and style of the roof will be a significant factor in achieving appropriate design. The best-looking extensions generally have a simple shape, as unusual shapes lead to complicated roof constructions that appear out of place. Extensions should generally have pitched roofs where practical and match the existing pitched roof. Rear extensions are the least likely to have a major impact. When extending a terraced property, it can be desirable to follow any established pattern of extension. For example, in terraced houses, where a rear extension is paired with similar extension on a neighbouring house.
- 6.9 The proposed extension is modest, at ground level and is clearly subservient to the existing dwelling. Due to the small nature of the extension, a flat roof is visually acceptable and practical and would have no negative visual impact or appear out of place. There is no established pattern of extensions as the terraced dwellings have different footprints. The proposed extension complies with the House Extensions SPG.
- 6.10 The rear extension would not be visible from Newbury Hill which contributes significantly to the visual qualities of the conservation area that informs the wider character of the NWD National Landscape.

Dormer windows:

- 6.11 The proposed 2no. gable dormer windows facing the rear garden would match the style of the dormer windows facing the highway but would be slightly different sizes. The eastern gable dormer would replace 2no existing velux windows. It would measure approx. 2.6m wide and 2.5m high and have 3no. windowpanes. The proposed western gable dormer would replace 1no. velux window and is a smaller dormer with only 1no. windowpane. It would measure approx. 1.4m wide and 1.75m high. Both dormers would have horizontal cladding. Clay roof tiles would match existing.
- 6.12 Together, the gable dormer windows are sensitively designed, contextually appropriate and would not have a negative visual impact or compromise the character of the conservation area.

Front steps and handrails:

- 6.13 It is proposed to replace the existing paved steps towards the entrance with new riven grey concrete paving slabs. New 1.1m tall black-painted wrought iron handrails would be placed on either side of the steps. These materials are not insensitive to the broader character of the area.

Listed buildings:

- 6.14 There are several listed buildings in the area. The site is within the setting of Wing Cottage and the Grange (Grade II) approx. 70m to the north east. There are several listed buildings towards the east and south east, including St Mary's Church (Grade I). However, the proposal would not cause any harm to the setting of these nearby listed buildings.

Summary:

- 6.15 Considered together, the proposed development would not be out of place within its context or detract from the character of the area, the conservation area or the NWD National Landscape.
- 6.16 In the above regard, the proposal complies with Policies CS14, CS19, the House Extensions SPG, the Quality Design SPD and Chapter 16 of the NPPF.

Amenity

- 6.17 Policy CS14 requires developments to not significantly impact on the residential amenity of neighbouring occupiers, stating that it should make a positive contribution to the quality of life in West Berkshire.
- 6.18 While some overlooking would occur from the proposed 2no. rear dormers, there is already overlooking from the existing 3no. velux windows which are to be replaced. This overlooking would consist of oblique views towards the rear gardens of the adjacent dwellings to the east and west. There would be no overlooking into the neighbours' main living spaces within their homes.
- 6.19 The proposed ground floor rear extension does not include any side windows facing toward the adjacent dwellings to the east and west. While the extension would, by only approx. 1.5m, result in the dwelling being closer to the neighbouring dwellings to the north, the new doors and windows would well exceed the recommended 21m between frontages prescribed by the Quality Design SPG.
- 6.20 The raising of the ground by 0.3m directly adjacent to the extension would not result in overlooking as the existing eastern boundary timber fence to be raised to be 2.3m tall when measured from the neighbour's side to reduce any overlooking.
- 6.21 The rear extension would not overshadow the neighbouring properties as it would be at ground level, 2.8m in height and would have a flat roof.
- 6.22 There would be no overbearing impact as the scale of the rear extension is small, at ground level, and would be partially shielded from the neighbours' view by existing boundary fences.
- 6.23 The proposal would have a positive contribution to the quality of life of the site's existing and future residents as it would enhance the use of the dwelling and, insofar as the proposed handrails are concerned, improve safety when accessing the site.
- 6.24 There would be no negative impact on amenity and the proposal complies with Policy CS14, the Quality Design SPG and paragraph 135(f) of the NPPF.

Drainage and flooding

- 6.25 The site is located within Flood Zone 1 and is not within a Critical Drainage Area. There would be minimal additional surface water run-off and it is not expected that flood risk would result elsewhere on account of the minor scale of the proposal. As a result, a flood risk assessment and proposed mitigation measures are not required.

6.26 The proposal complies with Policy CS16 and paragraph 181 of the NPPF.

Ecology

- 6.27 Policy CS17 sets out that development proposals which may harm locally designated sites, habitats or species of principal importance for the purpose of conserving biodiversity, or the integrity or continuity of landscape features of major importance for wild flora and fauna, will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable. This policy also states that all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity.
- 6.28 Policy CS18 seeks to protect and enhance the district's green infrastructure, stating that developments which result in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.
- 6.29 The site is not located within close proximity to any SSSIs or Special Areas of Conservation. There is a Local Wildlife Site approx. 130m south west of the site along the dismantled railway, however, due to the nature of the proposal and the distance away from this site there would be no impact.
- 6.30 Biodiversity net gain is not a requirement for this application.
- 6.31 The site is not affected by nutrient neutrality concerns.
- 6.32 The Council's Ecology Team does not object to the proposal.
- 6.33 The proposal complies with Policies CS17, CS18 and Chapter 15 of the NPPF.

Highways

- 6.34 Policy CS13 sets out that development that generates a transport impact will be required to:
- Reduce the need to travel.
 - Improve and promote opportunities for healthy, safe and sustainable travel, and improve travel choices (particularly within, between and to main urban areas and rural service centres).
 - Demonstrate good access to key services and facilities.
 - Minimise the impact of all forms of travel on the environment and help tackle climate change.
 - Mitigate the impact on the local transport network and the strategic road network.
 - Take into account the West Berkshire Freight Route Network (FRN).
 - Prepare Transport Assessments/Statements and Travel Plans to support planning proposals in accordance with national guidance.
- 6.35 Policy P1 of the Housing Site Allocations DPD confirms the parking standards for new residential development, stating that the layout and design of parking spaces should follow the parking design guidance from the Building for Life Partnership, 2012 and principles contained in the Manual for Streets, in order to create good quality homes and neighbourhoods.

6.36 For the purposes of Policy P1, the site is located within Zone 3. The proposal would not increase the parking requirement, and the existing access would not change. The proposal would not increase the amount of traffic to and from the site.

6.37 The proposal complies with Policies CS13, P1 and Chapter 9 of the NPPF.

7. Planning Balance and Conclusion

7.1 Having regard to the relevant development plan policy considerations as well as the other material considerations referred to above, on balance the development proposed is considered to be acceptable and is recommended for approval.

8. Full Recommendation

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

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans / Documents</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ol style="list-style-type: none">1. Proposed plans drawn by Hungerford Design, drawing no. 3353-02C dated January 2025 (received 23 January 2025)2. Block plan drawn by Hungerford Design, received 23 January 2025.3. Application form <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</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>

Informatives

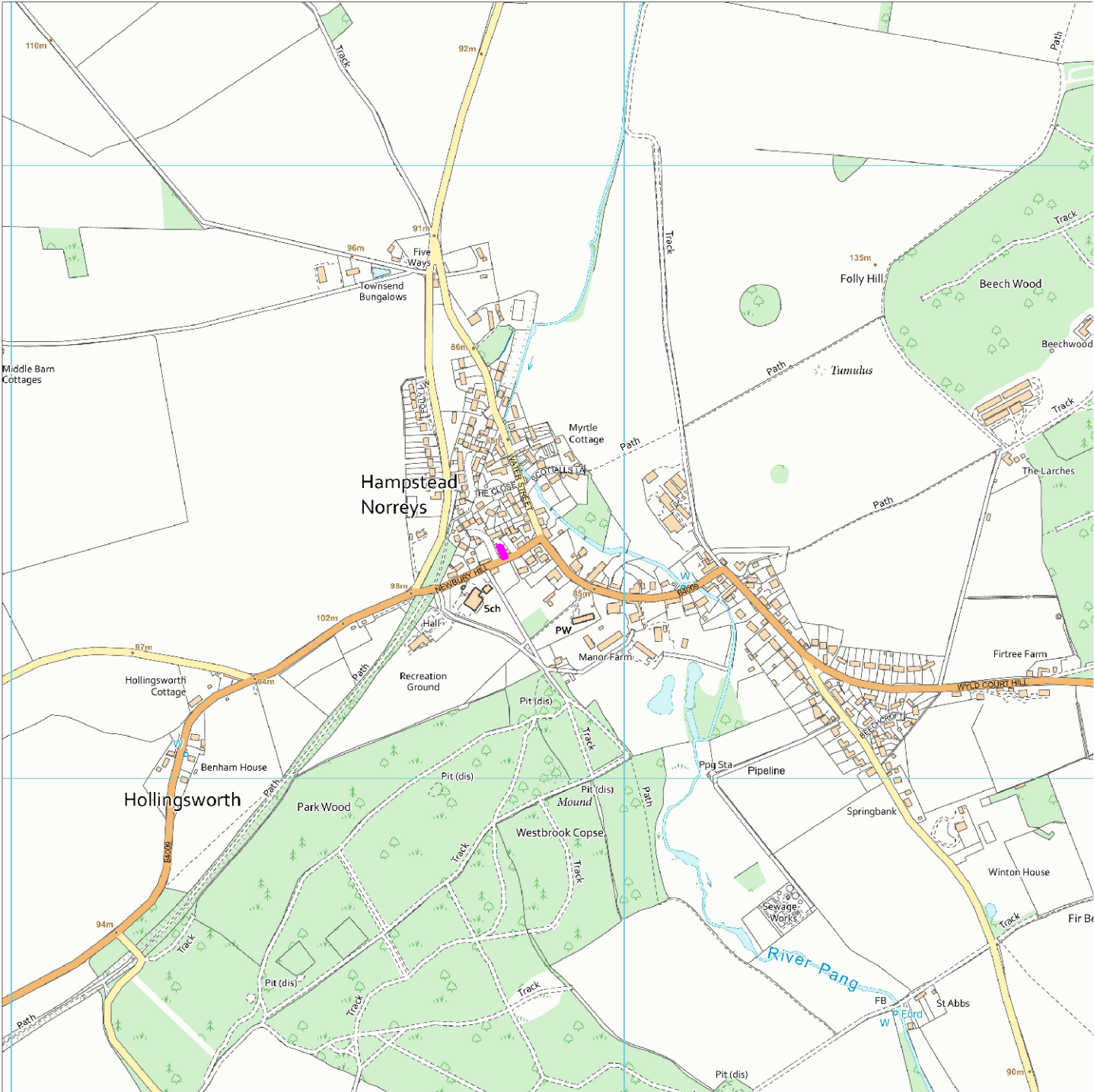
1	Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be
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	<p>charged on residential (C3 and C4) and retail (A1 - A5) development at a rate 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).</p> <p>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</p>
2	<p>Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the verge arising during building operations.</p>
3	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Authority to recover expenses due to extraordinary traffic.</p>
4	<p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

<p>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and</p> <p>(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or</p> <p>(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</p> <p>4. The permission which has been granted is for development which is exempt being:</p> <p>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:</p> <p>i) the application for planning permission was made before 2 April 2024;</p> <p>ii) planning permission is granted which has effect before 2 April 2024; or</p> <p>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).</p> <p>4.2 Development below the de minimis threshold, meaning development which:</p> <p>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</p> <p>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).</p> <p>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.</p> <p>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).</p> <p>4.5 Self and Custom Build Development, meaning development which:</p> <p>i) consists of no more than 9 dwellings;</p> <p>ii) is carried out on a site which has an area no larger than 0.5 hectares; and</p> <p>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).</p> <p>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</p>
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<p>parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.</p> <p>* "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.</p> <p>APPLICABLE EXEMPTION</p> <p>The exemption that is considered to apply to this application is: 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.</p> <p>IRREPLACEABLE HABITAT</p> <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>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</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>
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	<p>i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and</p> <p>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.</p> <p>PHASED DEVELOPMENT</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>
6	<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 which improves the economic, social and environmental conditions of the area.</p>

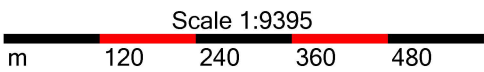


Map Centre Coordinates :

Scale : 1:9395

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Department	
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