

Notice of Meeting



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Western Area Planning Committee

Wednesday 18 February 2026 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](#)

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

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on Tuesday 17 February 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: Tuesday 10 February 2026

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.



Agenda - Western Area Planning Committee to be held on Wednesday 18 February 2026
(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, Carolyne 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 approve as a correct record the Minutes of the meeting of this Committee held on 21 January 2026.
The minutes of the previous meeting will be to follow.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
 - (1) **25/01669/FUL And 25/01670/LBC Hambridge Farm, Hambridge Road, RG14 2QG** 5 - 34
Proposal: Conversion of buildings to form 3 residential dwellings, extension to garage and associated works. (Reconsideration of application reference 24/02422/FUL following the High Court Consent Order dated 9th July 2025).
Location: Hambridge Farm, Hambridge Road, Newbury, RG14 2QG
Applicant: Hambridge Properties Limited
Recommendation: Conditional approval
 - (2) **25/01630/FUL Pound Street, RG14 6AA** 35 - 54
Proposal: Change of use of 2 Pound Court from commercial (Use Class E) to a Place of Worship (Use Class F1).



Agenda - Western Area Planning Committee to be held on Wednesday 18 February 2026
(continued)

Location: Pound Court, Pound Street, Newbury, RG14 6AA

Applicant: Bangladesh Welfare Centre

Recommendation: To delegate to the Development Manager to
GRANT PLANNING PERMISSION

(3) **25/01921/HOUSE Western Lodge, West Woodhay, RG20 0BH** 55 - 76

Proposal: Elevation adjustments, minor alterations to Western Lodge and rebuilding of the garage annex, to provide a cohesive architectural design to the whole building, now part of the broader Lake House Estate.

Location: Western Lodge, West Woodhay, RG20 0BH

Applicant: Mr Nicholas Brown

Recommendation: The Development Control Manager be authorised to
GRANT conditional permission

Background Papers

The statutory development plan for West Berkshire. This comprises a suite of documents available online: <https://www.westberks.gov.uk/article/40121/Current-Development-Plan-for-West-Berkshire>

1. Other local planning policies, including supplementary planning documents: <https://www.westberks.gov.uk/planning-policy>
2. The National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
3. The Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>
4. The case file for the individual applications, comprising all plans, supporting documentation, consultation responses, and any representations received. A link is provided to the relevant file in each application report.
5. Any previous planning applications for the site: <https://publicaccess.westberks.gov.uk/online-applications>
6. Any other background information specifically mentioned in the application report



Sarah Clarke
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.

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Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/01669/FUL & 25/01670/LBC Newbury Town Council	03.09.2025 ¹	Conversion of buildings to form 3 residential dwellings, extension to garage and associated works. (Reconsideration of application reference 24/02422/FUL following the High Court Consent Order dated 9th July 2025). Hambridge Farm, Hambridge Road, Newbury, RG14 2QG Hambridge Properties Limited

¹ Extension of time agreed with applicant until 27.02.2026

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SZUF8NRD04Z00>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SZUF0NRD04Z00>

Recommendation Summary:	Conditional approval
Ward Member(s):	Councillor Nigel Foot Councillor Stuart Gourley
Reason for Committee Determination:	Over 10 objections received and recommendation for approval
Committee Site Visit:	12 th February 2026

Contact Officer Details

Name:	Harriet Allen
Job Title:	Planning Officer (Western)
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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the applications.
- 1.2 The applications are seeking planning permission and listed building consent for the conversion of buildings to form 3 residential dwellings.
- 1.3 The application site forms part of Hambridge Farm, a historic farmstead, and contains the 17-18th century threshing barn and farmhouse. The historic buildings in the farmstead are currently subject to commercial and business uses. There is an industrial employment area 60m to the south of the site, and directly west is a B-road. Beyond the road is open countryside and a policy-defined gap between Newbury and Thatcham. To the north, east and south, the site is bounded by watercourses (River Kennet SSSI and Kennet and Avon Canal). Elsewhere along Hambridge Road are areas of residential development, including offices recently converted to dwellings.
- 1.4 The former threshing barn and farmhouse are proposed to be converted into 3 dwellings. As part of the conversion, an existing garage would provide cycle storage, and it is proposed to alter boundary treatment to delineate garden amenity space and mitigate noise from the road.

2. Planning History

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

Application	Proposal	Decision / Date
91/40001/LBC	Proposed link between farmhouse and barn and internal alterations within farmhouse	APPROVED 13.11.1991
97/50012/FUL	Change of use from leisure club to offices.	APPROVED 26.03.1997
97/50841/LBC	Internal office layout and re-instatement of toilet and kitchen block (retrospective)	APPROVED 24.07.1997
97/51441/LBC	Proposed installation of air-conditioning unit-external free standing unit and internal unit wall mounted.	APPROVED 03.11.1997
05/02562/LBC	Replacement of existing windows with new timber windows in Hambridge Farmhouse	APPROVED 16.02.2006
07/01615/FUL	Proposed two storey extension and link building. Additional Parking	APPROVED 18.10.2007
10/01433/XFUL	Application to renew planning permission 07/01615/FUL - Proposed two storey extension and link building. Additional Parking –	APPROVED 20.08.2010

10/01715/COND1	Application for approval of details reserved by Condition 2: - Samples, Condition 3: - Landscape Scheme and Condition 4: - Hard surfaced areas of planning permission reference 07/01615/FUL	APPROVED 24.09.2010
24/02422/FUL & 24/02423/LBC	Conversion of buildings to form 3 residential dwellings, extension to garage and associated works.	APPROVAL QUASHED BY HIGH COURT CONSENT ORDER 09.07.2025

- 2.2 Previous permissions (24/02422/FUL & 24/02423/LBC) granted for the conversion of Hambridge Barn to 3 residential units were quashed by a High Court Consent Order for the following two grounds:

Ground 1: The Defendant failed to lawfully perform the heritage duties in the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Council has failed to give the preservation of the listed buildings and Conservation Area affected by the Proposed Development the weight required by the duties in ss. 16, 66, and 72 of the 1990 Act. In consequence, it has failed to lawfully discharge those duties.

Ground 2: The Defendant gave inadequate reasons with respect to heritage duties.

- 2.3 Having considered the grounds for the Claimant's claim, the LPA acknowledged that its statutory duties were not clearly articulated in the officer's reports and submitted to judgment on Ground 2.
- 2.4 The decision notices for 24/02422/FUL & 24/02423/LBC were therefore quashed and returned to the Council to redetermine. In doing so the Council must correct the legal error that caused the original decision to be quashed.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 18.08.2025 to a fence post at the site access, with a deadline for representations of 09.09.2025. A public notice was displayed in the Newbury Weekly News on 31.07.2025; with a deadline for representations of 14.08.2025. Notification letters were sent to neighbouring Hambridge Farm Units 1-6 with a deadline for representations of 14.08.2025. #

- 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. No local financial considerations are material to this application.
- 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 they may be some noise impact (this can be mitigated by conditions). 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 3 dwellings and enabling the continued use of vacant listed buildings.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The proposal would affect grade II listed The Barn and Hambridge Farm House, and their setting. The impact on the buildings, their setting, and features of special architectural and historic interest are considered within the submitted plans, which have been reviewed by the case officer and the Conservation and Design Officer.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site is within the Newbury Town Centre Conservation Area. An assessment of the impact of the proposal on this area's character and appearance is provided in this report under the relevant heading.

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.

	Initial consultation 23.07.2025 – 13.08.2025	Re-consultation 14.10.2025 – 04.11.2025 & 19.12.2025 – 09.01.2026
Newbury Town Council:	Concerned with flooding, traffic, residential use in commercial area.	No objections
WBC Highways:	No objections. Conditions advised.	No objections subject to conditions securing compliance with plans.
WBC SuDS:	No objections subject to flood response plan	No objections.
WBC Conservation:	Amendments/additional information required	No objections subject to conditions.
WBC Trees	No response	No objections. Tree protection informative provided.
WBC Environmental Health:	Noise Impact Assessment required	No objections subject to condition securing mitigation measures.
WBC Archaeology:	No objections	No further comment
WBC Ecology:	No objections. Conditions advised.	No objections subject to conditions securing compliance with plans.
WBC Waste Management:	No response received	No response received.
Adjacent Parishes Thatcham & Greenham	No response received	No response received.
The Newbury Society	Objection. Design harmful to significance without justification.	No response received.
Historic Buildings and Places (LBC only)	Objection. Design harmful to significance without justification. Harm arises from:	Not re-consulted.

	<ul style="list-style-type: none"> • Loss of double height space over central threshing floor • Replacement of a large number of ventilation slots with larger windows 	
Historic England (LBC only)	No comment	No response received.
SPAB	<p>Objection. Design harmful to significance without justification. Harm arises from:</p> <ul style="list-style-type: none"> • Loss of double height space over central threshing floor • Replacement of a large number of ventilation slots with larger windows 	Not re-consulted.
National Gas Transmission	No comment. There are no National Gas assets affected in the area.	No response received.
The Canal and River Trust	No comment	No response received.
Environment Agency	No objections	No response received.
Thames Water Utilities	No response received	No response received.
SGN Plant Protection Scheme	No response received	No response received.

Public representations

4.2 Under 25/01669/FUL, initial representations have been received from 10 contributors, all 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:

- Fails to respect the historic setting
- The changes are not sympathetic to the grade II listed buildings
- The existing access is unsafe and leads onto a busy road – additional traffic for the dwellings would increase the risk of accidents

- Detrimental to the neighbouring long-standing local business through conflicting uses – potential for new residents to complain about noise, and deliveries.
- Loss of commercial space
- Close to the flood zone. More people could be at risk of flooding.
- Development close to the river may have a harmful environmental impact

4.4 Following amended plans and additional information, representations have been received from 10 contributors across both re-consultation periods, 8 of which support, and 2 of which object to the proposal.

4.5 In summary, the following new issues/points have been raised:

Object:

- The noise assessment recommends mitigation measures but there are no plans showing which ones are chosen and how these would impact the listed buildings
- The construction method statement puts storage/construction access opposite the neighbouring access which would be of detriment to the business
- It is not stated on submitted documents that there is a pump on the site that deals with excess surface water
- There are no details on new windows. The impact on the listed building can still not be fully understood
- There is substandard visibility at the site access
- The Transport Assessment relies on 2022 data which would not accurately reflect traffic levels now, due to the covid lockdown.
- The gardens are separated from the dwellings which does not comply with Policy DM30, as residents will have to cross the driveway which is a safety concern.

Support:

- The conversion would reduce vehicle movements compared to the lawful office use which accommodated over 50 staff members
- Locals have not experienced flood risk
- A residential use would be sympathetic to the historic character, better than vacant offices, and in-keeping with residential development along the road.

4.6 The issues raised are addressed under the relevant headings below.

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.

Development Plan Document	Relevant Policies
<u>West Berkshire Local Plan Review 2023-2041</u>	Strategic Policies <ul style="list-style-type: none"> • Policy SP1 The Spatial Strategy • Policy SP3 Settlement Hierarchy • Policy SP5 Responding to Climate Change

	<ul style="list-style-type: none"> • Policy SP6 Flood Risk • Policy SP7 Design Quality • Policy SP8 Landscape Character • Policy SP9 Historic Environment • Policy SP10 Green Infrastructure • Policy SP11 Biodiversity & Geodiversity • Policy SP12 Approach to Housing Delivery • Policy SP15 Housing Type & Mix • Policy SP18 Town & District Centres • Policy SP19 Transport <p>Development Management Policies</p> <ul style="list-style-type: none"> • Policy DM4 Building Sustainable Homes & Businesses • Policy DM5 Environmental Nuisance & Pollution Control • Policy DM6 Water Quality • Policy DM7 Water Resources & Waste Water • Policy DM9 Conservation Areas • Policy DM10 Listed Buildings • Policy DM15 Trees, Woodland & Hedgerows • Policy DM30 Residential Amenity • Policy DM44 Parking
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5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guide
- Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

- 6.1 Policy SP1 sets out the Spatial Strategy for the district which includes the optimisation of previously developed land and support of development and redevelopment within settlement boundaries as defined in Policy SP3. Policy SP3 states that the focus of development will follow the settlement hierarchy set out within the policy. It defines Newbury as an Urban Area which will be the prime focus for housing and economic development. Policy SP12 states that new homes will be located in accordance with this strategy.
- 6.2 According to Policy SP17, development proposals that would result in the loss of business development outside of a Designated Employment Area (DEA) will be required to justify the loss of floorspace and/or land. It should be demonstrated that the proposal will:
- Not substantially prejudice the overall supply of employment land over the plan period; and

- Not conflict with or undermine the function of existing neighbouring uses; and
 - If offices within a town or district centre, maintain the vitality of that centre;
- 6.3 The application site is within the Newbury settlement boundary line, directly adjacent the boundary edge. The buildings provide approximately 550 sqm of office floor space outside a DEA, and from a review of the planning history it appears that the office uses have been in effect for over 25 years.
- 6.4 With regard to Policy SP17, the Planning Statement indicates that the buildings are vacant and a continued office use is not viable. The site is within the Newbury settlement boundary but outside the Town Centre Commercial Area and Protected Employment Areas. The neighbouring buildings are subject to a retail use but served by a separate access, and there are areas of residential development some 100m north and south of the application site. As such, it is not considered that the proposed residential use and loss of office floorspace would conflict with or undermine the function of existing neighbouring uses and would not harm the vitality of the town centre. Given the small loss of office floorspace and the existing vacant state, it is considered that the loss of office space outside of a DEA would not substantially prejudice the overall supply of employment land over the LPR period.

Character and appearance

- 6.5 According to Policy SP7, new development will be required to strengthen a sense of place through high quality locally distinctive design and place shaping. This will enable healthy place making, creating places that are better for people, taking opportunities available for conserving and enhancing the character, appearance and quality of an area and the way it functions.
- 6.6 In this instance, the local sense of place can be described as semi-rural and historic, with some urban and commercial qualities to the wider setting.
- 6.7 Following amendments, no changes are proposed to be made to the external appearance of the barn and farmhouse buildings themselves, and the outbuilding (garage) would not be extended.
- 6.8 As part of the change of use, a modern 'link' between the barn and farmhouse would be removed. In place of this link would be steps and a low wall, and a door and window would on the west elevation of the farmhouse retained. Alterations would be made to soft and hard landscaping including new planting and fencing to delineate parking and garden amenity spaces, provide noise mitigation and privacy screening.
- 6.9 For fencing, existing 1.2m post and rail timber fencing would be retained. A new 1.8m high brick and flint wall is proposed to be erected along the eastern boundary, starting below road level, to provide acoustic screening. In addition, 1.5m high trellis fencing is proposed on part of the northern boundary to delineate the garden amenity for Unit 1, and provide privacy screening for Units 1 and 2. It is considered that the design of these boundaries would generally be in-keeping with the historic and semi-rural character and not harm the wider Conservation Area, given traditional materials and decorative features negating concerns of an overly suburban appearance. The impact of the walls on the significance of the listed buildings is considered in the below section.
- 6.10 Notwithstanding the detailed assessment of the impact on the listed buildings below, it is noted that the Conservation and Design Officer considers the change of use itself and the removal of the link structure to be acceptable. The landscaping would be in-keeping with the existing character and appearance of the Hambridge Farm and

Hambridge Road area and accordingly would not harm the historic character of the buildings and Conservation Area.

Heritage Assets

- 6.11 In relation to the heritage assets, the NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets.
- 6.12 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, including its setting. Case law has made clear that the duty to pay special attention to or to have special regard is to afford considerable weight to that duty and that this duty should be the first consideration for any decision maker. In considering any degree of harm, whether substantial or less than substantial, the duty under section 66(1) to preserve the significance of the heritage asset must be afforded considerable importance and weight.
- 6.13 In considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 212 of the NPPF requires that great weight be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.14 Paragraph 213 then requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.15 Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Heritage Significance

- 6.16 The application is accompanied by an amended Heritage Impact Assessment, which evaluates the significance of the relevant heritage assets. This assessment, together with the appraisal undertaken by the Council's Principal Conservation and Design Officer, provides sufficient information to enable the Local Planning Authority to properly identify and assess the significance of the heritage assets and the impact of the proposal on that identified significance.
- 6.17 The application concerns two separately listed Grade II listed buildings Hambridge Farmhouse and Hambridge Barn. The buildings lie within the Kennet and Avon East Conservation Area.
- 6.18 The Officer notes that the current use of both buildings has resulted in much erosion of historic features and character internally. However, they both retain a number of architectural features that contribute to their significance. Such as:
- Traditional materials and detailing – flint and brick with some mullioned windows and a clay tiled roof.
 - Original ventilation slits on all elevations.
 - Internally, the timber roof structure is exposed and appreciable

- The threshing bay area, with its double height open full volume can still be appreciated.
- 6.19 The immediate context of the buildings is a large road and open undeveloped land, though no longer in agricultural use. The open nature of the surrounding land contributes positively to the significance of the buildings.
- 6.20 The proposed buildings, for the reasons set out above, also make a positive contribution to the character and appearance, and therefore significance, of the conservation area.

Impact on listed buildings

- 6.21 With specific regard to impact on listed buildings, Policy DM10 states that development will not be permitted if a proposal would i. adversely affect the character, scale, proportion, design, detailing, or materials used in the Listed Building; or ii. result in the loss of/or irreversible change to original features or other features of importance or interest; or iii. harm the setting of the Listed Building.
- 6.22 Fundamental design concerns were raised with the originally submitted plans, pertaining to the loss of many original ventilation slits, an internal partition removing the central opening, and the lack of clarification as to the appearance and impact of an external acoustic screening measure. Failure to properly assess the harm that would be caused by these alterations, and in particular the fenestration and acoustic screening, contributed to the High Court decision to quash the previous approval.
- 6.23 Amended plans show all ventilation slits retained, and detail the appearance of the acoustic screening measure, which would be a traditional brick and flint wall. This new wall would be only partially visible from the road, and the materials and siting considered historically appropriate by the Conservation Officer who notes that it is not unusual for farmyard to have been enclosed by walls. They further note that the boundary treatment and landscaping (described in para 6.9) would be lightweight changes that would not impact the significance of buildings and are entirely reversible.
- 6.24 Regarding external alteration to the buildings themselves, this would be limited to the demolition of the modern link, and the replacement of the existing commercial entrance doors to the barn with external entrance doors more suitable for a private residential use. The farmhouse door on the west elevation left exposed following the removal of the link may also need to be changed from an internal to external door. Specifications and joinery details for these doors will therefore need to be secured via condition.
- 6.25 Internally, the proposed conversion of the barn into two residential units would result in a low level of substantial harm due to further subdivision. However, one unit would retain the double height threshing bay area in the centre which the Conservation Officer notes will enable the open and full height volume of this part of the building to be retained.
- 6.26 Where partitions are proposed, these would be reversible and not impact on historic fabric. The historic use subsequently can remain appreciated.
- 6.27 Generally, conversion works may require updated glazing, insulation and services. In this instance, an amended noise impact assessment clarifies that double glazing exists inside the barn, and that the roof construction requires no changes to glazing or additional insulation to achieve acceptable internal noise levels. All new materials including insulation are to be breathable which will not cause any further harm to the significance of the barn. No new service runs are proposed although in the event that

these are required, details can be secured by a condition to ensure the impact on internal fabric is acceptable.

- 6.28 The Conservation Officer notes that the proposed conversion of the barn will result in a low level of substantial harm due to the need to subdivide it. However, this is to form 2 units, with 1 unit retaining the double height area of the central threshing bay. The retention of this means that the volume of this part of the building is retained and can allow for an appreciation of the historic use.
- 6.29 The building's previous conversion to office was due to it no longer being viable to use as an agricultural building. A return to agricultural use would not be possible and so to ensure continued use of the building, which in turn would ensure its survival, some further alteration is to be expected. This is minimal and falls at the lower end of the scale of less than substantial harm. The subdivision is also reversible and does not impact fabric.
- 6.30 Heritage benefits, identified by the Conservation Officer, arise from returning the farmhouse to its original function as a dwelling, removal of modern link building, and the removal of unsympathetic modern partitions and part of the modern link.
- 6.31 The Society for the Protection of Ancient Buildings (SPAB) and Historic Buildings and Places were not re-consulted on amended plans. However, there is no statutory obligation to consult them under the statutory provisions, and their concerns have been addressed in the updated proposals.
- 6.32 In summary, the proposed conversion would result in a low level of less than substantial harm, arising principally from the internal subdivision. Although this level of harm is at the lower end of the "less than substantial" spectrum, it must nevertheless be given considerable importance and weight in accordance with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.33 However, the identified heritage benefits, including the removal of unsympathetic modern partitions, the reinstatement of the farmhouse to an appropriate domestic use, and the demolition of the existing link building, are considered to deliver public benefits that outweigh this low level of less than substantial harm, in line with the requirements of the NPPF.

Impact on Conservation Area

- 6.34 The proposal retains the key external features of the buildings. In addition, the proposed garden areas preserve the open setting of the listed buildings. The proposed acoustic wall to the front has been sensitively designed, incorporating traditional materials to ensure it respects both the setting of the listed building and the character and appearance of the conservation area. The proposal therefore complies with the NPPF, and S9 and DM9 of the Local Plan.

Residential amenity

- 6.35 According to Policy DM30, all development will be required to provide and/or maintain a high standard of amenity for existing and future users of land and buildings. When considering the impact on the living conditions of existing and proposed residential dwellings, development proposals will be supported where there is no unacceptable harm from overshadowing, overbearing, overlooking, noise, dust, fumes or odours. In addition, all new residential development will be expected to include the provision of the good quality functional and external amenity space and natural light. Gardens should be at least 10.5 metres in depth where possible.

- 6.36 By virtue of the orientation of the two buildings and lack of side elevation windows on the barn, it is not considered that occupants of any proposed unit would experience a sense of being overshadowed or enclosed. Light levels would be acceptable given the provision of numerous roof lights and ground floor openings. It is also considered that the internal spaces would be appropriate for the proposed number of occupants in terms of size and layout. There is some concern that overlooking into the barn would be possible from neighbouring land through the central opening on the north elevation. As mitigation, it is proposed to raise the boundary wall with a trellis and this is considered to be an appropriate means to securing the privacy of occupants of Units 1 and 2.
- 6.37 Outdoor amenity space would be provided on the site, with an area of lawn to the front of Unit 3, and separate private garden spaces to the south of Units 1 and 2, on the other side of the driveway. Each allocated garden would measure over 100sqm and be of an acceptable depth taking into account the spatial constraints of the site. Whilst relatively unconventional for single dwellings, it is not considered that the physical separation of the amenity spaces from units 1 and 2 warrants a reason for refusal given the driveway would be private and with a gated entrance providing a means of privacy and safety for residents.
- 6.38 There are no dwellings immediately neighbouring the application site and as such there are no concerns of an impact on any existing residential amenity.
- 6.39 There is potential for harmful noise exposure to future occupants due to the proximity of Hambridge Road. Noise assessments have been provided, including details of the surveys undertaken at the site. The updated assessment concludes that, with the installation of acoustic screening and secondary glazing to the large glazed section on the barn's north elevation, both internal and external noise levels would be acceptable. These mitigation measures would also ensure the development remains compatible with the neighbouring commercial use.
- 6.40 An objector has raised concerns regarding the noise assessment methodology, specifically noting the absence of an evaluation of internal noise levels with windows open. However, this is not considered sufficient grounds for refusal. The assessment demonstrates that acceptable internal noise levels can be achieved, and the Environmental Health Officer has raised no objections or concerns regarding the noise predictions presented within the reports.

Highway matters

- 6.41 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Policy DM44 sets out the parking requirements for the District and requires development to reflect the need for travel activity to minimise carbon emissions and environmental harm.
- 6.42 There is an existing access to the site and no changes to this are proposed. Each dwelling would be provided with 3 parking spaces and 1 electric vehicle charging point. A shared bike store is proposed within the existing garage. The Local Highway Authority have raised no objections to these arrangements.
- 6.43 Concerns from objectors regarding visibility and the heavily trafficked nature of Hambridge Road are acknowledged. However, three dwellings with three bedrooms would generate less traffic than the existing office use and the LHA have accordingly raised no objection with regard to the impact on highway safety and the flow of traffic.

6.44 It is also acknowledged that an objector has raised concern with the siting of the storage/construction areas on the Construction Method Statement, stating these are opposite the neighbouring access which would be of detriment to the business. However, the site plan shows vehicles would be required to park within the application site which is under the applicant's ownership and would not obstruct the access. The LHA have raised no objection to the CMS and advise a condition be applied to secure compliance with the plan.

Flooding and drainage

- 6.45 Policy SP6 requires site specific flood risk assessments (FRAs) for development proposals in Flood Zones 2 and 3 and within areas of flood risk from fluvial, groundwater or surface water. The sequential test shall be strictly applied in accordance with the NPPF. In order to restrict or reduce runoff, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 6.46 The application site contains Flood Zone 2 and an area at risk of flooding from surface water. The application involves a change of use, which is exempt from the sequential test under Footnote 62 of the NPPF. Regardless, it is noted that buildings proposed to be converted, new wall, and garden amenity spaces lie outside of the flood zone, demonstrating a sequential approach has been applied.
- 6.47 An FRA and drainage strategy has been submitted and reviewed by the Lead Local Flood Authority (LLFA). They considered the flooding and drainage details to be sufficient and the proposal acceptable subject to a condition securing details of a flood response plan for the proposed occupants. A flood response plan was subsequently received and deemed acceptable by the LLFA.
- 6.48 Objectors have raised concerns regarding potential flood risk. In particular, they highlight that the submitted Flood Response Plan does not acknowledge that surface water is currently managed by pumps.
- 6.49 Despite these concerns, as the proposal does not involve any increase in impermeable surfaces, the buildings lie outside designated flood-risk areas, and both a detailed Flood Risk Assessment and Flood Response Plan have been submitted and accepted by the LLFA, there is not considered to be sufficient justification for refusal on flooding or drainage grounds. Nevertheless, the case officer has discussed the issue with the SuDS officer, who has advised that a condition be imposed requiring details of the existing surface water drainage system to be submitted prior to occupation. This will ensure that surface water continues to be managed sustainably.

Green infrastructure

- 6.50 According to Policy SP10, proposals should protect and enhance existing green infrastructure (GI) and create additional GI where possible and proportionate to the scale of the development. Policy DM15 further states that development which conserves and enhances trees, woodland and hedgerows will be supported, and any losses must be justified and/or compensated.
- 6.51 There are trees and hedgerows within the application site that make a positive contribution to the conservation area setting and rural character to the east. The proposed site plan indicates that 1 tree adjacent the Unit 1 parking area would be removed, but other planting on the site would be retained.

- 6.52 Ecological enhancements and landscaping site plans have been submitted and show the extent of retained vegetation as well as proposed additional hedgerow planting and wildflower and native shrub strip. However, there are no specific details as to the species density and scale, and their respective management and maintenance.
- 6.53 In the absence of an objection from the Tree Officer, it is considered that the impact on GI is acceptable, and the soft landscaping proposed is acceptable subject to a condition securing specific planting details to ensure sufficient visual softening of hard surfaces including the new fencing and wall, and for the enhancement of the site in accordance with Policy.

Biodiversity

- 6.54 According to Policy SP11, development proposals will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity including their long-term future management and, where required, deliver Biodiversity Net Gains.
- 6.55 The submitted preliminary ecological appraisal and roost assessment has identified that no habitat or protected species would be impacted by the proposal. The appraisal recommends enhancements such as bee bricks, native wildflower planting, species-rich grassland, gaps in fencing for hedgehogs, and bat and bird boxes. It is noted that external lighting would have the potential to harm species sensitive to artificial light, subject to its design.
- 6.56 An ecological enhancements site plan and external lighting strategy were provided and are considered to be acceptable by the Ecology Officer. Compliance with these details can be secured via condition.
- 6.57 Regarding impacts during construction works, the submitted construction method statement is considered sufficient to demonstrate that nearby habitats would not be harmed.

Climate change: energy and water efficiency

- 6.58 The applications were originally validated prior to the adoption of the Local Plan Review (LPR). The LPR introduced additional requirements under Policies SP5 and DM7 which require specified energy and water efficiency details via a sustainability statement.
- 6.59 Given the age of the applications, and small scale of the development, it is not considered that the lack of sustainability statement results in a material harm sufficient to merit a reason for refusal.

7. Planning Balance and Conclusion

- 7.1 Concerns from objectors have been acknowledged, and following amendments and additional information, it is considered that material concerns have been sufficiently addressed.
- 7.2 For the reasons given in this report it is considered that the proposal is in accordance with current development plan policies, the listed buildings and character and appearance and appearance of the conservation area would be preserved. Less than substantial harm to the significance of the listed barn is considered to be at the lower end of the scale and is outweighed by heritage benefits offered by the proposal.

Material considerations do not indicate that planning permission and listed building consent should otherwise be refused.

7.3 The applications are therefore recommended for approval.

8. Full Recommendation for 25/01669/FUL

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

Conditions

1	<p>Commencement 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 This listed building consent relates only to work described on the drawings/and/or/in the documents identified below:</p> <p>Received 09.07.2025:</p> <ul style="list-style-type: none">- Flood Risk Assessment and Drainage Strategy by DLP Planning Ltd- Preliminary Ecological Appraisal and Roost Assessment by Arbtech Consulting Ltd- Transport Statement by DLP Planning Ltd- 1481-EX04 Existing Garage Plan and Elevations <p>Received 13.10.2025:</p> <ul style="list-style-type: none">- Smart Charger INDRA Smart Pro DataSheet- Construction Management Plan & Construction Method Statement- Ravel LED Resin Wall Light Data Sheet- CorePro LEDspot MV Data Sheet- Flood Response & Management Plan- Soft & Hard Landscaping and Boundary Treatment Plan- Schedule of Works <p>Received 21.11.2025:</p> <ul style="list-style-type: none">- 1481-PL02A Proposed Elevations <p>Received 02.12.2025</p> <ul style="list-style-type: none">- Design and Access Statement & Historical Significance Assessment by Michael Pagliaroli Architects Ltd- Drawing 1481-PL01C Proposed Floorplans and Sections- Addendum Noise Assessment Report No. 0576.2 rev 0 by DKN Acoustics Ltd <p>Received 17.12.2025</p> <ul style="list-style-type: none">- 1481-EX01E Existing and Proposed Site Plans- 1481-EX02 Proposed Site Plan (Clean)- Ecological Enhancements Site Plan- Construction Method Statement Site Plan- Electric Vehicles Charging Points, Cycle Store & Parking Site Plan

	<ul style="list-style-type: none"> - Flood Response Site Plan - Lighting Design Strategy Site Plan - Soft & Hard Landscaping Site Plan <p>The works shall be carried out in strict conformity with the approved plans and associated approved submitted information.</p> <p>Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the buildings.</p>
3	<p>Hard landscaping (prior approval)</p> <p>No dwelling shall be first 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, including a schedule of materials and specifications. Samples of materials shall be made available upon request.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the buildings and historic character of the conservation area. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8, SP10, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
4	<p>Making good (prior approval)</p> <p>No demolition works shall take place until full details of the making good works to the opening which is to be filled in on the east elevation of The Barn (including specifications for brickwork) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP8, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
5	<p>Soft landscaping (prior approval)</p> <p>No dwelling shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information.</p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following first occupation of the new dwelling.</p> <p>Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design and to ensure the visual softening and enhancement of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7,</p>

	SP8, SP10, DM9, DM10 and DM15 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.
6	<p>Noise mitigation (compliance)</p> <p>The development hereby approved shall not be first occupied until the noise mitigation measures in the following plans and documents submitted with the application are implemented:</p> <p>Addendum Noise Assessment Report by DKN Acoustics received 02.12.2025 Drawing 1481-EX01 Revision E Existing and Proposed Site Plan Site Location Plan received 17.12.2025.</p> <p>The noise mitigation measures shall be retained and maintained thereafter.</p> <p>Reason: To ensure acceptable noise levels for occupants in accordance with the National Planning Policy Framework and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
7	<p>Electric Charging Point (compliance)</p> <p>No dwelling shall be first occupied until electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of electric cars.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP5, SP19, DM42 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
8	<p>Construction method statement (compliance)</p> <p>The development shall be carried out in accordance with the approved Construction Method Statement and site set-up plan.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19, DM5, and DM42 of the West Berkshire Local Plan Review 2023-2041.</p>
9	<p>Parking/turning (compliance)</p> <p>No dwelling shall be first occupied until the associated 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 at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities and 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 2024 and Policy DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
10	<p>Cycle parking (compliance)</p> <p>No dwelling shall be first occupied until the associated cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19, DM42 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>

11	<p>External lighting (compliance)</p> <p>No external lighting shall be installed within the application site except in accordance with the following plans and documents:</p> <p>Lighting Design Strategy Site Plan received 17.12.2025 Lighting Design Strategy Appendix 1 received 13.12.2025</p> <p>No changes to the external lighting strategy shall be made unless amendments have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity and heritage assets of the site. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies SP8, SP9, SP11, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
12	<p>Ecological enhancements (compliance)</p> <p>No dwelling shall be first occupied until the ecological enhancements as shown on the Ecological Enhancements Site Plan received 17.12.2025 have been installed. The enhancements shall be retained thereafter.</p> <p>Reason: To ensure the enhancement of the biodiversity assets of the site in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
13	<p>Suds</p> <p>Prior to first occupation, the applicant shall submit the following surface water information for approval by the Local Planning Authority:</p> <ol style="list-style-type: none"> 1. Details of the existing surface water drainage system proposed for reuse, including layout, capacity, and points of connection. 2. Evidence of the maintenance and operational arrangements for the existing surface water drainage system, including any mechanical components such as pumping stations. 3. Confirmation of the discharge location(s) for the surface water system, demonstrating that the outfall route is functional and appropriate. 4. An assessment of opportunities to incorporate Sustainable Drainage Systems (SuDS) within the development, or clear justification where SuDS cannot be implemented. <p>The above surface water drainage measures shall be implemented/maintained in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework and associated Planning Practice Guidance, Policy CS16 of the West Berkshire Core Strategy (2006-2026), National Standards for SuDS (2025) and SuDS Supplementary</p>

	Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application.
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Informatives

1	<p>Approval - Need for Revision/Reps rec'd</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2	<p>CIL Liability</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>
3	<p>Biodiversity Net Gain Not Required (De Minimis)</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> <p>1. The application for planning permission was made before 12 February 2024.</p>

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.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

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:

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development below the de minimis threshold, meaning development which:

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

IRREPLACEABLE HABITAT

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

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

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

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

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

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country

	<p>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>
4	<p>Link to LBC</p> <p>Consent/permission is hereby granted without prejudice to the determination and conditions within the Decision Notice for app ref: 25/01670/LBC. The proposed works hereby approved shall be carried out in accordance with the approved details and conditions of both 25/01669/FUL and 25/01670/LBC.</p>
5	<p>HI 3 Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.</p>
6	<p>HI 4 Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
7	<p>HI 9 Incidental works affecting the highway</p> <p>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 – 503233, before any development is commenced.</p>
8	<p>Official Postal Address</p> <p>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.</p>
9	<p>Tree protection</p> <ul style="list-style-type: none"> - To ensure that the trees which are to be retained are protected from damage, ensure that all works occur in a direction away from the trees. - In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained. - Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil. - To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil. - If this is not possible due to working room / access requirements, the ground under the trees canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime or portland based products / chemicals entering the soil - If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back using a sharp knife.

	<ul style="list-style-type: none"> - If lime or portland based products are to be used for strip foundations, then any roots found should be protected by a non-permeable membrane prior to the laying of concrete. - Post holes within root protection areas must be hand dug with a fork and trowel, or use of an air pick, and lined with an impermeable membrane (e.g. the postmix bag if not perforated) before pouring concrete.
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9. Full Recommendation for 25/01670/LBC

9.1 To delegate to the Development Manager to GRANT CONSENT subject to the conditions listed below.

Conditions

1	<p>Commencement</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this consent.</p> <p>Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
2	<p>Approved plans</p> <p>This listed building consent relates only to work described on the drawings and documents identified below:</p> <p>Received 09.07.2025:</p> <ul style="list-style-type: none"> - Flood Risk Assessment and Drainage Strategy by DLP Planning Ltd - Preliminary Ecological Appraisal and Roost Assessment by Arbtech Consulting Ltd - Transport Statement by DLP Planning Ltd <p>Received 13.10.2025:</p> <ul style="list-style-type: none"> - Smart Charger INDRA Smart Pro DataSheet - Construction Management Plan & Construction Method Statement - Ravel LED Resin Wall Light Data Sheet - CorePro LEDspot MV Data Sheet - Flood Response & Management Plan - Soft & Hard Landscaping and Boundary Treatment Plan <p>Received 21.11.2025:</p> <ul style="list-style-type: none"> - 1481-PL02A Proposed Elevations <p>Received 02.12.2025</p> <ul style="list-style-type: none"> - Design and Access Statement & Historical Significance Assessment by Michael Pagliaroli Architects Ltd - Drawing 1481-PL01C Proposed Floorplans and Sections - Addendum Noise Assessment Report No. 0576.2 rev 0 by DKN Acoustics Ltd <p>Received 17.12.2025</p> <ul style="list-style-type: none"> - 1481-EX01E Existing and Proposed Site Plans - 1481-EX02 Proposed Site Plan (Clean) - Ecological Enhancements Site Plan

	<ul style="list-style-type: none"> - Construction Method Statement Site Plan - Electric Vehicles Charging Points, Cycle Store & Parking Site Plan - Flood Response Site Plan - Lighting Design Strategy Site Plan - Soft & Hard Landscaping Site Plan <p>The works shall be carried out in strict conformity with the approved plans and associated approved submitted information.</p> <p>Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the buildings.</p>
3	<p>Materials as specified</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans, within the Design and Access Heritage Statement, and the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size, texture and bond.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>External doors/windows</p> <p>No new external doors and windows, including secondary glazing, shall be fitted until working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new / or replacement windows and/or external doors (cross sections for full glazing bars, sills, heads etc.) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter.</p> <p>Reason: To ensure that the proposed works can be effected without detriment to the special architectural and historic interest of the heritage assets and to ensure a satisfactory appearance to the development and to comply with the National Planning Policy Framework and Policies SP7, SP8, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
5	<p>Internal services</p> <p>Prior to the installation of new internal services, details of the type and location of any new or modified internal services shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the new or modified internal services shall be installed in accordance with the approved details.</p> <p>Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP9 and DM10 of the West Berkshire Local Plan Review 2023-2041.</p>
6	<p>External services</p> <p>Prior to their installation, details of services visible external to the building, including the type and location of any new or modified services to include, drainage pipework (including soil vent pipe terminations), footings and accessories, rainwater goods, meter cupboards, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the new or modified external services shall be installed in accordance with the approved details.</p>

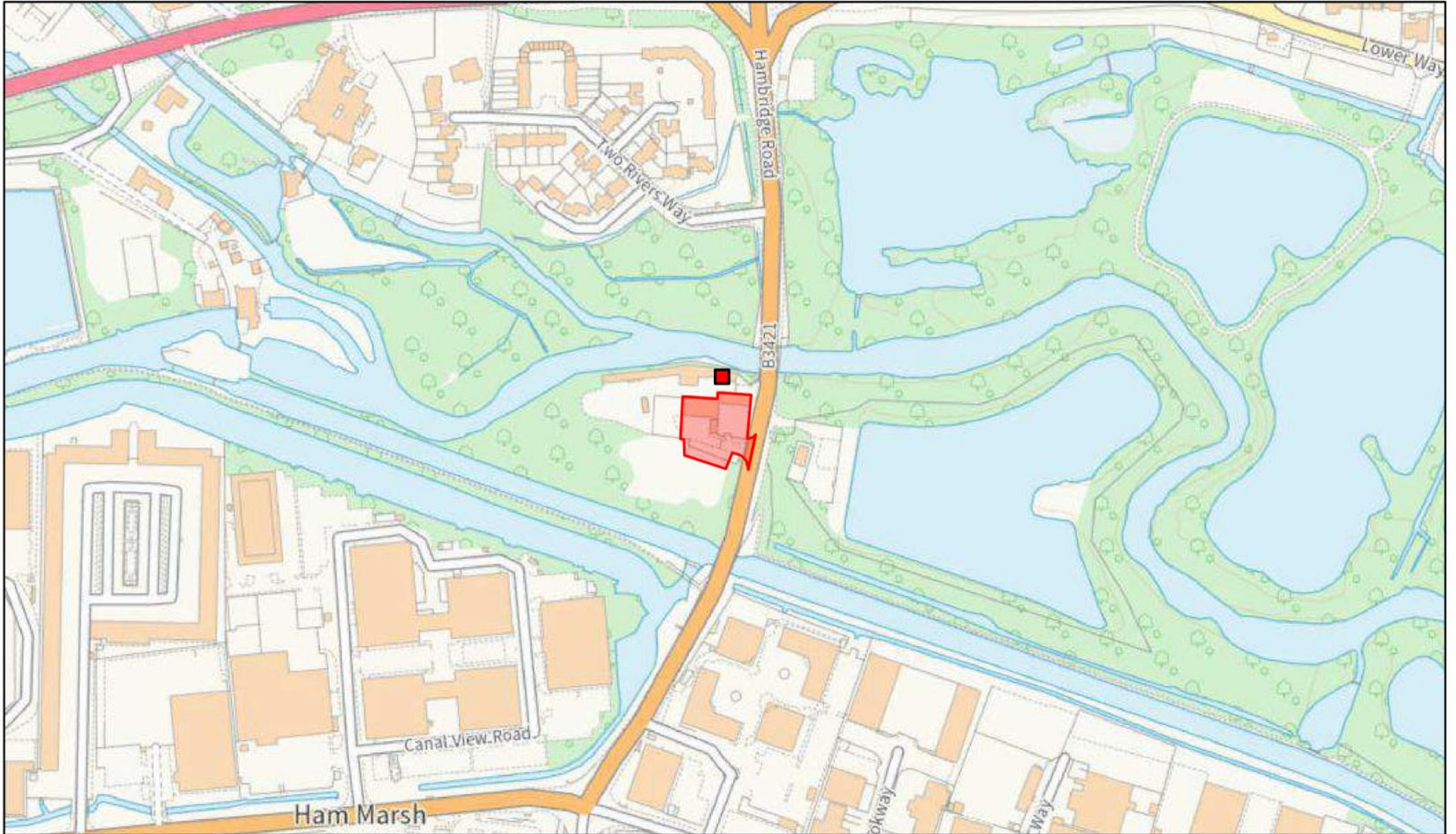
	Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP9 and DM10 of the West Berkshire Local Plan Review 2023-2041.
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Informatives

1	This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2	Link to Full Application Consent is hereby granted without prejudice to the determination and conditions within the Decision Notice for app ref: 25/01669/FUL. The proposed works hereby approved shall be carried out in accordance with the approved details and conditions of both 25/01669/FUL and 25/01670/LBC.

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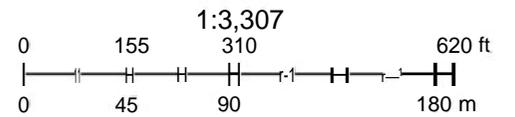
West Berkshire Council



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Hambridge Road
Newbury
RG14 2QG



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	25/01630/FUL Newbury	11 th September 2025 ¹	Change of use of 2 Pound Court from commercial (Use Class E) to a Place of Worship (Use Class F1). Pound Court Pound Street Newbury RG14 6AA Bangladesh Welfare Centre

¹ Extension of time agreed with applicant until 20th February 2026

The application can be viewed on the Council's website at the following link:
[25/01630/FUL | Change of use of 2 Pound Court from commercial \(Use Class E\) to a Place of Worship \(Use Class F1\). | Pound Court Pound Street Newbury RG14 6AA](#)

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION

Ward Member(s): Councillor Martin Colston
Councillor Louise Sturgess

Reason for Committee Determination: More than 10 objections

Committee Site Visit: 12th February 2026

Contact Officer Details

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

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the change of use of 2 Pound Court from commercial use (Class E) to a Place of worship (Class F).
- 1.3 The application site is a two-storey office building, which is accessed off Pound Street, Newbury. The building faces towards the rear of the shops and flats along Bartholomew Street. There is a parking area in front of the building, which forms part of the application site. There is an existing vehicular access onto Pound Street. This is 20 metres to the west of the Pound Street/Bartholomew Street traffic signal junction. To the south of the site along Pound Street is Sterling House, a three-storey building with commercial uses on the ground floor, and residential above. The north of the site, accessed from Bartholomew Street, is Bridge Court, which is in residential use.
- 1.4 The application is proposing the changed of use of the building to a place of worship. No external alterations to the building are proposed. The parking area to the front of the building will have two spaces reserved for staff, the remainder of the area will be retained as a drop-off and collection areas. A cycle stand for 4 bicycles is also proposed.

2. Planning History

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

Application	Proposal	Decision / Date
79/11208/ADD	New access boundary fence lean-to roof	07/08/1979
81/14587/ADD	Demolition of existing storage and workshop building and erection of new workshop/storage building industrial use	Approved 05/03/1981
82/17362/ADD	Conversion of existing premises for office use	Refused 30/06/1982
82/17500/ADD	Building of mixed use premises	Refused 28/07/1982
82/17878/ADD	Conversion of existing premises for office use	Refused 08/09/1982
82/18214/ADD	Conversion of existing premises to office use	Approved 01/12/1982
83/19220/ADD	To increase office floor area	Approved 30/05/1983

88/30902/ADD	Change of use from offices to restaurant	Refused 02/03/1988
17/00906/FUL	Change of Use from Class Use B1 to Mixed D1/D2 Non-residential institution/assembly and leisure.	Refused 03/05/2017
23/01372/FUL	Change of use from office space to mixed use for storage, preparation, cooking of food for the homeless and vulnerable community, and ancillary offices and outreach use, and associated ventilation and extraction equipment, waste storage and vehicle and cycle parking	Approved 07/06/2023
23/01800/COND	Application for Approval of Details Reserved by Condition 4 (Noise) of planning permission 23/01372/FUL	Approved 23/08/2023
23/01967/FUL	Additional storey plus side extension	Appeal against non-determination Dismissed 30/09/2024

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 22nd July 2025 on a post adjacent to the boundary wall, with a deadline for representations of 12th August 2025. A public notice was displayed in the [Newbury Weekly News] on 31st July 2025; with a deadline for representations of 14th August 2025. Notification letters were sent to 11 properties notifying them of the application.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.

- 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 **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.
- 3.6 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.
- 3.7 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.
- 3.8 The application is proposing a new place of worship to meet the needs of the community. The needs of the faith community have been considered in the assessment of the application, as well as the needs to ensure access to the site can be provided, particularly of those within the faith community who due to age and/or disability need assistance to access the building.
- 3.9 **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.

- 3.10 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.
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The application site is adjacent to 62-64 Bartholomew Street, and 2 Pound Street which are grade II listed buildings. To the south of the site is Bartholomew Close a grade II listed building. To the south-west of the site are 13-27 Pound Street and 33 Pound Street which are all grade II listed buildings.
- 3.12 **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 Newbury Town Centre Conservation Area.

4. Consultation

Statutory and non-statutory consultation

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

Newbury Town Council:	Support the application
Highways:	<p>1st Response: The access to the car park from Pound Street is well established and considered acceptable. A significant consideration is the proximity to the traffic signal junction, and this was a reason for refusal of the similar application 17/00906/FUL. Little has changed since that time, The Transport Statement sets out numbers of attendees, and says most are local people, a wider catchment cannot be ruled out or controlled. The Transport Statement refers to the sustainable town centre location and availability of car parking in the town centre. The concern in having a significant place of worship in close proximity to the junction where worshippers may be dropped off and collected, and this has not been addressed in the Transport Statement. Parking surveys were conducted in a school holiday, and objections refer to disruption during Friday prayers.</p> <p>2nd Response: Set out results of observed movements during Friday prayers, levels of movements are similar to those seen in 2017. No objection on parking grounds, but concern is around collection and setting down of worshippers on the public highway</p>

	<p>in close proximity to the junction. Suggest a way forward is for the applicants to submit a car park management plan to show how the parking spaces will be managed, with a space being reserved for prominent staff, and the remaining spaces being used to drop-off/collect attendees.</p> <p>3rd Response: The Updated Transport & Technical Note dated October 2023, and additional responses from the public do not change the previous comments.</p> <p>4th Response: The staff parking in the management plan is excessive, and this needs to be reduced.</p> <p>5th Response: Note that the number of staff spaces has reduced from 4 to 5, but require as many spaces as possible to be allocated for drop-off and collection.</p> <p>6th Response: The parking management plan is acceptable. The existing parking is quite restrained, as it doesn't comply with modern standards, as there isn't a six metre wide aisle fronting the parking spaces in most areas. I do consider that it could be improved in some ways and made more user friendly. This would include removing the existing markings and widening the parking spaces in places. The parking layout can be improved further, but satisfied with the principle of what is proposed is satisfactory and suggest securing a new plan by condition.</p>
Network Rail:	No objections
Environmental Health:	No objections recommend the inclusion of good practice measures as detailed in the noise assessment report
LLFA:	<p>1st Response: Object: The site is within an area of significant surface water flooding, the proposals require a proportional flood risk assessment to support the application.</p> <p>2nd Response: With the submission of the Flood Risk Assessment we have no further comments on the application.</p>
Archaeology:	No archaeological implications if there are no new building development or changes to the existing layout and fabric of the existing building.
Conservation:	The proposals do not involve changes to the front of the building which makes a neutral contribution to the conservation area. I recommend this application for approval
Newbury Society:	No response received

Public representations

4.2 Representations have been received from 89 contributors, of which 64 support, and of which 24 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:

Support

- The mosque exists 100m away, has been there for 25 years and has been used without a problem,
- Will not be a problem for highway safety
- Concerns around parking and traffic have not materialised
- There is a need for a bigger facility, there are limited facilities for members of the Muslim community
- This will be a relocation, to a more suitable site
- Sensitive to the historic environment, Conservation Officer says it will be neutral to the Conservation Area, no archaeology concerns
- No Environmental Health objections to noise
- The Town Council have expressed support
- The use is appropriate, continuity of an existing community use delivers genuine social and cultural benefits to Newbury, a focal point for educational, cultural and social engagement, interfaith and charitable work
- Positive for community cohesion
- The existing facilities are not fit for purpose, larger facilities are required for ongoing community events/initiatives
- The site is close to existing public car parks
- Makes efficient use of an existing building
- A town centre location allows more people to attend by walking or public transport
- Will benefit local businesses
- Daily use of the building prevents crime
- No material considerations weigh against an approval; technical matters can be dealt with through conditions
- Supported by planning policies DM5, DM42, DM44 and Paragraph 9 of the NPPF
- Previous reasons for refusal on the grounds of noise and traffic have been overcome in the submission of the Noise Assessment and Traffic Assessment

Objections

- Not a progressive change
- The increase in vehicles trying to enter and leave will make the junction hazardous
- Increase in on-street parking, parking not enforced, photographs of parking violations during Friday prayers
- With the Jewson site development this extra usage will make the area busier and more dangerous
- No need for an additional place of worship
- Impact on cyclists at the traffic light junction, particularly from Argyle Road
- Query minimum parking requirements
- Lack of neighbour notification
- Delay in Transport Assessment being available on the website
- Previous application was refused on highway safety grounds, nothing has changed in this application
- Access to homes blocked during events at the mosque
- Too close to the traffic lights, junction with Argyle Road, bus stop, school crossings and Argyle Nursing Home
- Increase in use of the existing site over the years has led to parking issues

- Increase in parking makes it difficult for customers of Pound Street businesses to visit them, the new facility will not improve this and make it worse
- Insufficient parking on the site
- Increased on street parking will be dangerous for young children and pedestrians
- Problems with dropping off, parking and manoeuvring in Pound Street and Rectory Road
- Potential noise impacts, during early mornings, late evenings or call to prayer if amplified, made worse at religious holidays, to homes and businesses
- Proposal is out of character with the residential or commercial nature of the area
- Strain on public transport, parking infrastructure of local facilities
- Waste management issues
- Loss of office space for employment to commercial uses
- Concerned about over development in the future
- There could be a precedent for other non-commercial or religious uses in a business area
- The building might not be fit for purpose, insufficient capacity for the numbers proposed
- An alternative site with ample parking, drop-off zones and pace for people to meet outside would be more suitable
- A more suitable site would be on the outskirts of town
- People congregating outside the building make it difficult for pedestrians to pass
- The pre-application advice should not have said it was acceptable in principle, when the traffic principle are the same
- No clear which building is referred to in the address of the site and plans
- Inaccuracies and unknown information on the application form
- Uncertainty about the proposed use, application form says to learning an non-learning institutions, the planning notice says place of worship
- The office occupants say they have a 20 year lease
- Lack of due diligence to flood, traffic, noise and compliance
- The submitted Transport Statement does not adequately address the situation , underestimate the number of attendees increasing numbers in the future, risk of highway conditions, doesn't include primary research data, doesn't consider the actual availability of public parking, it does not consider development in the area, doesn't take into account traffic accident data, doesn't consider all the traffic movements in the area, site observations took place in half term, Pound Court is not available as it has been let to an office with 9 vehicles, photos of parking in the are provided, query use of TRICS data, should have used data from the existing site, data collected by the public contradicts the transport assessment data, photos of parking in area provided
- The update Transport Statement indicate additional parking which will not significantly reduce current parking issues, doesn't state how many people arrive by public transport, local parking is not used, does not acknowledge existing behaviours,
- Disagree with the conclusions of the Transport Assessment and West Berks Highways observations and conclusions following the site assessment
- No consideration given to the intensification of the access
- If approved there should be conditions to record vehicle movement/violations, consultation with local properties/businesses, frequent parking enforcement.
- Photographs of parking in the area provided
- Proposal for one parking space for the use will not ease the situation
- No worst case scenario has been presented
- Signage for the drop off space needs to be unobtrusive

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.

Development Plan Document	Relevant Policies
<p><u>West Berkshire Local Plan Review 2023-2041</u></p>	<p>Strategic Policies</p> <ul style="list-style-type: none"> • Policy SP1 The Spatial Strategy • Policy SP3 Settlement Hierarchy • Policy SP5 Responding to Climate Change • Policy SP6 Flood Risk • Policy SP7 Design Quality • Policy SP9 Historic Environment • Policy SP10 Green Infrastructure • Policy SP17 Strategic Approach to Employment Land • Policy SP18 Town & District Centres • Policy SP19 Transport • Policy SP20 Infrastructure Requirements & Delivery <p>Development Management Policies</p> <ul style="list-style-type: none"> • Policy DM5 Environmental Nuisance & Pollution Control • Policy DM9 Conservation Areas • Policy DM10 Listed Buildings • Policy DM11 Non-designated Heritage Assets • Policy DM30 Residential Amenity • Policy DM39 Local Community Facilities • Policy DM40 Public Open Space • Policy DM41 Digital Infrastructure • Policy DM42 Transport Infrastructure • Policy DM44 Parking

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

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guide
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)
- Newbury Town Design Statement (2018)
- Newbury Town Centre Conservation Appraisal (2024)

6. Appraisal

Principle of development

- 6.1 Policy SP1 sets out the spatial strategy for development within the District. It requires development to follow the settlement hierarchy set out in Policy SP3, and also says that town centres will continue to play a vital role for communities and will need to meet the changing needs of communities. It says that within town centres schemes will be of an appropriate scale and character to respond to the role and function of the centre and to support sustainable communities. Policy SP3 identifies Newbury as an urban area, which will be a prime focus for housing and economic development.
- 6.2 The site is within the defined Town Centre Commercial Area, and Policy SP18 sets out the criteria for supporting development proposals in the town centres which relate to the character and appearance of the area, vitality or viability of the centre, highway safety and amenity, which are all addressed within this report.
- 6.3 Policy SP17 sets out the strategic approach to employment land, and sets out the need for office and industrial space over the plan period. It goes on to say that development proposals that would result in the loss of business development outside the Designated Employment Area will need to justify the loss of the floorspace, and sets out evidence the proposal will need to demonstrate including that it will not substantially prejudice the supply of employment land; not conflict with neighbouring uses; and will maintain the vitality of the centre.
- 6.4 Policy DM39 sets out the criteria for supporting new and/or expanded provision of local community facilities. The list of community facilities includes places of worship. The criteria includes that local need is demonstrated, it is accessible and inclusive to the community it is intended to serve, it is of a quality design and has been subject to meaningful local community engagement, and consideration has been given to the use of shared space.
- 6.5 The application is proposing the change of use of the office building (Class E) to a place of worship (Class F1). This will result in a loss of office space, and required justification for the loss, as required by Policy SP17. The Planning Statement submitted with the application does not include marketing information for the site, but does refer to the extant planning permission for the site 23/01372/FUL, which granted planning permission for the change of use from office space to mixed use for storage, preparation, cooking of food for the homeless and vulnerable community, and ancillary offices and outreach use. This planning permission is capable of being implemented, and so represents a fallback position, whereby the loss of the office space has been accepted. The proposal is also to provide additional community facilities, and a need has been demonstrated as the existing site in Pound Street for the Bangladesh Welfare Centre is not large enough to meet its current needs. Whilst there will be a loss of office space, it is proposed to use the site as a place of worship which meets the needs of the community, and will contribute towards the vitality of the Town Centre, by providing for the needs of the community, and is not a use that is incompatible with town centre uses.
- 6.6 The proposal is considered to be acceptable in principle, subject to the assessment of the following material considerations.
- 6.7 ***Character and Appearance of the Area***
- 6.8 Policy SP7 says new development will be required to strengthen a sense of place through high quality locally distinctive design and place shaping. This will enable healthy place making, creating places that are better for people, taking opportunities

available for conserving and enhancing the character, appearance and quality of an area and the way it functions. Policy DM39 also requires that new local community facilities are of a high quality design and is proportionate to the local area., it also requires that appropriate consideration is given to the use of shared spaces, the re-use or redevelopment of existing buildings.

- 6.9 The application is proposing the change of use of the existing office building, and no external alterations are proposed. The use of the building as a place of worship will reuse an existing building, as supported by Policy DM39, and as no external alterations are proposed it will conserve the character and appearance of the area.
- 6.10 The proposed use as a place of worship is appropriate within the Town Centre Commercial Area. This part of the commercial area, around Bartholomew Street is characterised by small businesses, which also cater towards local neighbourhood needs, such as convenience shops, restaurants and takeaways, and also a close to dwellings, above the commercial units, and to the rear of the main road frontage. The proposed use of the building as a place of worship will be appropriate to the character of the area, within a town centre, and close to residential properties, within the community that it serves. The proposal is considered to conserve the character and appearance of the area and the way in which it functions.

Heritage Considerations

- 6.11 According to Policy SP9, development proposals will be required to conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of archaeological, architectural, artistic or historic interest, or of landscape or townscape significance.
- 6.12 Policy D9 requires development within Conservation Areas to assess and demonstrate how the special character, appearance and significance of the Conservation Area will be preserved or enhanced, and sets out the criteria to be taken into consideration.
- 6.13 Policy DM10 requires development proposals to demonstrate how the setting of listed buildings will be preserved.
- 6.14 The application site is within the Newbury Town Centre Conservation Area, and is adjacent to 62-64 Bartholomew Street, and 2 Pound Street which are grade II listed buildings. To the south of the site is Bartholomew Close a grade II listed building. To the south-west of the site are 13-27 Pound Street and 33 Pound Street which are all grade II listed buildings. The supporting information submitted with the application have not referred to the historic environment surrounding the site, and a heritage statement has not been provided. However, as the application is not proposing an external alterations or extensions and the building itself makes a neutral contribution to the Conservation Area, the proposal is considered to preserve the existing character and appearance of the Conservation Area and will have a neutral impact on the setting of the listed buildings.

Noise Impacts

- 6.15 Policy DM5 says that new development will be supported where it does not lead to adverse effects on pollution of the environment, and sets out criteria for development proposals, which includes no harm to the amenity of the occupants of neighbouring land and buildings through an unacceptable increase in pollution, including from noise, and where necessary suitable mitigation will be put in place.
- 6.16 Policy DM30 also requires development to maintain a high standard of amenity for existing users of land and buildings. It says that when considering the impact on the

living conditions of residents, proposals will be supported where there is no unacceptable harm in terms of (amongst other things) noise.

- 6.17 The previous application for a similar change of use (reference 17/00906/FUL) was refused, partly because inadequate information had been provided to properly assess the potential noise and disturbance arising from the proposed use. It was also considered likely that the proposal would cause undue harm to the residential amenity of neighbouring properties. The current application is accompanied by a Noise Assessment. This has been reviewed by the Environmental Health Officer, who concludes that, given the site's location and the existing background noise levels, the proposal would not generate a significant noise impact. They therefore recommend approval, subject to conditions securing the good practice measures outlined in the report.
- 6.18 Representations raised concerns about possible noise from external amplification; however, no external amplification is proposed. A condition can be imposed to prohibit any such equipment. On this basis, the proposed change of use is not expected to lead to any additional noise impacts for nearby residents.

Highway Safety

- 6.19 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Policy DM44 sets out guidance for parking to serve new development.
- 6.20 According to the NPPF, in assessing specific applications for development, it should be ensured that (amongst others) safe and suitable access to the site can be achieved for all users, the design of parking areas and other transport elements reflects national guidance. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.21 The previous application 17/00906/FUL was refused due to the limited parking on the site that was in close proximity to the traffic light junction between Pound Street and Bartholomew Street, and that this would result in an increased incidence of on-street parking/stopping in close proximity to this junction which could be detrimental to highway safety for vehicles and pedestrians and adversely affect the operation of the junction and the free-flow of traffic.
- 6.22 The Highways Authority initially advised that the previous reason for refusal had not been overcome. In response, the applicant submitted additional survey information relating to existing activity at the current premises, particularly during Friday prayers. A number of objections were also received concerning existing behaviours associated with the site. Following consideration of this further information and additional review by the Highways Authority, it was concluded that using the on-site parking area for drop-off and collection would help to reduce vehicle movements occurring close to the traffic-light-controlled junction.
- 6.23 Following extensive negotiations, a revised site plan was submitted showing two staff parking spaces, a parking space for people with disabilities, and the remaining area available for drop-off and collection for people who may find it harder to park further away in public car parks. This arrangement is supported by a Parking Allocation and Management Plan. Although the Highways Authority accepted the principle of this approach, it was noted that a disabled parking space is not normally required for a car park of this size, and that the current layout is somewhat constrained and does not

fully meet modern standards. However, improvements to the proposed layout can be secured through a pre-occupation condition.

- 6.24 Subject to these measures, it is considered that the proposal now adequately addresses the previous reason for refusal and would not give rise to an unacceptable impact on highway safety.

Flood Risk

- 6.25 Policy SP6 requires that on all development sites surface water will be managed in a sustainable manner through the use of Sustainable Drainage Methods (SuDS). It also requires that a Flood Risk Assessment (FRA) is submitted where a development is in an area of flood risk from any source of flooding. The policy says that development will only be supported if it is demonstrated that it is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms, and there are no suitable and available sites at a lower flood risk. The policy sets out when the sequential test should be applied. The policy sets out the criteria for development within areas at risk of flooding to meet.
- 6.26 The application site is within an area at risk of surface water flooding, and so a Flood Risk Assessment was submitted with the application following the initial consultation response from the Drainage Engineers. The sequential test does not apply to this application as it is proposing a change of use. The details submitted with the Flood Risk Assessment are considered to be acceptable, and the Drainage Engineers are satisfied with the detailed proposed. The proposal is considered to address the flood risk, and is considered to be acceptable.

7. Planning Balance and Conclusion

- 7.1 The application is proposing the change of use of an existing office building (Class E use) to a place of worship (Class F). The proposal will result in the loss of commercial floorspace within the Newbury Town Centre Commercial Area. Whilst the proposal will result in the loss of a modest amount of office space, there is an extant planning permission for the change of use, which will result in the loss of the office space, and so the principle of the loss of this office space has been accepted which limits the weight given to this loss, as the principle has been accepted. The proposal will provide improved community facilities as supported by Policy DM39, and this is given weight in favour of the application. The proposal has neutral impact on the character and appearance of the area, and the setting of the adjacent listed buildings, and the Conservation Area. The previous reasons for refusal with regards to the noise impact of the proposal have been overcome, through the submission of a noise impact assessment, and so with mitigation this is considered to accord with the relevant development plan policies. The previous reason for refusal due to the impact on the highway network has been overcome through the submission of a revised parking layout, and the Parking and Allocation Management Plan.
- 7.2 The proposal for the change of use of Pound Court to a place of worship is considered to accord with the policies of the development plan, when considered as a whole, and the advice contained within the NPPF.

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 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 The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location and Block Plan Drawing Number PS001_01 received 5th February 2026; Existing/Proposed Elevations Drawing No 1089/01/04 received 16th July 2025; Existing/Proposed Floor Plans Drawing No 1089/01/103 received 16th July 2025; Noise Assessment prepared by DKN Acoustics reference 0577.1 rev1 dated July 2025 received 16th July 2025; and Parking and Allocation Management Plan dated February 2026 received 6th February 2026</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Parking Notwithstanding the submitted plans, the change of use shall not commence until a parking plan (including marking out of spaces for drop-off and collection) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring of vehicles at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
4.	<p>External Amplification No external amplification shall be installed on the building and/or within the site.</p> <p>Reason: To prevent unacceptable levels of noise which would be detrimental to the living conditions of neighbouring residents. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
5	<p>Noise Mitigation Measures The good practice and control measure as detailed in the Noise Assessment prepared by DKN Acoustics reference 0577.1 rev1 dated July 2025 received 16th July 2025 shall be carried out in full.</p> <p>Reason: To prevent unacceptable levels of noise which would be detrimental to the living conditions of neighbouring residents. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>

Informatives

1	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2	<p>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.3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i)the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.4. The permission which has been granted is for development which is exempt being:

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:

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

4.2 Development below the de minimis threshold, meaning development which:

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development 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).

IRREPLACEABLE HABITAT

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

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

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

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

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

PHASED DEVELOPMENT

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

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

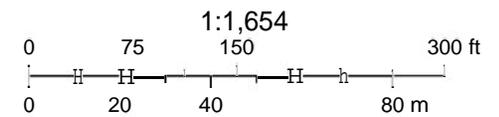
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Newbury
RG14 6AA



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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	25/01921/HOUSE West Woodhay	4 th November 2025 ¹	Elevation adjustments, minor alterations to Western Lodge and rebuilding of the garage annex, to provide a cohesive architectural design to the whole building, now part of the broader Lake House Estate. Western Lodge West Woodhay RG20 0BH Mr Nicholas Brown

¹ Extension of time agreed with applicant until 23rd February 2026

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=T1BVSLRDLPAA00>

Recommendation Summary: The Development Control Manager be authorised to GRANT conditional permission

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

Reason for Committee Determination: Over 10 letters of objection received and call-in if recommended approval

Committee Site Visit: 12th February 2026

Contact Officer Details

Name: Cheyanne Kirby
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Cheyanne.kirby@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 elevation adjustments, minor alterations to Western Lodge and rebuilding of the garage annex, to provide a cohesive architectural design to the whole building, now part of the broader Lake House Estate.
- 1.3 The application site is a large, detached dwelling with outbuildings located outside any settlement boundary but within the North Wessex Downs National Landscape a biodiversity opportunity area. The vehicular access to the dwelling is located along Hatch House Lane. It is noted that an agricultural access exists along West Woodhay Road, however this falls outside of the red site line, so does not form part of this application.
- 1.4 Amended plans were received during the course of the application relocating the proposed parking to ensure that it sits wholly within the established residential curtilage (which is demarcated by the red site line).

2. Planning History

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

Application	Proposal	Decision / Date
74/00581/ADD	Extension of existing building to provide four bedrooms and two bathrooms	Approved / 01.05.1974
74/00585/ADD	Construction of garage with room above	Approved / 01.05.1974
01/00672/HOUSE	Change of use of part of adjacent field to accommodate 1200 litre above ground liquid gas tank. Alterations and extensions to east, west and south elevations to rationalise internal layout	Approved / 20.09.2001
01/02174/HOUSE	Erection of tennis court fence 34.75 x 17.07 x 2.75 high x 50mm mesh perimeter fence with retractable lights	Approved / 28.11.2001
05/02924/HOUSE	Two storey extension to existing garage to form fuel store and flat over to form bedroom and bathroom	Approved / 07.03.2006
05/02925/HOUSE	Retrospective - road side timber fence	Approved / 24.02.2006
06/01594/HOUSE	Demolition of existing garage/fuel store; erection of new garage with fuel store and flat above (revision to application 05/02924).	Approved / 19.09.2006

	External staircase and first floor door to flat and removal of existing lobby.	
06/01976/HOUSE	Single storey extension to form lobby at north end.	Approved / 09.10.2006
07/00172/HOUSE	Single storey extension to form family room.	Approved / 22.09.2007
08/01022/HOUSE	Single storey car port extension to north of existing house and alteration of door and window positions of adjacent approved lobby extension.	Approved / 31.07.2008
10/02946/HOUSE	Two storey extension to existing dwelling.	Approved / 17.03.2011
22/01580/FULD	Extension of the residential curtilage	Refused / 19.08.2022
23/00251/FUL	Replacement and installation of two gates.	Refused / 28.07.2023 – Appeal Part Allowed Part Dismissed 16.04.2024
23/01029/HOUSE	Extension to the dwelling and the replacement of the garage, including a new glazed link.	Non determination Appeal – Dismissed 16.04.2024

- 2.2 An enforcement investigation is currently ongoing in relation to construction vehicles travelling between Western Lodge and Lake House. This access road falls outside of the red line and does not form part of the description of development. As such, it does not form part of the assessment of the current application. Instead, the matter may need to be reviewed separately by the Enforcement Team to determine whether any breach of planning control has occurred.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice were displayed on 14th October 2025 at the application site, with a deadline for representations of 4th November 2025. Notification letters were sent to 17 people.

- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** 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 **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.
- 3.6 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.
- 3.7 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.

- 3.8 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.
- 3.9 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 3.10 **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 they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate.
- 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.

West Woodhay Parish Council:	<p>8th Oct: Objection –</p> <ul style="list-style-type: none"> - the application contains incorrect and misleading information. Although the plans show a new access, driveway, turning circle and parking, the application form answers "NO" to related questions on access and parking changes.
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- A new access onto West Woodhay Road has previously been refused at appeal.
- The proposed driveway, turning circle and new parking areas would extend onto agricultural land.
- The introduction of a new access and associated hard landscaping is said to urbanise a quiet rural lane within the AONB
- No reasoning or evidence is provided to explain why a new access, driveway, turning circle or additional parking are required
- new access could increase traffic movements beyond occasional agricultural use, creating safety risks for road users and contributing to further suburbanisation of the rural lane.
- Parking provision would increase to eight spaces despite fewer bedrooms at Western Lodge, which is seen as excessive.
- No lighting plan has been submitted.
- Concerns about spoil removal and disposal, including questions about whether spoil recently placed in an ancient fishpond was permitted and whether it may be contaminated.

19th Nov: Objection

- The revised block plan shows a new driveway not included in the description of development, rendering the application procedurally flawed.
- It considers the driveway unauthorised development, potentially harmful to the North Wessex Downs National Landscape,
- highway safety concerns, and lacking justification, particularly given previous refusals.
- The Parish Meeting requests that the application either be refused or amended to remove the driveway and clarify the scope of development.

9th December: Objection

- Concerns raised regarding red and blue lines on the plans and site ownership of some land contained in the blue line.

Highways:	No Objection
Archaeology:	No Objection
North Wessex Downs:	No Response

Public representations

- 4.2 Representations have been received from 15 contributors, all 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:
- Additional access along West Woodhay Road
 - Driveway joining to Lake House
 - Parking outside residential curtilage
 - Pathways across agricultural land
 - Issues with application forms and plans
 - Removal of pond
 - Works commenced
 - No lighting plan
 - Traffic/highway safety
 - Impact on landscape

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.

Development Plan Document	Relevant Policies
<u>West Berkshire Local Plan Review 2023-2041</u>	<p>Strategic Policies</p> <ul style="list-style-type: none"> • Policy SP1 The Spatial Strategy • Policy SP2 North Wessex Downs AONB • Policy SP5 Responding to Climate Change • Policy SP6 Flood Risk • Policy SP7 Design Quality • Policy SP8 Landscape Character • Policy SP11 Biodiversity & Geodiversity • Policy SP19 Transport <p>Development Management Policies</p> <ul style="list-style-type: none"> • Policy DM1 Residential Development in the Countryside • Policy DM3 Health & Wellbeing

	<ul style="list-style-type: none"> • Policy DM4 Building Sustainable Homes & Businesses • Policy DM5 Environmental Nuisance & Pollution Control • Policy DM6 Water Quality • Policy DM7 Water Resources & Waste Water • Policy DM14 Assets of Archaeological Importance • Policy DM15 Trees, Woodland & Hedgerows • Policy DM28 Residential Extensions • Policy DM29 Residential Annexes • Policy DM30 Residential Amenity • Policy DM41 Digital Infrastructure • Policy DM44 Parking
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5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guide
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

6.1 According to Policy DM28, the principle of the extension of existing permanent dwellings will be supported. The policy gives criteria where residential extensions will be permitted; these relates to the impacts of the development and are considered, as appropriate, under the headings below.

6.2 As the proposal includes a residential annex, the proposal must also be assessed against Policy DM29. This policy states that proposals for residential annexes will be supported where the following criteria are satisfied:

- i. It is in accordance with policy DM28;
- ii. It has either a clear physical and/or functional link to the main dwelling;
- iii. If it is detached, it has a close spatial relationship with the main dwelling with satisfactory shared access, vehicular parking, utilities and garden space; and
- iv. It is designed so that it can continue to be used as an ancillary and subordinate part to the main dwelling without creating an independent and/or separate planning unit at any time.

6.3 Policy DM29 continues that, where proposals are considered acceptable, a condition will be applied to restrict occupation of the annexe to a person dependent upon an occupant of the main dwelling. Permitted development rights may also be removed and/or a legal agreement may be necessary to make the development acceptable in planning terms.

- 6.4 The proposal seeks changes to the existing main dwelling as well as replacement outbuilding therefore providing the proposal meets the criteria set out in policies DM28 the principle of the proposal is acceptable.

Character and appearance

- 6.5 According to Policy SP7, new development will be required to strengthen a sense of place through high quality locally distinctive design and place shaping. This will enable healthy place making, creating places that are better for people, taking opportunities available for conserving and enhancing the character, appearance and quality of an area and the way it functions. Development proposals will be expected to show how they have responded positively to both national and local design guidance. At a national level this includes the characteristics of a well-designed place as set out in the National Design Guide (2021), or as superseded, and at a local level, this includes neighbourhood plans, design guides or codes and relevant community planning documents that identify the local character and distinctiveness of an area which is valued by local communities.
- 6.6 Specifically in relation to residential extensions, Policy DM28 includes the following criteria relevant to this consideration:
- The scale of the enlargement or outbuilding is clearly subservient to the original dwelling (criterion a);
 - It is of a high quality design, in accordance with policy SP7, which conserves and enhances the character and local distinctiveness of the surrounding area in accordance with policy SP8 (criterion b);
 - It does not harm the setting of the existing dwelling and the space occupied within the plot boundary (criterion c);
 - It does not harm the historic and/or architectural interest of the existing dwelling (criterion d);
 - The use of materials is appropriate within the local architectural context (criterion e);
 - The windows are appropriate in terms of number, architectural style and type, position, size and proportion, extent of opening and need for obscure glazing (criterion g);
 - Following construction of the extension, sufficient space is available for on-site vehicular parking in accordance with policy DM44 in a way that does not detract from the character and appearance of the area (criterion h);
 - It enables for the retention and provision of high quality useable private amenity space in accordance with policy DM30 (criterion i).
- 6.7 The proposal is considered to meet the above criteria. It seeks minor changes to the main dwelling, including alterations to windows and doors, the removal of two chimneys, the addition of a new chimney, alterations to the roofline, a new parapet flat roof with a metal balustrade, and a minor first-floor extension to the east elevation to align the existing wall.
- 6.8 The proposal aims to improve the overall appearance of the dwelling by rationalising previous extensions to achieve a more uniform form. While the historic farmhouse character has been eroded over many years through earlier additions, the proposal does not increase the overall footprint, and the materials proposed match the existing dwelling. The design and materials are considered appropriate and will not have a significant negative impact on the character and appearance of the rural area.
- 6.9 The proposal also includes replacing the existing outbuilding, currently used as a garage/annexe. The existing footprint is approximately 46.9 sqm, with garage doors on the south elevation. The replacement outbuilding would be on the same siting with a

slightly larger footprint of approximately 60 sqm and garage doors relocated to the western elevation.

- 6.10 The existing outbuilding contains an internal staircase leading to first-floor accommodation within the roof space, served by dormer windows to the east and west elevations. The replacement outbuilding provides an enclosed external staircase leading to first-floor roof-space accommodation, also with east and west dormers, and includes a small balcony to the south elevation.
- 6.11 The proposed design, height, form and materials are similar to the existing structure. Although the footprint is larger, the scale remains subservient to the main dwelling, and given the size of the plot, the outbuilding continues to appear subordinate. As the outbuilding sits close to the dwelling, it is read in conjunction with it. A condition is recommended to ensure the outbuilding remains ancillary to the main dwelling.
- 6.12 It is noted that an appeal was dismissed for a replacement outbuilding under application 23/01029/HOUSE. The Inspector concluded that, although the proposed garage would have resulted in a reduced footprint, its overall bulk would have appeared substantially greater due to the increased eaves height, the scale of the dormer features extending from the ground-floor elevations, and the gabled roof forms. While its maximum height and scale would have remained below that of the main dwelling, the Inspector found that this did not achieve a subordinate relationship. Furthermore, the proposed link to the main house would have removed the visual separation between the buildings, thereby increasing the perceived massing and integrating the garage more prominently with the host dwelling.
- 6.13 In contrast, the currently proposed replacement outbuilding is of a similar scale and design to the existing structure and is considered to present a more clearly subservient form in accordance with relevant policies
- 6.14 Overall the proposal is considered to be acceptable, and it is therefore considered that the scheme complies with the NPPF, and Policies SP7, SP8 and DM28 of the West Berkshire Local Plan Review 2023-2041 with regards to the design, character and appearance of the proposal.

Residential Amenity (Neighbours)

- 6.15 According to Policy DM30, all development will be required to provide and/or maintain a high standard of amenity for existing and future users of land and buildings.
- 6.16 When considering the impact on the living conditions of existing and proposed residential dwellings, development proposals will be supported where there is no unacceptable harm in terms of the following criteria:
- a. Any significant loss of daylight and/or sunlight to land and buildings;
 - b. Any significant overlooking of land and buildings that results in a harmful loss of privacy;
 - c. Development resulting in an undue sense of enclosure, overbearing impact, or a harmful loss of outlook; and
 - d. Noise, dust, fumes and odours.
- 6.17 Criterion f of Policy DM28 also requires that the proposal is not overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of outlook, daylight, sunlight and / or privacy in accordance with policy DM30.

- 6.18 The proposal has been assessed against the above metrics. It is considered that, given the separation between dwellings, there are limited negative impacts relating to loss of sunlight, overlooking or noise and disturbance.
- 6.19 Comments have been received regarding external lighting. Given the rural nature of the site and the North Wessex Downs National Landscape dark skies policy, a condition has been recommended to control the installation of any external lighting.
- 6.20 Following the imposition of this condition, it is considered that the proposal accords with Policies DM28 and DM30 of the West Berkshire Local Plan Review 2023-2041 with regards to amenity.

Residential Amenity (Site Occupants)

- 6.21 According to Policy DM30, all new residential development will be expected to include the provision of the following:
- i. Functional amenity space of a quality and size to meet the needs of the occupants;
 - ii. Internal accommodation of an adequate size and layout relative to the intensity of occupation envisaged;
 - iii. Natural light in all habitable rooms of the proposed development;
 - iv. A garden size which is at least a minimum of 10.5 metres in depth, where possible; and
 - v. A minimum distance of 21 metres between directly facing windows, serving habitable rooms.
- 6.22 Given the nature of the proposal and the existing design, these elements are not considered to apply.

Highways Matters

- 6.23 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Criterion h of Policy DM28 requires that following construction of the extension, sufficient space is available for on-site vehicular parking in accordance with policy DM44 in a way that does not detract from the character and appearance of the area.
- 6.24 According to the NPPF, in assessing specific applications for development, it should be ensured that (amongst others) safe and suitable access to the site can be achieved for all users, the design of parking areas and other transport elements reflects national guidance. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.25 The highways officer was consulted on the application and had no objections to the proposal.
- 6.26 Comments have been received regarding the access onto West Woodhay Road and the use of this access for vehicles travelling to and from Lake House. As this access does not form part of the description of development and lies outside the red line boundary, it is not a material consideration in the assessment of this application.
- 6.27 Concerns have also been raised about the number and location of parking spaces. The proposal provides five parking spaces, which is considered acceptable given the size of the dwelling and the outbuilding. In accordance with parking policy, garage

spaces are not counted towards parking provision. The parking layout was amended during the application to ensure that all spaces are located within the residential curtilage, as shown on the updated site plan.

- 6.28 Comments regarding construction traffic have also been noted; however, the level of construction activity associated with this proposal is expected to be short-term and is considered typical for development of this nature. A construction method statement is not deemed necessary in this instance, although a condition restricting construction working hours has been recommended.

Ecology

- 6.29 From an environmental standpoint, Policy DM28 outlines that an extension will be permitted where the proposal complies with the following criteria:
- It would not result in adverse impacts on trees (including their roots and canopy spread) on and off site, in accordance with policy DM15. Trees should be retained where possible; and
 - The proposal conserves and enhances biodiversity, in accordance with policy SP11.
- 6.30 Given the nature of the proposal, it is considered that there is little impact in terms of ecology, and the proposal accords with policy DM28 in this respect.
- 6.31 Householder development is exempt from mandatory Biodiversity Net Gain; however some ecological enhancements have been included such as bat, bird and insect boxes as well as planting.

Sustainability

- 6.32 According to Policy SP5, the principles of climate change mitigation and adaptation will be required to be embedded into new development. Proposals should be accompanied by a Sustainability Statement which demonstrates how the principles in Policy SP5 have been embedded into the development, proportionate to the scale and nature of the development proposed.
- 6.33 A sustainability statement has been submitted which sets out the proposed measures including improvements to fabric efficiency, smart meters, energy efficient lighting, water efficient appliances, external enhancements include new tree planting and ecological enhancement measures. These measures as outlined in the sustainability statement will be used to ensure the development complies with this policy.

Town/Parish Council representations

- 6.34 Below is a summary of the points of concern raised by West Woodhay Parish Council
- Accuracy of the Application and Ownership Boundaries
 - Concerns that the description of development is misleading, as submitted plans show works (including a new access, driveway, turning circle and parking areas) not referenced in the application description.
 - It is stated that the application form incorrectly answers questions relating to new access and changes to parking.
 - The Parish Meeting raises significant concerns that the blue-line boundary, which must show all land within the applicant's ownership, is incorrect and potentially misleading.

- The full Western Lodge landholding is not shown, despite space on the plan to do so.
- The blue line is drawn in a manner that appears to include land not in the applicant's ownership, including land and barns belonging to a third party (Mr & Mrs Miles).
- The blue line extends beyond the stated "Existing Site Access" onto neighbouring land.
- The applicant now refers to ownership as the "Lake House Estate," raising questions about whether agricultural land historically associated with Western Lodge has been transferred; if so, objectors indicate this may affect an ongoing dispute about an alleged unauthorised track.
- If ownership has *not* changed, the omission of parts of the Western Lodge landholding from the blue-line boundary remains unexplained.
- Objectors state that because the accuracy of red- and blue-line boundaries is a fundamental validation requirement, the application should not progress until corrected.
- Previous Appeal Decision
 - A previous proposal for a new access onto West Woodhay Road was refused at appeal, with the Inspector finding it harmful to the rural character of the AONB.
 - Objectors consider the current application to reflect elements of that previously rejected scheme.
- Encroachment onto Agricultural Land
 - The proposed driveway, turning circle and parking areas are considered by objectors to extend onto agricultural land beyond the residential curtilage, constituting an unjustified change of use.
- Impact on Landscape and Rural Character
 - Concerns that the proposed works would urbanise a quiet rural lane and cause visual harm within the AONB, reducing tranquillity and creating a suburban appearance contrary to local and national policies.
- Lack of Justification
 - Objectors consider that no evidence has been provided to justify the need for the new access, driveway or increased parking, nor any benefits that could outweigh harm to the landscape.
- Highway Safety
 - Concerns regarding additional traffic movements from a new access onto a narrow, unlit lane with no pedestrian refuge, which is considered to increase safety risks and contribute to suburbanisation.
- Other Matters
 - Objection to the proposed increase in parking spaces.
 - Concern about the absence of a lighting plan.
 - Queries regarding the extent of spoil movement required for the proposed garage level and where this spoil would be deposited.
 - Concerns raised regarding the recent infilling of an historic fishpond, including whether the works required planning permission and whether the material used may be contaminated.

6.35 A number of the matters raised by the Parish Council and residents have been addressed in the report. For clarity, the following provides a full officer response to the key points raised, particularly those relating to land ownership and the accuracy of the submitted blue-line boundary.

6.36 The Parish Council expressed concern that the proposed parking area would encroach onto agricultural land. In response, the applicant submitted an amended plan which relocates the parking to ensure it sits wholly within the established residential curtilage.

- 6.37 Concerns have also been raised regarding vehicles travelling from Lake House across the land towards Western Lodge and then exiting via the agricultural access onto the public highway. This route does not fall within the red-line boundary and is not within the description of development. As such, it is not a material consideration for this planning application. However, the matter may need to be reviewed separately by the Enforcement Team to determine whether any breach of planning control has occurred.
- 6.38 Concerns have been raised regarding the nature of land ownership between Lake House and Western Lodge, including whether agricultural land historically associated with Western Lodge has been transferred and whether this has implications for the long-running dispute regarding an alleged unauthorised track.
- 6.39 Land ownership disputes or changes in land ownership are not material planning considerations unless they relate directly to the ability to implement the development. The planning system does not have authority to settle on civil land ownership matters. Any dispute between parties regarding boundaries, rights of access, or historic land transfers falls outside the remit of the local planning authority.
- 6.40 The applicant has signed Certificate A, confirming that they have sufficient ownership or control to submit the application. In the absence of evidence to the contrary, the planning authority must accept the certificate at face value.
- 6.41 The Parish Meeting has expressed concern that the blue-line boundary, which is required to show all land within the applicant's ownership, is inaccurate. It is stated that the blue line appears to include land not in the applicant's ownership specifically neighbouring land and barns belonging to Mr and Mrs Miles and omits land that should be included if the full extent of Western Lodge's ownership has not changed.
- 6.42 These comments are noted. However, while the blue line identifies land within the applicant's control, it is the red-line boundary that is of primary importance for validation and assessment purposes. The red line defines the land to which the application relates and within which the proposed works would be undertaken.
- 6.43 In this case, officers are satisfied that the red-line boundary is accurate and correctly identifies the site of the proposed works. The concerns regarding the precise extent of the applicant's wider landownership do not alter the assessment of the proposal before the authority.
- 6.44 The Parish Meeting considers that inaccuracies in the blue line mean the application should not progress. While the blue line should ideally show all land within the applicant's ownership, the local planning authority has discretion in validating applications and may proceed provided that the red line is correct and that the applicant has completed the ownership certificates. The perceived inaccuracies do not prevent a full assessment of the proposed development, nor materially affect the consideration of the issues directly relevant to this application. Therefore, officers consider the application to be valid and capable of determination.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. It includes a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. However, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

- 7.2 For the reasons given in this report it is considered that the proposal is in accordance with current development plan policies and material considerations do not indicate that planning permission should otherwise be refused. The application is therefore 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 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 The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan 2418-PL01 received 21st August 2025; Proposed Elevations 2418-PL13 received 21st August 2025; Proposed Elevations 2418-PL14 received 21st August 2025; Proposed Floor Plans 2418-PL10 received 21st August 2025; Proposed Floor Plans 2418-PL11 received 21st August 2025; Proposed Roof Plan 2418-PL12 received 21st August 2025; Proposed Garage Plans 2418-PL17 received 21st August 2025; Sustainability Statement received 4th November 2025; Proposed Site Plan 2418-PL09-C received 23rd January 2026.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Materials The materials to be used in the development hereby permitted shall be as specified on the plans and/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 the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policy SP7 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>Hours of work No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p>

	Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.
5	<p>Lighting strategy (National Landscape) No external lighting shall be installed to the dwelling or outbuilding until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed to the dwelling or outbuilding except in accordance with the above strategy.</p> <p>Reason: To conserve the dark night skies of the North Wessex Downs National Landscape. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies SP2, SP8 and SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
6	<p>Annex use The outbuilding/annex hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as Western Lodge, West Woodhay, RG20 0BH.</p> <p>Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP1, SP2, DM28, DM30 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
7	<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, B, C and/or E 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 and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies SP2, SP8 and DM28 of the West Berkshire Local Plan Review 2023-2041.</p>

Informatives

1	This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2	The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability

	<p>Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3	<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. 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and <ol style="list-style-type: none"> (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024. 4. The permission which has been granted is for development which is exempt being: <ol style="list-style-type: none"> 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where: <ol style="list-style-type: none"> i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

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

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

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

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

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

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

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development 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.

IRREPLACEABLE HABITAT

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

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

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

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

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

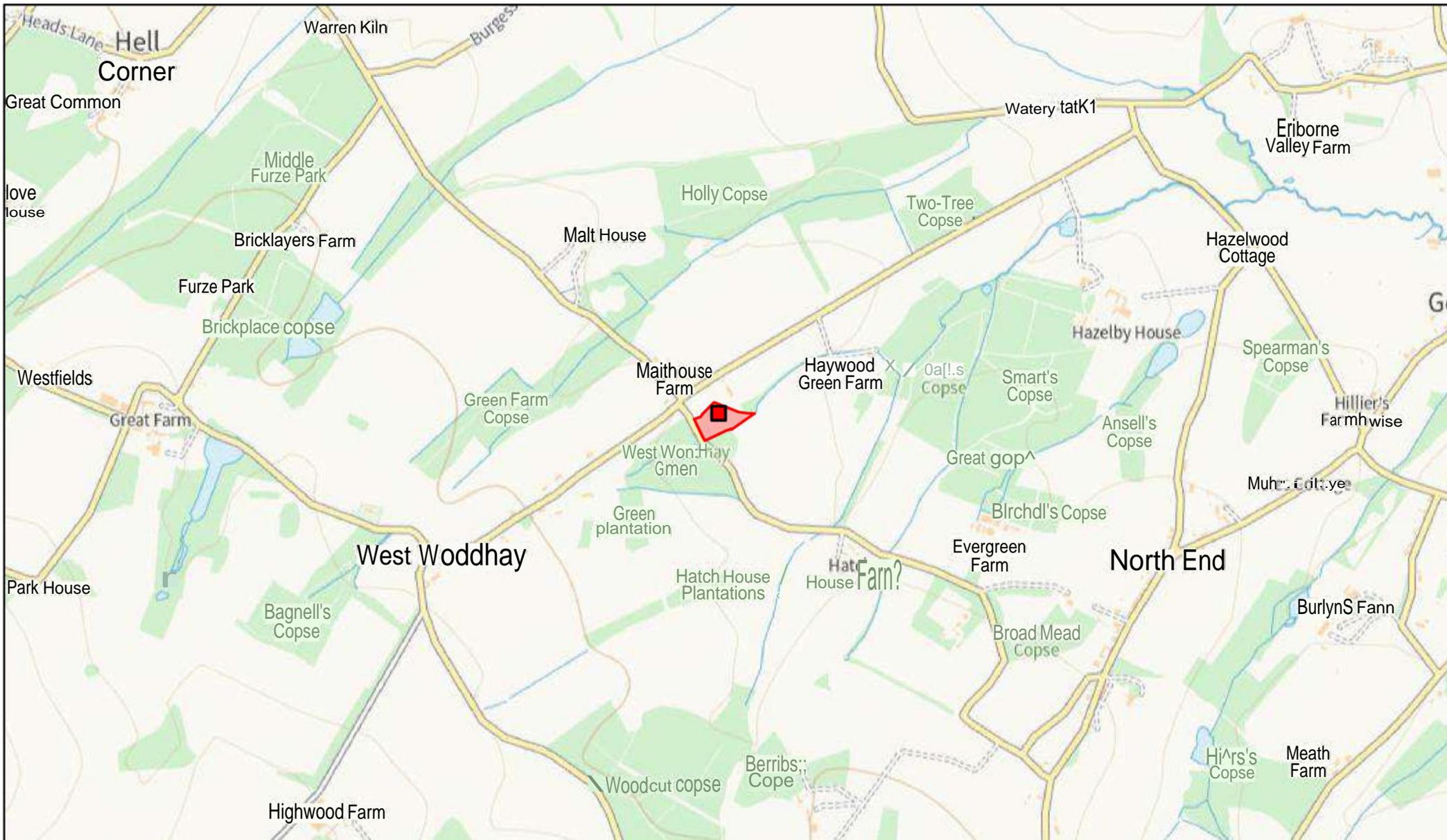
- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development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

PHASED DEVELOPMENT

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

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

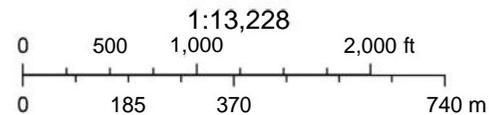
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 West Woodhay
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