

Notice of Meeting



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Western Area Planning Committee

Wednesday 15 July 2026 at 5.30 pm

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

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

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If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 14 July 2026 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 7 July 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.



WestBerkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday 15 July 2026
(continued)

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

Substitutes: Councillors Antony Amirtharaj, Dennis Benneyworth,Carolyn Culver,
Billy Drummond and Stuart Gourley

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 8
To approve as a correct record the Minutes of the meeting of this Committee held on 20 May 2026.
 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) **26/00555/REG3 Former Old Peoples Home, Chestnut Walk, Hungerford** 9 - 22
- Proposal:** Proposed change of use from Class C2 (Residential Institution) to Class C1 (Hotel/Hostel) to provide supported temporary accommodation with onsite management and security measures. Construction of new Air source heat pump compound and cycle store. Relocation of bin store.
- Location:** Former Old People's Home, Chestnut Walk, Hungerford
- Applicant:** West Berkshire Council
- Recommendation:** The Development Control Manager be authorised to grant conditional permission.



Agenda - Western Area Planning Committee to be held on Wednesday 15 July 2026
(continued)

- (2) **25/02804/FUL Land South of Kennet and Avon Canal and North of Tesco Everland Road Hungerford** 23 - 70
- Proposal:** Erection of residential development comprising 6 semi-detached houses, 1 detached house, with associated access road, parking, and landscaping
- Location:** Land South of Kennet and Avon Canal and North of Tesco Everland Road Hungerford
- Applicant:** Clere Homes
- Recommendation:** PROVIDED THAT a Section 106 Agreement has been completed within 6 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).
- Or, if the Section 106 legal agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in this report.

Background Papers

1. 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>
2. Other local planning policies, including supplementary planning documents: <https://www.westberks.gov.uk/planning-policy>
3. The National Planning Policy Framework: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
4. The Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>
5. 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.
6. Any previous planning applications for the site: <https://publicaccess.westberks.gov.uk/online-applications>
7. Any other background information specifically mentioned in the application report



Agenda - Western Area Planning Committee to be held on Wednesday 15 July 2026
(continued)

Sarah Clarke.

Sarah Clarke
Executive Director - Resources
West Berkshire District Council

If you require this information in a different format or translation, please contact
Thomas Radbourne on (01635) 519502.



West Berkshire
C O U N C I L

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE**MINUTES OF THE MEETING HELD ON
WEDNESDAY 20 MAY 2026**

Councillors Present: Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Dennis Benneyworth, Martin Colston, Paul Dick, Nigel Foot, Denise Gaines and Tony Vickers

Also Present: Debra Inston, Harriet Allen, Gordon Oliver, Thomas Radbourne, Anna Hart, Rebecca Hawkes-Reynolds

Apologies for inability to attend the meeting: Councillor Howard Woollaston

PART I**1. Minutes**

The Minutes of the meeting held on 21 January 2026 were approved as a true and correct record and signed by the Chairman.

The Minutes of the meeting held on 18 March 2026 were approved as a true and correct record and signed by the Chairman

2. Declarations of Interest

Councillor Nigel Foot declared an interest in Agenda Item 4(1) by virtue of the fact that he was the West Berkshire Portfolio Holder for Culture, he was a member of the West Berkshire Heritage Forum, and was a member of the Newbury Town Council Steering Group. As his interest was personal, and not a prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Dennis Benneyworth and Denise Gaines declared an interest in Item 4(1) by virtue of the fact that they were the Hungerford and Kintbury Ward Members.

Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied on Agenda Item 4(1)

3. Schedule of Planning Applications**(1) Application No. and Location: 26/00449/LBC & 26/00448/HOUSE
Hamstead Holt House, Kintbury Holt, Newbury, RG20 0DD**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 26/00449/LBC & 26/00448/HOUSE in respect of erection of a single storey rear extension Hamstead Holt House, Kintbury Holt, Newbury, RG20 0DD
2. Ms Harriet Allen introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Development Manager be authorised to refuse planning permission for the reasons listed in the main and update reports.

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3. Ms Rebecca Hawkes-Reynolds made a presentation to the Committee which highlighted the following points:
 - The Principal Conservation and Design Officer did not object to the principle of a further extension but had concerns about the proposed design.
 - It was not considered best practice to continuously add extensions onto further extensions.
 - A suggestion to rationalise the existing extensions as part of the works, rather than simply adding another, was not taken up by the applicant, and therefore her concerns remained.
4. In accordance with the Council's Constitution, Mr Angus Hume, applicant, and Ms Caroline Downie, agent, and Tony Vickers, Ward Member addressed the Committee on this application.

Applicant/Agent Representation

5. Mr Hume and Ms Downie addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee – Recording](#)

Member Questions to the Applicant/Agent

6. Members asked questions of clarification and were given the following responses:
 - The Agent clarified that she had communicated with the Case Officer regarding the plans, Harriet Allen, but had not been given the opportunity to speak directly with the Conservation Officer.
 - Mr Hume confirmed he had moved in in July 2017.
 - The Agent explained that the flat roof design would remain considerably lower than a second-storey window, which a pitched roof would have obscured.
 - The Agent clarified that her figure of 16% was based on the existing footprint of the house, whereas the officer's figure of 25% was based on the original footprint.

Ward Member Representation

7. Councillor Vickers addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Recording](#)

Member Questions to the Ward Member

8. Members asked questions of clarification and were given the following responses:
 - Councillor Vickers confirmed that he would not take part in the debate or vote on the matter.

Member Questions to Officers

9. Members asked questions of clarification and were given the following responses:
 - Officers confirmed that while no specific policy currently existed, officer practice was to measure from the original dwelling in order to assess cumulative impact.
 - Ms Hawkes-Reynolds stated that she was always open to discussions with applicants to work towards an acceptable solution.

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- Officers explained that under the NPPF, considerable weight was attached to any harm to a listed building. Any less than substantial harm had to be outweighed by the public benefits. In this case, the benefits were considered private (improving a family home) and not public, and therefore did not outweigh the harm.
- Ms Hawkes-Reynolds stated that removing the proposed garden wall would not alter her opinion on the level of harm, as her primary concerns regarding the bulk, massing, and size of the extension itself would remain.
- Ms Hawkes-Reynolds indicated that she could not base her assessment on a hypothetical situation of whether her opinion would be different if the adjoining dairy building were its original, larger size as seen on a 1900 map.
- Ms Hawkes-Reynolds confirmed she had not been able to visit the site but was accustomed to assessing applications from detailed plans and photographs.
- Officers clarified that ensuring the sustainable future of a listed building was in itself a public benefit. However, in this instance, the property was already a substantial and functional family home, so the extension was not required for its survival.
- Officers reiterated that as the house already functioned well and had a viable future, having a “nicer house” for future generations was not a sufficient public benefit to outweigh the harm.

Debate

10. Councillor Adrian Abbs opened the debate, stating that an officer recommendation for refusal carried significant weight. He was persuaded by the officer's distinction between public and private benefit as outlined in the NPPF. He felt the building was listed for a reason, and he could not see a justification for going against the professional officer recommendations.

Councillor Vickers left the meeting at 19:17

11. Councillor Clive Hooker stated that the site visit had been very useful, and in his view, the proposed extension did not appear as large on-site as it did on the drawings. He felt it fitted in reasonably well. He was surprised the Conservation Officer had not visited the site. He argued that houses must evolve to suit modern lifestyles, such as the move towards kitchen-diners, and viewed the application as a finely balanced matter.
12. Councillor Paul Dick supported the views of Councillor Abbs. He was not concerned that the Conservation Officer had not visited the site, as this was standard practice. He was sympathetic to the applicant but had not been persuaded to vote against the officers' professional recommendation.
13. Councillor Martin Colston noted that the two principal elevations of the house would be largely unaffected. He viewed the proposal as a natural evolution of the house, which should not be preserved "in aspic", and was minded to vote against the officer recommendation.
14. Councillor Nigel Foot highlighted that the fundamental reason for listing buildings, was to protect the building itself. He noted the Conservation Officer was not against an extension in principle, but against this specific design. He felt the protection of the building was paramount and supported the officer's recommendation to refuse.

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15. Councillor Dennis Benneyworth considered it a very finely balanced application. He felt the building had always evolved with time and struggled to find a reason not to support what he saw as a relatively modest addition. He stated he would reluctantly go against the officer's recommendation.
16. Councillor Denise Gaines said she had been undecided throughout the meeting. She felt that if the adjoining dairy had not been truncated in the past, the proposed extension would not seem as bulky. On balance, given the lack of any public view of the changes, she felt the extension would not cause enough harm and was minded to go against the officer's recommendation.
17. Councillor Abbs reiterated that the NPPF was now very clear on the protection of heritage assets, and in his view, the decision was not finely balanced.
18. Councillor Dick made the point that whether a listed building was visible to the public or not was not relevant; it was about looking after the building.
19. Councillor Foot proposed to accept Officer's recommendation and refuse planning permission and listed building consent for the reasons listed in the main report and update report for application 26/00448/HOUSE and 26/00449/LBC. This was seconded by Councillor Dick
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Foot, seconded by Councillor Dick to refuse planning permission for application 26/00448/HOUSE. At the vote the motion was carried.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Foot, seconded by Councillor Dick to refuse listed building consent for application 26/00449/LBC. At the vote the motion was carried

RESOLVED that the Development Manager be authorised to refuse planning permission for application number 26/00448/HOUSE.

RESOLVED that the Development Manager be authorised to refuse listed building consent for application number 26/00449/LBC.

(2) Application No. and Location: 26/00036/MDOPO Street Record, Spring Meadows, Great Shefford

Agenda Item 4(2)) concerning Planning Application 26/00036/MDOPO in respect of Modification of Planning Obligation on approved application 87/30084/ADD (130084) - the Seventh Schedule section (F) of legal agreement dated 24th May 1988. Street Record, Spring Meadows, Great Shefford was deferred to a future meeting of the Western Area Planning Committee.

(The meeting commenced at 6.30 pm and closed at 7:37pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	26/00555/REG3 Hungerford Parish	14 TH May 2026	Proposed change of use from Class C2 (Residential Institution) to Class C1 (Hotel/Hostel) to provide supported temporary accommodation with onsite management and security measures. Construction of new Air source heat pump compound and cycle store. Relocation of bin store. Former Old Peoples Home, Chestnut Walk, Hungerford West Berkshire Council
¹ Extension of time agreed with applicant until 20 th August 2026			

The application can be viewed on the Council's website at the following link:
"copy link to documents online"

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TBHOP4RDH6J00>

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

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

Reason for Committee Determination: The applicant is the Council and in addition more than 10 objections received

Committee Site Visit: 9th July 2026

Contact Officer Details

Name: Michael Butler
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Michael.butler@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 Given that the applicant and owner of the land is this Council the application is made under the remit of Regulation 3 of the 1992 Town and Country Planning Regulations which controls how local planning authorities determine applications made by the same Council.
- 1.3 This applicant is seeking planning permission for the change of use of a now vacant Old Persons Home, formerly operated by this Council [Class C2] to a hostel for the single homeless-supported living [but no care given per se] so this will be Class C1 of the 2020 Use Classes Order as amended. This will be for up to 12 rooms with the ability to vary the internal accommodation in the future to allow for some family units if required. It is anticipated that as a maximum, 16 residents could be accommodated in the facility. There will also be some staff employed on the site [but not living there] to assist the occupiers in life skills where needed, but this is not “care” as such so the use class is C1 not C2-hence the need for the application as presented to the Committee.
- 1.4 In addition, there is to be a new external air source heat pump compound, a new bike store plus a relocated bin store. The existing 3 car parking spaces on site [one disabled] will remain with no additional spaces proposed on site for staff or visitors or indeed residents. There are few other external physical changes to the building, which is single storey.
- 1.5 The building itself lies in a well established residential area in the town, so lying within the defined settlement boundary. In addition, the North Wessex Downs National Designated Landscape [NWDNDL] washes over the whole area-was the AONB. It is single storey. All of the application site lies in flood zone 1 and there are no arboricultural or ecological specific restraints on the site.

2. Planning History

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

Application	Proposal	Decision / Date
21/01868/fuld	Demolition of Home at Chestnut Walk and erection of 8 dwellings.	Resolved to be approved but no decision issued. Will be disposed of under the DMPO of 2015.
25/02514/preapp	Pre application enquiry for change of use of the Old Persons Home to a C1 use.	Closed - December 2025.

- 2.2 It is noted that no formal decision notice was issued with 21/01868/FULD. This is because the required s106 agreement was not finalised between the Council and Sovereign Housing. No extant permission lies on the site, other than the present C2 use which has not been abandoned notwithstanding the closure of the site in 2016.

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[s] were displayed on the site on the 2nd of April this year, with a deadline for representations of the 23rd April. Notification letters were sent to 28 neighbours on the 25th of March 2026.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal. It is necessary to note that whilst not a land use planning matter, if the application is approved the implementation of the application will mean cost savings to the Council since fewer homeless people will be housed in bed and breakfast accommodation.

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

- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more

than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

- 3.5 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives. It is necessary to note that the application if approved will assist in delivering additional accommodation for the homeless, so improving overall equality.
- 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 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant) However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the social well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of the provision of more homeless accommodation.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party. It is noted that some of the objections relate to a reduction in local property values-this is not a planning matter and cannot be treated as material to consideration of this application.
- 3.12 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. There are no listed buildings in the site vicinity.
- 3.13 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. There are no conservation areas in the vicinity.
- 3.14 **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. All of the application site lies in this designation.

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.

Hungerford Town Council	Objection -appended to the report as Appendix 1 is the objection as it covers many points which the Committee should take into account.
Highways:	Seeking more information as to why no additional onsite parking is not being provided, given the number of proposed residents and staffing numbers. Information awaited -will be noted on update sheet. No concerns about additional traffic generation in the area.

Environmental Health	No objections but it is noted that no noise impact assessment has been submitted with the application, in relation to the increased noise arising from the ASHP as proposed. This can be conditioned.
Ecology, trees and Adult Social Care. Plus waste services, and SUDS.	No observations to make. No objections. No conditions recommended.

Public representations

4.2 Representations have been received from 15 contributors, one of which supports, and 13 of which object to the proposal. In addition, one is ambivalent.

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:

- Objections -the hostel is not needed in this area, but if so should go somewhere else, increase in crime , increase in antisocial behaviour, not a suitable use for this area, fear of crime will rise, drop in property values, poor external appearance with ASHP , increased noise from the latter, overall rise in noise and disturbance, how will security measures be enforced , over intensification of the site, rise in local parking pressures. Is this good value for money in terms of the Council? Visual harm to the NWDNDL. Will encourage local drug taking. How will the site be policed? Increased impact on local infrastructure.
- Ambivalent. Support in principle the use, but consider that more beneficial renewable technologies could be used other than the ASHP, such as solar panels.
- One support, but still some concerns about increased noise, and security issues.

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 • Policy SP1 The Spatial Strategy • Policy SP2 North Wessex Downs AONB • Policy SP3 Settlement Hierarchy • Policy SP7 Design Quality • Policy SP8 Landscape Character Development Management Policies

	• Policy DM19 Specialised Housing • Policy DM44 Parking • Policy DM45 Travel Planning
<u>Hungerford NDP (2025)</u>	Objective B: Ensure that housing development provides a range of house types, sizes and tenures that meets the needs of all age groups and incomes. [Officer note-this presumably includes any local homeless persons].

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)

6. Appraisal

Principle of development/ Policy.

- 6.1 The principle of the use accords with the general thrust of policy SP1 in the WBLPR, in that it involves a clearly unused brownfield site, in a sustainable location. As the advice notes in SP1, this application effectively involves a windfall site for housing [albeit not use class C3] in one of the District's "major" settlements. In addition, in terms of overall housing need for the homeless it is well located in the West of the District, given existing provision already in both Newbury and Thatcham.
- 6.2 In terms of detailed policy, policy DM19 for specialised housing identifies the following—"The provision of new specialist forms of housing designed to meet the needs of those with identified support or care needs will be supported where: a. Housing meets a proven locally identified need in the District for the specific housing product being proposed; and b. The location is appropriate, in terms of design, layout, and accessibility of facilities, services and public transport, subject to other policies in the Plan being satisfied. Planning permission for extensions or alterations to existing specialised housing will also be supported where: c. The activities and/or operations associated with the development do not cause unacceptable harm to the amenity of neighbours, through increased noise and disturbance or obtrusive light; and d. Due regard is given to the design of the development, taking into account the needs of the end users, particularly with regard to onsite accessible outdoor spaces and provision of a satisfactory outlook for all residents. Proposals for new specialised housing or extensions to existing accommodation, should demonstrate appropriate and evidence-based provision for: i. On-site car and cycle parking; and ii. The storage of mobility scooters and/or wheelchairs.
- 6.3 The above criteria will now be considered in more detail below.
- 6.4 Firstly, there is the ongoing demand and need for additional accommodation for the homeless across the District -the Council has a legal responsibility to house all those in need seeking such accommodation. Indeed over the last year across the District the number of households living in temporary accommodation has risen from 100 to 163 which is a significant rise. Accordingly, criterion [a] is met. In terms of location [criterion b] the site is very well located within reasonable walking distance of Hungerford centre with all its facilities, plus bus routes and the train to eg Newbury. Criterion [b] is met. Thirdly, criterion [c] examines local amenity impacts: despite local objections the EH officer, subject to the noise impact condition for the air source heat pumps, has raised

no objections. In terms of the design and layout of the scheme it is noted that there is little onsite amenity space but the Common and the Town Recreation Ground all lie in close proximity to the site. In relation to the onsite parking query, the applicant has been asked to provide further information on this point, and this will be identified in the update report. It is acknowledged that given the nature of the future occupants the likelihood of car ownership at all, is low. Fewer visitors will be experienced as compared to the past use as well.

- 6.5 It is concluded by officers, that the policy advice in DM19 is met. In addition, it is also noted that the scheme complies with Objective B of the Hungerford NDP.

6.6 Concerns of objectors and the Town Council.

- 6.7 It is noted that the possible devaluation of homes has been raised in objection but is not a planning matter. However, it is also accepted that the fear of anti social behaviour and on site /off site security issues relating to potential crime and drug use are capable of being material planning matters which the Committee can take into account. Case law substantiates this matter. Officers do not consider that the proposed works will result in such a level of impact in this respect as to merit reason for refusal of the application.
- 6.8 The Environmental Health officer has not raised any objections apart from noise issues from the ASHP so amenity issues other than the ones above are considered acceptable by officers. The parking issue will be addressed in the update report and the LPA must consider the merits and demerits of the application before it, not reject it on the basis that it would not be suitable for Hungerford, or might fulfil greater utility in an alternative location.
- 6.9 The likelihood of the new use somehow affecting the special qualities of the NWDNDL is extremely low. Given the location in the built-up area and the very few external changes to be made.
- 6.10 Whether the scheme is good value or not for the Council is not a planning matter for the LPA, but a matter for the Council as a whole.
- 6.11 Finally, the possibility that the new residents will have a greater impact on local infrastructure and facilities over and above the permitted C2 use [which could be restarted at any time without recourse to planning permission] is very low. This is because the impact of the care home on local services would have been as great if not greater than the proposed use. Next, some objections relate to the impact on the local street scene due to the ASHP being constructed on the frontage. The case officer has examined the submitted plans and seen the site and is content that the impact will be low, given the existing nature of the building which is becoming dilapidated. Indeed, the new scheme by bringing the building back into use will be a visual enhancement in the officer opinion, so complying with the advice in policy SP7 in the WBLPR.
- 6.12 Accordingly, to conclude, whilst the Committee should take some of the objections into account, a number should not be, as highlighted above.

7. Planning Balance and Conclusion

- 7.1 On the one hand the objections of the local residents are recognised and have been taken into full account, in the recommendation arrived at. It is perhaps inevitable that there may be a limited degree of impact on local amenity with the change of use from the nursing home to the hostel, simply because of general increased activity on and off site. However, on the other hand there are strong reasons to approve the scheme,

because the site is currently an underused resource, it is previously developed and lies in a sustainable location with good access to services and amenities. In addition, it will address a specific high need in the local area for supporting the homeless community in the District, so complying with the advice in policy DM19.

- 7.2 Accordingly, officers are recommending that conditional permission be granted, given the clear social benefits which will arise from the implementation of the scheme.

8. Full Recommendation

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

Conditions

1	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 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).
2	Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: all 250120-job number. 60-101, 30-102, and 10-002. [Location, elevations and floor plans]. Reason: For the avoidance of doubt and in the interest of proper planning.
3	Noise Impact Assessment. A noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. Based on its findings, a scheme to protect nearby dwellings and gardens from plant noise shall also be submitted and approved, within 5 months of the date of this decision. The approved noise mitigation measures must be fully implemented prior to the operation of the air source heat pump [not occupation of the premises] and shall be retained and maintained thereafter. Reason: To ensure adequate protection for nearby residents from noise arising from plant noise. In accord with policy DM30 in the WBLPR of 2023 to 2041.

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Hungerford Town Council -objections to 26/00555/REG3

HTC - Objection. Based on the following:

1. It conflicts with the Hungerford Neighbourhood Development Plans housing priorities on housing mix and tenure and with the HNPs objectives on respecting and enhancing the character of the neighbourhood and the way it functions. A high - density hostel for temporary accommodation catering for a transient population of predominantly younger single people, conflicts with the established residential nature of Chestnut Walk. It is a concern how effective this proposed scheme would be in assisting community cohesion.
2. The occupants of this scheme are most likely to be from around West Berkshire as a whole, not just Hungerford. How the occupancy is envisaged after local government reorganisation occurs has not been addressed.
3. The proposed scheme does not represent good quality of design. The scheme appears to have been designed inside out to accommodate a high density institutional model that maximises the numbers of bedspaces and therefore occupants, rather than considering the site from the outside in as a design opportunity to create a building of high quality that would sit well in the local context, contributing to visual amenity.
4. The layout of the so -called flexible family units is particularly lacking both in design terms and in management terms. No details about the treatment of these units, how they are made flexible from construction point of view; the quality, the security of movable walls, the protection from fire and from vandalism and other risks. The design, security and privacy of these flexible units in occupation.
5. From a management plan perspective, no evidence has been provided as to how these units are flexibly adopted for families to use and under what circumstances this should happen. This raises concerns about the safeguarding policy in the potential mix of children with vulnerable single non -related adults.
6. The design and relationship of the scheme to the existing neighbouring premises, the potential for overlooking and reduction in privacy to the houses and gardens needs to be addressed.
7. The proposed treatment of the alleyway running behind the site and bordering the gardens on Priory Avenue is unclear. The gardens are fenced and one has an access gate to the garage area. The alleyway as is, represents a vulnerable access point; it has been subject to incidents of fly tipping and remains a security risk, with the introduction of the proposed scheme this location has potential to become an area of informal congregation that may lead to antisocial behaviour.
8. Insufficient detail has been provided about the intended external amenity provision for occupants of the Temporary Accommodation, its location and use. Concerns about the impact on the neighbouring properties from external space including increased noise, the effects of smoking and vaping odours which will detract from the quiet enjoyment of neighbouring gardens and rooms opening onto them.
9. The information about security on the site is not detailed or satisfactory, particularly considering the 24 - hour operation of the proposed temporary accommodation. The provision of some kind of security presence out of hours is not defined, nor costed.
10. No supporting plans have been provided on mitigating the risk of crime, nor designing out crime, which is a major local concern; clarification is needed as to how

the management of this scheme will provide security to neighbours, safeguard the scheme residents and prevent the ingress of criminals intending to entrap residents of the temporary scheme into criminality themselves.

11. Noise. Increased use of laundry and kitchen facilities audible noise impacting the neighbouring properties especially in the current configuration of doors and windows within the proposed scheme. No evidence has been provided about the levels of noise and its mitigation if required arising from the heat pump proposed for the scheme.

12. The energy efficiency measures are disappointing. While we welcome the intent to introduce these, the opportunity has not been taken to consider an improved range of products. In any future proposal we want to see a proper environmental management plan that involves the increased use of solar panels and other measures to bear down on costs in the longer term.

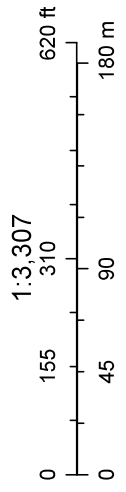
13. Car parking. There is not sufficient evidence of staffing plans and resident profile to assess the true demand for vehicle parking, nor the likely increase of traffic movements e.g. deliveries, resulting from catering for the scheme, to justify no change from the current provision of three spaces.

14. The staffing and management plan is lacking in detail; three part-time staff is a very low provision for a 24-hour scheme; the plan for security cover by an external party is unclear as to hours, duties and presence on site; similarly it is uncoded and it is unclear how this provision will contribute to the financial savings that the Council are seeking from this scheme.



7/2/2026, 10:04:06 AM

- Hungerford Old Peoples Home
- Chestnut Walk
- Coldharbour Road
- Hungerford
- RG17 0DB



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	25/02804/FUL Hungerford and Kintbury	12/02/2026 ¹	Erection of residential development comprising 6 semi-detached houses, 1 detached house, with associated access road, parking, and landscaping Land South of Kennet and Avon Canal and North of Tesco Everland Road Hungerford Clere Homes

¹ Extension of time agreed with applicant until 29/05/2026

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=T6P8JWRDFO200>

Recommendation Summary: PROVIDED THAT a Section 106 Agreement has been completed within 6 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).

Or, if the Section 106 legal agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in this report.

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

Reason for Committee Determination: Called to planning committee by Councillor Dennis Bennyworth should the officer look to recommend approval.

Committee Site Visit: 9th July 2026

Contact Officer Details

Name: Mr. Matthew Shepherd
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the erection of a residential development comprising 6 semi-detached houses, 1 detached house, with associated access road, parking, and landscaping.
- 1.3 The application site is located on land to the south of the Kennet and Avon Canal and to the north of the Tesco store on Everland Road, Hungerford. The site lies within the settlement boundary of Hungerford in close proximity to the Town Centre. The site is currently a greenfield site with mature hedgerows and trees to the boundaries with particularly large trees on the boundary with the River Kennet. The canal path runs along the northern boundary adjacent to the site.
- 1.4 Access to the site would be from the east off Everland Road with a new access created to serve the parking and internal roads heading west across the site. To the north of the access road will be positioned 6 semi-detached two storey dwellings and one detached two storey dwelling. Private garden space will be to the north between the proposed dwellings and the boundary with the river and tow path.

2. Planning History

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

Application	Proposal	Decision / Date
21/01722/FULD	Construction of 3No new dwellings and associated works	Refused 12.05.2022.
22/03034/FUL	Three new dwellings and associated works (Re-submission of 21/01722/FULD)	Approved 17.08.2023
24/00981/FUL	S73 - Vary condition 2 (approved plans) of approved application 22/03034/FUL: Three new dwellings and associated works (Re-submission of 21/01722/FULD)	Approved 28/06/2026

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 the 14/01/2026 at the proposed access to the site, with a deadline for representations of 04/02/2026. A public notice was displayed in the Newbury Weekly News on 08/01/2026; with a deadline for representations of 22/01/2026. Notification letters were sent to neighbouring properties with an expiry of 19/01/2026.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	Yes	No	3.5
Affordable Housing	Yes	Yes	9
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	Yes	Yes	Heads of terms
Job Creation	No	No	

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

- 3.5 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments.
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted

Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

- 3.12 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The site does not contain any listed buildings. The closest listed buildings are to the west on Hungerford High Street but are not considered to be impacted.
- 3.13 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is within Hungerford's Conservation area and consideration will be given to the proposed developments impact on this designation in the subsequent report paragraphs.
- 3.14 **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.

Hungerford Town Council:	13/01/2026 - HTC objects to the application on the following grounds: The proposal is inconsistent with the Hungerford Neighbourhood Development Plan (NDP) and the proposed housing mix. The site lies within a conservation area and is adjacent to the canal; this design is not in keeping with the character of the canal conservation area. The current plans represent overdevelopment of the site. The development will significantly increase traffic, potentially two to three times the current level, due to the increased number of houses. Health and Safety concerns arise from increased traffic on a substandard, unadopted road that serves as a public footpath and includes a level crossing.
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	HTC requests that the Conservation Officer provide comments on whether the design and build are appropriate for the conservation area. HTC were reconsulted on the amended documents and noted the following comments: The proposal is inconsistent with, and not aligned with, the Hungerford Neighbourhood Development Plan (NDP), particularly in relation to the required housing mix set out in Policy HUNG01. The scheme represents an overdevelopment of the site. The original permission was for three properties, which was more appropriate to the character and capacity of the location. The current proposal effectively provides one two bedroom dwelling and six four-bedroom dwellings rather than the stated three-bedroom units, as bathrooms are proposed in the loft areas of the larger units so the loft rooms can very easily be used as main bedrooms. As a result we can see these being sold as four-bedroom properties resulting in further over-intensification of the site. Parking provision is a significant concern, partly because of the overdevelopment with 4 bedroom houses. Additionally several dwellings are located some distance from their allocated parking spaces, raising a strong likelihood that residents and visitors will park informally in non-designated areas. The currently unadopted public road operates as a shared surface and is used by very large commercial vehicles accessing an industrial unit, informally for parking by canal users and commuters, and by pedestrians accessing the canal via a public right of way. Any intensification of development will result in a substantial increase in traffic, likely more than doubling movements compared with the existing permission. Additionally the nearby level crossing is recognised as a higher-risk location. Any increase in traffic using the unadopted and substandard access road, without appropriate mitigation, would heighten the potential for conflict and accidents and would therefore adversely affect highway safety. There is a clear need for parking controls , such as double yellow lines, on the to-be-adopted existing public road to prevent indiscriminate parking, protect the condition of the road, and ensure that emergency vehicles can maintain access. The Highways Authority has referenced the potential adoption of the road; however, Hungerford Town Council (HTC) questions how this could be achieved given third-party ownership constraints. It is not feasible to adopt only part of a road where ownership is fragmented and it must be a requirement for any
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	development that any damage done in the course of construction would have to be reinstated in full. If the road cannot be adopted there is a real risk that it will be allowed to deteriorate, creating potential issues for emergency vehicles. It is our view that if it cannot be adopted no planning permission should be given. Should West Berkshire Council (WBC) be minded to approve the application, HTC requests a clear and unambiguous agreement on the long-term management of the access road if not adopted, and on the long-term management of any shared services such as SUDs. Given recent experience HTC requests that in respect of the road proposed to be built with the site, WBC formally approves the road specification and undertakes inspections during its construction to ensure it meets appropriate standards and to avoid any possibility of doubt at the completion of construction. The site lies within a Conservation Area in the North Wessex Downs National Landscape and is located adjacent to the canal, nearby marshland, and the Site of Special Scientific Interest (SSSI) at Harveys Meadow. Whilst acknowledging the opinion of the Conservation Officer, HTC disagrees with the conclusion and considers that the proposed design is not in keeping with the established character and sensitivity of the Conservation Area or the wider North Wessex Downs National Landscape
WBC Highways:	A planning application was approved in August 2023 for the proposals site (ref 22/03034/FUL) for the construction of 3 new dwellings. This application therefore proposes to increase the number of dwellings to seven. Cycling and Walking 1. There is no mention in the submitted PDA of provision for cycle parking. This is therefore required. 2. It is considered that the site is within a sustainable location, located close to Hungerford centre and Hungerford train station. 3. Pedestrian visibility splays need to be shown at the proposed site access to ensure pedestrians leaving the development can be seen by vehicles entering. Car Parking 4. Drawing C12556.PL.720 shows the provision of 17 parking spaces and 2 visitor spaces. The plan also shows the provision for 10 electric vehicle charge points. 5. This is considered acceptable. Vehicular Access

	6. The proposed site access is not in the same location as the previously approved access (application 22/03034/FUL). It is now located slightly further to the south of the proposal site. 7. A plan showing visibility splays at the site access is required. It is noted that vegetation is proposed either side of the site access which could restrict visibility. 8. As the access road will be serving more than 5 dwellings, it needs to be designed to an adoptable standard. Refuse and Servicing 9. The proposals plan shows the provision of bin storage to the south of the proposed site access, adjacent to the proposed electric gate. No swept path analysis has been provided for a refuse vehicle and this is therefore required. Summary of LHA Response: - 10. The following information is required before LHA consider the proposal acceptable: - - Provision of cycle parking needs to be shown on the proposals plan - Pedestrian visibility splays need to be shown at the proposed site access to ensure pedestrians leaving the development can be seen by vehicles entering. - Visibility splays for vehicles exiting the site must be shown on the proposals plan. - As the access road will be serving more than 5 dwellings, it needs to be designed to an adoptable standard. - Swept path analysis should be provided for a refuse vehicle". I would like to add that as has been mentioned above, the Local Highway Authority encourages all residential developers with accesses serving more than five houses to have the roads adopted using the Section 38 process of the Highways Act 1980. I can confirm that this Council does apply the Advanced Payment Code Under Section 220 of the Highways Act 1980, and it will be applied to all roads serving more than five houses within this site. The expected monies being paid to the Council, will be the equivalent of the cost of constructing the above roads within the site using the Councils rates. The LHA would be prepared to take legal means to recover these monies if required to do so. The monies obtained would cover the cost for the Council in needing to reconstruct adoptable assets, if required to do so, including by residents. Of course,
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	any Section 38 Agreement, does enable said monies to be returned upon adoption. We appreciate that this all sounds quite onerous, but this Council has had / is having ongoing significant difficulties with a handful of developments within the district, where for whatever reason, roads have not been offered for adoption. The sites concerned have taken a considerable amount of Council time and resources to resolve. There is also increased concern by local and national politicians of residents being asked to pay high management company charges for highway maintenance in addition to the council taxes that they already pay. Under the current waste contract, the Councils waste contractor Veolia cannot collect waste from the site unless the LHA confirms that the roads have been built to an acceptable and adoptable standard. It is therefore essential that the roads are built to an adoptable standard. There is also a further difficulty with this particular site being that Everland Road from the level crossing to the site is a private road. It is therefore considered that the road from the level crossing to the site should be made up to an adoptable standard to enable the public highway to be brought into and included within the site
WBC Conservation Officer:	Response dated 12/01/2026 The application concerns a plot of land situated just south of the Kennet and Avon Canal in Hungerford and just north of a large Tesco. The site lies within the eastern edge of the Hungerford Town Conservation Area. The conservation area is centred on the historic core of the town which is linear in form with the buildings set close to the thoroughfare. While there are very few medieval buildings remaining, the burgage plots they were set in is still the defining feature of the town properties. The town has expanded a lot beyond the conservation area and so the historic open fields that would have formed the towns edge have largely disappeared. The site, and a small number of other open areas to the north as well as the canal are the remaining edge of settlement open areas that define the historic settlement boundaries. While these are important for the historic interpretation of the settlement boundaries, they are not easily appreciable from within the conservation area nor do they offer much public amenity, with the exception of the canal. This application is to build 6 semi-detached houses and 1 detached house with associated access and landscaping. The site has had a previous consent granted for the construction of 3 detached houses (22/03034/FUL), this was varied and approved in 2024 (24/00981/FUL). The conservation officer

	had no objection to this proposal though a slight concern was raised about the possibility of future tree removal, but this mainly concerned the verdant nature of the site rather than the conservation area. The green buffer to the north of the site along the canal was highlighted as being important to the setting of the canal. This application will result in a much closer grouping of buildings within smaller plots and with greater amounts of hard standing. The existing canal boundary within the site is to be altered, and while the larger trees will remain along with the hedge, the proposed dwellings and their garden subdivision will be partially visible from the canal and tow path. While the canal experiences a variety of settings along its course, ranging from rural to urban and with a mixture of features representing residential, light industrial and canal infrastructure, the new dwellings and their gardens will represent a slight change. With the previous applications, the existing northern buffer was retained and it is recommended to retain this in order to preserve the existing setting of the canal. The design of the dwellings takes cues from the local 18th century grander buildings on the high street. The use red brick and slate is considered appropriate as are the brick quoins and stone course. The application includes some details of materials. The windows are proposed to be Upvc or similar. It should be noted that such a material is not considered appropriate for a conservation area location. It would also be preferable for the design of the ground floor doors to be more in keeping with the heritage style of the sash windows and the rest of the house rather than the proposed bi-fold. This and all other materials should be conditioned. The denser arrangement of the dwellings will not harm the significance of the conservation area. The change in setting to the canal is minor but if the boundary can be strengthened then this would be of benefit. If this application is approved then all proposed materials and architectural details should be secured through standard conditions. Amended Plans were submitted and the Conservation Officer raised no objections with the following comments I can confirm that the proposed amendments are acceptable and the changes to the ground floor doors and window material are welcome. There are no further objections.
WBC Archaeology Officer:	Thank you for the consultation on a proposed residential development on a plot in Hungerford. This follows on from previous approved proposals for a different layout of houses. Due to the site's location, some archaeological assessment was undertaken in 2022, but the field evaluation indicated low potential and concluded that there would not be an impact on any significant below ground features. A Heritage Impact Assessment was also previously

	provided, and a further document by the same contractor has been submitted with this current proposal, for six semi-detached houses and one detached house. This Heritage Statement considers that the development will not result in harm to heritage assets. I do not believe any further archaeological work is needed for this site. On an earlier site visit I noted the presence of an older brick building against the western boundary, as well as some mature trees. The brick building appears unaffected by the new layout. However, the new design of the houses may be a matter for Conservation advice.
WBC Ecology Officer:	No objections subject to condition. We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that the following conditions securing ecological avoidance and mitigation measures and the implementation of ecological enhancements are attached. Comment: deciduous woodland priority habitat the application site is designated partially as a deciduous woodland priority habitat on DEFRA's MAGIC map. Upon detailed review, I do not believe the application site constitutes this priority habitat given the site photographs provided, previous use of the land and the results from the ecological survey submitted alongside the application. Therefore, there is no impact to priority habitat.
WBC Lead Local Flood Authority:	Response dated 13/01/2026 Objection Insufficient Information. We note that the proposed drainage strategy utilises geocellular soakaways and permeable paving as means of discharge via infiltration. We accept that this is the highest means of discharge in relation to the SuDS hierarchy set out in policy documents. However, given the sensitivity of groundwater levels in this region we would require further information at this stage prior to ensure that site constraints do not preclude the use of infiltration as a discharge measure. - Please can the applicant provide the location of the infiltration testing. - Please can the applicant undertake long-term groundwater monitoring during the winter months (October March, inclusive) to determine the highest groundwater level. Given the high groundwater recorded in October, this aspect cannot be managed by a condition as it is likely that groundwater will rise during the further winter months. In addition to the above, we also have the following comments. - Water butts are not considered a form of rainwater harvesting. In accordance with the National Standards for SuDS, please can the applicant reassess and include appropriate rainwater harvestings measures.

	- It is noted that the proposed management of drainage features will be a joint responsibility of the property owners. We would therefore require a standalone Management and Maintenance Plan to be produced which provides clear instructions and appropriate manufacturer details and contact information to enable the property owners to undertake their responsibility. This can be managed by a condition set at a later date, - Please can the applicant confirm the owner of the existing surface water outfall pipe. Their approval will be required to make any changes to the alignment or composition of the drainage network. - The calculations provided would be considered insufficient as it is required that they demonstrate hydraulic connectivity between the drainage features particularly given the shallow nature of the pipework. Further information as provided to which the LLFA reviewed and raised no objections to this subject to a condition.
WBC Waste Management Officers:	Response dated 02/01/2026 There does not appear to be access for waste collection vehicles to the proposed new dwellings. Everland Road is a private road and no access is presumed. No new public roads are to be offered for adoption within the site. Please can waste collection arrangements be clarified? Wherever workable our waste collection contractor should not be expected to access private land, including private roads, shared drives, car parks etc. and any such requirements submitted would be reviewed in detail and alternative options sought. Our Highways Department will consult on the adoption of any new roads, however please note that that the need to access private land often results in issues that complicate waste collections, for example we cannot introduce/enforce parking restrictions to resolve access issues, possible insurance claims for damage to road surfaces or road surfaces not being maintained causing health and safety issues for collection crews.
WBC Housing Officer	No objections subject to commuted sum.
WBC Tree Officer:	Initially raised objections but with the submissions of amended documents raised no objections subject to conditions.
WBC Environmental Health Officer:	Noise The proposal site is close to a number of commercial and infrastructure noise sources that could adversely impact future occupants of the development. No noise impact assessment

	has been submitted to demonstrate that noise levels will be acceptable. Nearby noise sources include: • Tesco Superstore – deliveries, servicing, plant equipment • Hungerford Service Centre – MOT testing and vehicle repairs • Industrial units – operational noise, mechanical plant, HGVs and forklift trucks • Railway line and railway station – train movements and public address (tannoy) system • Sewage pumping station The proposed site layout positions the dwellings between the noise sources and the rear gardens, which may provide a degree of acoustic screening and help keep garden noise levels within recommended limits. However, no information has been provided on the predicted noise exposure of the dwellings themselves, nor any proposed mitigation measures such as acoustic glazing, ventilation strategy, or boundary treatments. There is insufficient information to confirm that adverse noise impacts on future residents can be avoided. I recommend refusal or deferral of the application until the applicant submits a noise impact assessment and details of any required noise mitigation measures. Contamination The site itself does not appear to have a potentially contaminative former use, however it is located adjacent to former contaminative land uses, including a former laundry to the south-west, and former works and a station goods yard to the east across the railway line. As the proposal is for a sensitive use (residential with gardens), a contaminated land assessment condition would be required. Environmental Health provided a further response once the NIA had been submitted Following the submission of the noise impact assessment. The assessment confirms the noise mitigation measures required to address noise impacts. The other conditions recommended in relation to contamination and construction in my previous response are still
Environments Agency:	No objections

Network Rail:	Network Rail has no objections in principle to the proposed development. LEVEL CROSSINGS As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, this stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.
The Canal and Rivers Trust:	The revised layout has increased the number of units and repositioned them within the site. This allows the retention of an area landscaping buffer and thus minimises the impact of the proposal when viewed from the canal corridor. Landscaping The retention of landscaping between the site and canal will ensure that no damage is caused to the canal bank as a result of moving vehicles during the construction phase. Suitable tree protection measures as shown should be installed prior to the construction phase to ensure that those trees shown as retained are not damaged, and in doing this the canal corridor will also be protected. Any newly planted hedging should be of native species. The new tree shown to be planted in the rear of plot 7 should be planted at least 5m from the canal bank to prevent damage to canal infrastructure and over hanging of the canal in the future, increasing maintenance operations. Further details of the proposal landscaping should be required by way of a suitably worded condition. The proposed estate fencing to the canal boundary appears to go through the existing hedgerow. This may be a graphical issue on the illustrative plan, but it would be helpful to understand the intention of this proposal and how the fencing will impact on the existing and proposed hedgerow. The existing vegetation on the northern boundary is fundamental to the screening of the site from the canal and towpath hedge row is retained and maintained.

	BNG The metric does not appear to consider watercourse habitat or provide a justification for its exclusion. Council Ecologist should consider whether this is appropriate . CEMP A Construction Ecological Management Plan should be submitted which consider the impact of the proposal on both the existing planting, protected species and the water environment. This can be dealt with by way of a suitably worded pre -commencement condition.
WBC Public Rights of Way (PROW)	No response within the 21-day consultation period.
WBC Economic Development Officer:	No response within the 21-day consultation period.
Kennet and Avon Canal Trust	No response within the 21-day consultation period.
North Wessex Downs AONB Board	No response within the 21-day consultation period.
Ramblers Association	No response within the 21-day consultation period.
Southern Electric PLC	No response within the 21-day consultation period.

Public representations

- 4.2 Representations have been received from 1 contributor, of which gave an ambivalent view only requesting that the site accesses in the area remain unhindered by the development and its construction.

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 • Policy SP1 The Spatial Strategy • Policy SP2 North Wessex Downs AONB • Policy SP3 Settlement Hierarchy • Policy SP5 Responding to Climate Change • 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 SP16 Affordable Housing • Policy SP19 Transport • Policy SP20 Infrastructure Requirements & Delivery Development Management Policies • Policy DM3 Health & Wellbeing • Policy DM4 Building Sustainable Homes & Businesses • Policy DM5 Environmental Nuisance & Pollution Control • Policy DM6 Water Quality • Policy DM7 Water Resources & Waste Water • Policy DM8 Air Quality • Policy DM9 Conservation Areas • Policy DM14 Assets of Archaeological Importance • Policy DM15 Trees, Woodland & Hedgerows • Policy DM30 Residential Amenity • Policy DM40 Public Open Space • Policy DM41 Digital Infrastructure • Policy DM42 Transport Infrastructure • Policy DM44 Parking • Policy DM45 Travel Planning
<u>Hungerford NDP (2025)</u>	HUNG1: Housing Mix HUNG2: Design and Character HUNG6: Key Walk/Cycle Routes

	HUNG9: Wellbeing and Safety through design HUNG10: Low Energy and Energy Efficient Design HUNG11: Wildlife-Friendly Development
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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

7. Principle of development

7.1 The overarching spatial strategy for West Berkshire will deliver the spatial vision and strategic objectives for the district over the plan period and inform the preparation of neighbourhood plans (NDPs). The strategy:

- a. Directs development to areas of lower environmental value.
- b. Optimises the use of previously developed land; and
- c. Optimises the density of development to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment.

7.2 The development approach will be based on three spatial areas:

- Newbury and Thatcham
- Eastern Area
- North Wessex Downs National Landscape

7.3 Policy SP2 relates to development in the North Wessex Downs National Landscape. It states that the North Wessex Downs National Landscape will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Development will be required to respond positively to the local context, conserving and enhancing local distinctiveness, sense of place and setting of the National Landscape.

7.4 New homes will be located in accordance with policy SP1: Spatial Strategy, policy SP3: Settlement hierarchy. Hungerford is identified as a settlement in the hierarchy and new development is directed to it. The site is currently a greenfield site but is surrounded by brownfield development and has previously been granted permission for 3 dwellings under permission 22/03034/FUL.

7.5 The proposed development would have a density of 14 dwellings per hectare. Policy SP1 would recommend that within other defined settlements such as Hungerford developments are expected to secure a net density of at least 30 dwellings. It goes on to note that developments on the edge of defined settlements are generally expected to secure a net density of 20 dwellings per hectare in the National Landscape.

7.6 The development achieving 14 dwellings per hectare would be below the policy's recommended densities outlined in SP1 but given the green field nature of the site with

the constraints of the river to the north, and established development surrounding it this density is considered appropriate having regard to the site's size and constraints.

- 7.7 It is notable that the Town Council has raised concerns that the proposal constitutes overdevelopment. The Case officer respectfully disagrees with this assessment as the development retains sufficient separation space between built form, sufficient parking and amenity space are provided for, and the development includes retention of the majority of the existing landscaping. The development therefore complies with the spatial design requirements as explained in the rest of this report and is not considered overdevelopment. It is also notable that the density is lower than that stated in policy.
- 7.8 Whilst the density of proposed housing does not comply with policy SP1, its lower density is considered acceptable due to the constrained nature of the site and number of designations it has. Whilst the site is a greenfield site it has had a previous permission granted on it and is within the settlement boundary of Hungerford. It benefits from good access to sustainable methods of transport and the town centre. As such the principle of the proposed dwellings are considered to accord with policies SP1, SP3, and SP12 in relation to the location of the proposed dwellings.

8. Housing Mix

- 8.1 Policy SP15 applies to proposals above the threshold of 10 dwellings. The proposed development therefore does not need to meet the housing mix table in the supporting text of SP15.
- 8.2 However, the Hungerford Neighbourhood Development Plan (herein referred to as NDP) includes policy HUNG1 which seeks to address the identified housing needs in Hungerford. Stating that developments of 5 dwellings or more should provide a mix of dwelling sizes (market and affordable) and types that reflect the requirements of the Hungerford Housing Needs Assessment 2019 or any successor document or other appropriate local evidence.
- 8.3 In determining any departure from the recommended housing mix, regard will be given to:
- a) any physical or site factors which limit the mix;
 - b) the location;
 - c) if there is clear evidence for the need for a particular type of housing, e.g. specialist older persons' housing such as bungalows;
 - d) site specific viability.
- 8.4 The NDP outlines that the mix of housing recommended for Hungerford should be

No. of bedrooms	Recommended split	Number of dwellings required by Policy (rounded to nearest whole dwelling)	Number of Dwellings put forwards
1	22.7%	1.5 (2)	0

2	15.8%	1.1 (1)	1
3	29.9%	2.09 (2)	6
4	22.1%	1.5 (2)	0
5+	9.5%	0.6 (0)*	0

*Requires to be rounded down due to the number of dwellings

- 8.5 The current proposal is for 6 semi-detached dwellings to be 3 bedrooms and the one detached dwelling to be two-bedrooms. The NDP would request that a greater spread of dwellings is proposed across 1–4-bedroom dwellings.
- 8.6 Whilst the case officer acknowledges the requirements of the NDP HUNG1 the spread of required dwellings would likely generate a street scene of very differently designed dwellings of difference sizes and scales if the policy was followed closely. Given the compact nature of the site this may be at odds with the Councils design policies. The applicant argues
- “The Hungerford Housing Needs Assessment 2019 states that the recommended housing mix should be applied flexibly, taking account of site-specific characteristics such as context, local character and market conditions. Given the small size of the site, the proposal delivers a tailored housing mix that responds appropriately to its setting.”*
- 8.7 The case officer notes the conflict with policy HUNG1 and lack of conflict with policy SP15 of the development. The lack of adherence to the housing mix to the NDP will need to be weighed in the planning balance.

9. Affordable Housing provision

- 9.1 **Policy SP16 relates to affordable housing and seeks** affordable homes from residential development. The Council's priority and starting expectation will be for affordable housing to be provided on-site.
- 9.2 The following levels of affordable housing provision will be required:
- a) On development sites of 10 dwellings or more (or 0.5 hectares or more), 30% provision on previously developed land and 40% on greenfield land; or
 - b) In areas designated as rural under Section 157(1) of the Housing Act 1985 **(87)** on development sites of between five and nine dwellings, 20% provision.
- 9.3 Hungerford is designated as rural under Section 157(1) of the Housing Act 1985**(87)** and as such 20% provision for affordable housing should be made. This equates to one dwelling on site.
- 9.4 The applicant has been in communication with both the Council's Housing Officer and a number of Registered providers (RPs). The outcome of these negotiations is that no RP has been identified that is willing to take on one dwelling on a small site. Preferring a large number of dwellings on larger sites for scales of economies and efficiencies. As a result of this it has been agreed by the Council's Housing Officer that a commuted sum can be paid in lieu of on-site provision. This will need to be calculated in accordance with the Council's SPG on planning obligations which has been shared

with the planning agent. At the time of writing this report this figure is still outstanding. The recommendation is subject to agreement of a S106 to secure this payment and includes delegated authority to officers to negotiate the final sum. Subject to a legal agreement to secure this commuted sum the development is considered to comply with SP16 of the development plan.

10. Character and appearance

- 10.1 Policy SP7 will require new development 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.
- 10.2 Policy SP8 relates to the Landscape Character of areas and is closely linked to SP7.** Landscape led development which conserves and enhances the diversity and local distinctiveness of the landscape character of the district will be supported.
- 10.3 The natural, cultural, and perceptual components of the character of the landscape will be considered as a whole. Particular regard will be given to:
- a. Its valued features and qualities;
 - b. The sensitivity and capacity of the area to change; and
 - c. Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 10.4 Development should be demonstrably informed by and respond positively to the evaluation of the distinctive landscape character areas set out in the West Berkshire Landscape Character Assessment (2019) and other relevant landscape character assessments.
- 10.5 Policy HUNG2 notes that development should demonstrate high quality design and layout which respects the local character of Hungerford parish.
- 10.6 In delivering high quality design, development proposals must demonstrate the appropriate use of building design, layout, materials and features. The policy outlines that an eclectic mix of styles, range of densities, house types (where appropriate) and plot layouts should be used. Building heights and rooflines should provide diversity of frontage, scale and form, with building heights that are not materially higher than the prevailing height of surrounding buildings.
- 10.7 The application concerns a plot of land situated just south of the Kennet and Avon Canal in Hungerford and just north of a large Tesco supermarket. The site lies within the eastern edge of the Hungerford Town Conservation Area.
- 10.8 The conservation area is centred on the historic core of the town which is linear in form with the buildings set close to the thoroughfare. While there are very few medieval buildings remaining, the burgage plots they were set in is still the defining feature of the town properties. The town has expanded a lot beyond the conservation area and so the historic open fields that would have formed the towns edge have largely disappeared. The site, and a small number of other open areas to the north as well as the canal are the remaining edge of settlement open areas that define the historic settlement boundaries. While these are important for the historic interpretation of the

settlement boundaries, they are not easily appreciable from within the conservation area nor do they offer much public amenity, with the exception of the canal.

- 10.9 This application is to build 6 semi-detached houses and 1 detached house with associated access and landscaping. The site has had a previous consent granted for the construction of 3 detached houses (22/03034/FUL), this was varied and approved in 2024 (24/00981/FUL). The Conservation Officer had no objection to this proposal though a slight concern was raised about the possibility of future tree removal, but this mainly concerned the verdant nature of the site rather than the conservation area. The green buffer to the north of the site along the canal was highlighted as being important to the setting of the canal.
- 10.10 This application will result in a much closer grouping of buildings within smaller plots and with greater amounts of hard standing. The existing canal boundary within the site is to be altered, and while the larger trees will remain along with the hedge, the proposed dwellings and their garden subdivision will be partially visible from the canal and tow path.
- 10.11 While the canal experiences a variety of settings along its course, ranging from rural to urban and with a mixture of features representing residential, light industrial and canal infrastructure, the new dwellings and their gardens will represent a slight change. As the previous application, the existing northern buffer is retained to preserve the existing setting of the canal.
- 10.12 The design of the dwellings takes cues from the local 18th century grander buildings on the high street. The use red brick and slate is considered appropriate as are the brick quoins and stone course. The application includes some details of materials. The dwellings are attractively designed and with surrounding built form being industrial in form they are considered to enhance the appearance of the area.
- 10.13 The conservation officer did raise concerns that the windows are proposed to be UPVC style or similar. It should be noted that such a material is not considered appropriate for a conservation area location. It would also be preferable for the design of the ground floor doors to be more in keeping with the heritage style of the sash windows and the rest of the house rather than the proposed bi-fold. Amended plans were submitted and the Conservation Officer confirmed that the proposed amendments are acceptable and the changes to the ground floor doors and window material are welcome.
- 10.14 The more dense arrangement of the dwellings will not harm the significance of the conservation area. The change in setting to the canal is minor but if the boundary can be strengthened then this would be of benefit. If this application is approved, then all proposed materials and architectural details should be secured through standard conditions.
- 10.15 Officers not consider that the proposed development would harm the Nationally Designated Landscape. The proposed development would be seen in the context of the established settlement of Hungerford and would not have a harmful impact on the wider setting of the NDL. The consideration by the Conservation officer above in regard to the lack of impact on the Conservation Area or the Canal contributes to the view that there is a lack of harm to the wider landscape.
- 10.16 The proposed development is considered to accord with policies SP7, SP8, SP9, and DM9 of the Development Plan.

11. Archaeology & Historic Environment

- 11.1 Due to the site's location, some archaeological assessment was undertaken in 2022, but the field evaluation indicated low potential and concluded that there would not be an impact on any significant below ground features. A Heritage Impact Assessment was also previously provided, and a further document by the same contractor has been submitted with this current proposal, for six semi-detached houses and one detached house. This Heritage Statement considers that the development will not result in harm to heritage assets.
- 11.2 The Archaeology officer does not believe any further archaeological work is needed for this site. On an earlier site visit they noted the presence of an older brick building against the western boundary, as well as some mature trees. The brick building appears unaffected by the new layout.

12. Amenity

Impact on neighbouring amenity

- 12.1 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.
- 12.2 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:
- Any significant loss of daylight and/or sunlight to land and buildings;
 - Any significant overlooking of land and buildings that results in a harmful loss of privacy;
 - Development resulting in an undue sense of enclosure, overbearing impact, or a harmful loss of outlook; and
 - Noise, dust, fumes and odours.
- 12.3 The site is located away from other residential development and is not considered to give rise to impacts on neighbouring amenity. The nearest residential neighbouring dwellings are to the west on Hungerford High Street. Given the separation distances the proposed development is not considered to detrimentally impact the amenity of these dwellings.
- 12.4 The residential development proposed here is not considered to have a harmful impact on the commercial properties to the south and east of the development site.
- 12.5 It is considered to accord with DM30 in regard to neighbouring amenity.

On-site Amenity for Future Occupiers

- 12.6 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.
- 12.7 The proposed dwellings are well designed with all internal space being of an adequate size and natural light to all habitable rooms is provided.
- 12.8 The length of the rear gardens is noted on the block plans as around 14 to 17 meters in length. The garden sizes are noted to exceed the SPD Quality design guidance requirement of 100 sqm. The smallest garden size is approx. 140 sqm at plot 5. The other plots are all larger. The size, layout and verdant nature of the gardens all create useable attractive areas for outdoor amenity for future occupants. No windows are within 21 meters of opposing habitable windows.
- 12.9 Concern was raised for the internal amenity for future occupiers in regard to noise levels generated from uses in the area. The area is subject to a car garage, railway and Supermarket in the area. A Noise impact assessment was carried out and the agent's covering letter notes that:
- "The ambient noise climate is found to be relatively modest. Under a Stage 1 ProPG assessment, daytime conditions are deemed to be a Low Risk, and nighttime conditions a Medium Risk. The outcome of this work is that individual purge fan is specified in the bedrooms of plot 5 to 7 to overcome the possibility of a small element of nighttime disturbance from rail traffic noise."*
- 12.10 This NIA has been reviewed by the Environmental Health Officer who raises no objection to the development subject to a condition requiring the implementation of noise mitigation measures prior to the occupation of the relevant plots.
- 12.11 The proposed development, subject to conditions is considered to give an acceptable level of amenity to future occupiers and accords with DM30.

13. Highways

- 13.1 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Vehicular parking requires that following construction 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.
- 13.2 A planning application was approved in August 2023 for the proposals site (ref 22/03034/FUL) for the construction of 3 new dwellings. This application therefore proposes to increase the number of dwellings to seven. It is considered that the site is within a sustainable location, located close to Hungerford centre and Hungerford train station.

Car and Cycle Parking

- 13.3 Drawing C12556.PL.720 shows the provision of 17 parking spaces and 2 visitor spaces. The plan also shows the provision for 10 electric vehicle charge points. This is considered acceptable. Cycle parking by way of the provision of storage in the garden has been shown on the site plan and can be secured by planning condition.

Access

- 13.4 The proposed site access is not in the same location as the previously approved access (application 22/03034/FUL). It is now located slightly further to the south of the proposal site.
- 13.5 A plan showing visibility splays at the site access is required alongside pedestrian visibility splays. Highways officers requested it be shown that at the proposed site access pedestrians leaving the development can be seen by vehicles entering. It is noted that vegetation is proposed either side of the site access which could restrict visibility. As the access road will be serving more than 5 dwellings, it needs to be designed to an adoptable standard.
- 13.6 As part of amended documents relating to Highways the access visibility was shown to the satisfaction of the Highways officers who recommended a condition the development be constructed in accordance with this submission.

Adoption

- 13.7 The Local Highway Authority encourages all residential developers with accesses serving more than five houses to have the roads adopted using the Section 38 process of the Highways Act 1980. This proposal is for six dwellings, so this should meet that threshold.
- 13.8 However, in this case, this is difficult to achieve as the site is not connected to any existing public highway. Everland Road fronting the site is a private road that is privately maintained. The nearest public highway is Station Road to the south of the nearby level crossing.
- 13.9 While the applicants have rights of access over Everland Road, neither the applicants nor the Local Highway Authority have control over it as it is owned and maintained by a third party.
- 13.10 Public Right of Way Hungerford 1 passes along Everland Road. The Countryside and Rights of Way (CROW) Act 2000 ensures that the owners of Everland Road maintain the road to a level that is usable by users of the PROW, which from observations on site, the generally seem to do so
- 13.11 It is understood that a private management company will maintain the access road within the site, which will be constructed to at least an adoptable standard to serve the residents. Highways officers can confirm that this Council does apply the Advanced Payment Code Under Section 220 of the Highways Act 1980, and it will be applied to all roads serving more than five houses within this site. The expected monies being paid to the Council will be the equivalent of the cost of constructing the above roads within the site using the Council's rates. The LHA would be prepared to take legal means to recover these monies if ever required to do so. For instance, if any private management company fails to maintain the roads within the site. The monies obtained would cover the cost for the Council in needing to reconstruct the access road, if required to do so, including by residents. Highway officers have no concerns regarding traffic levels. The consented development was already approved with three dwellings, and it is considered that an additional three dwellings will not make sufficient difference to sustain an objection on traffic grounds.

Refuse and Servicing

- 13.12 The proposed plan shows the provision of bin storage to the south of the proposed site access; this is adjacent to the proposed electric gate. Swept path analysis has been provided in the amended documents showing a refuse vehicle can access the site to collect from this location.
- 13.13 The Council cannot collect waste from the site unless the LHA confirms that the roads have been built to an acceptable and adoptable standard. It is therefore essential that the roads are built to an adoptable standard.
- 13.14 There is also a further difficulty with this particular site being that Everland Road from the level crossing to the site is a private road. It is therefore considered that the road from the level crossing to the site should also be to an adoptable standard to enable the public highway to be brought into from across the railway.
- 13.15 It is indicated in the submitted covering letter that the proposed new road and access within the development site will be built to adoptable standards in terms of dimensions and construction quality but will not be provided with adoptable standard street lighting. The applicant outlines that this is partly because it is an excessive cost for a private road, but it would also have adverse implications on the ecological and historic environment. The applicant has indicated that a management company would maintain the road and parking areas along with landscape and other common areas of open space.
- 13.16 This creates an issue for the Council's Waste Management team who have confirmed that waste collections cannot be provided by the Council without confirmation that all roads are/will be built to adoptable standards and that these roads, along with vehicle access, will be suitably maintained in perpetuity. This is to avoid such issues as not being able to enforce parking restrictions to resolve collection vehicle access issues and road surfaces not being suitably maintained causing health and safety issues for collection crews or damage to collection vehicles. The Waste Team therefore requested either adoption, or written confirmation that Everland Road is built to adoptable standards. This is so that the Council's refuse teams can collect waste from the site. However, this is not possible due to Everland Road being in-situ, being used, and not owned by the applicant. Alternatively, the Waste Management team considered the use of a waste collection point outside of the site, however a feasible location could not be identified. Given this the remaining solution is to secure private waste collections via a legal agreement. It would be for the site occupants or management company to arrange collection of waste from the site.
- 13.17 The applicant has confirmed they have a right to use Everland Road for access purposes and the legal documentation relating to this can be made available on a confidential basis to the Council if required. However, as the applicant does not own Everland Road and the title is not registered with HM Land Registry it cannot therefore be offered for adoption.
- 13.18 This is not the optimum outcome due to future occupiers having to contribute to waste services through their Council Tax bill but not benefitting from Council provided collections and having to pay for their own waste collection. However, in the case officers view a reason for refusal on the basis that the Council cannot collect waste from the site would not be defensible at appeal. Firstly, there is the solution via private waste collections to remedy the issue of waste collections from the site. Secondly, it is a matter beyond the scope of planning legislation that the Council's Waste Policy does not permit movement across private land without the prerequisite confirmation. Furthermore, the previous decision to grant planning permission for three dwellings did not raise this as an issue, and the waste collection route across Everland Road would

still be a barrier to the Council collecting the waste. As such it is the view of officers that a S106 securing private waste collection can remedy this waste objection to the satisfaction of planning requirements.

14. Flood Risk and Sustainable Drainage

Flood Risk

- 14.1 Policy SP6 requires site specific flood risk assessments for development proposals in Flood Zones 2 and 3, sites of 1 ha or more in size, and within areas of flood risk from fluvial, groundwater or surface water. Furthermore, in order to restrict or reduce runoff, the policy states that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 14.2 The site is within flood zone 1 which has the lowest probability of flooding. Some of the site has a surface water flood risk constraint but this falls within the area to the rear of the proposed dwellings in the garden. A flood risk assessment was submitted as part of this application which is considered to comply with SP6 in this regard.
- 14.3 The flooding sequential test is not applicable to this application in flood zone 1.

Sustainable Drainage Measures

- 14.4 According to Policy SP6, in order to restrict or reduce runoff, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with the SuDS Supplementary Planning Document, best practice, and the Non-statutory Technical Standards for Sustainable Drainage. The surface water strategy has been reviewed and considered by the LLFA. This policy is amplified by Policy DM7 which seeks to ensure a comprehensive and integrated approach to the conservation and management of water resources and ensure that development do not overload available facilities and create or exacerbate problems of flooding or pollution.
- 14.5 The Drainage officers initially raised concerns with the submitted drainage proposals as it utilises geo-cellular soakaways and permeable paving as means of discharge via infiltration. Drainage officers accept that this is the highest means of discharge in relation to the SuDS hierarchy set out in policy documents. Their concern was that given the sensitivity of groundwater levels in this region they would require further information at this stage prior to ensure that site constraints do not preclude the use of infiltration as a discharge measure.
- 14.6 The Drainage proposals were updated to include updated trial pit infiltration testing. The calculations were included and reviewed by the drainage officers. They raised no further objections subject to a condition.
- 14.7 The proposed development therefore complies with SP6 of the development plan.

15. Trees and Ecology

Trees

- 15.1 The proposed development has been reviewed by the tree officer, and the application is accompanied by an Arboricultural Impact Assessment (AIA) and the Tree

Retention/Removal Plan. Initially the Tree Officer raised objections to the application due to what appeared to be the loss of trees covered in different submitted document.

15.2 In response to this concern the Arboricultural Impact Assessment has been updated. This reports notes that nine trees in total are to be removed. Consisting of the following

- Two are Category U (not expected to be able to be retained for more than 10years).
- One Category C, an unremarkable tree of little merit.
- Five Category B. These are small trees and are generally located on the southern and western periphery of the site and obscured from sight by the boundary hedges and the larger retained trees when viewed from a public perspective from the east (Everland Road) and the north (the canal towpath).
- A single Category A tree (T21) is to be removed to facilitate the proposed development. The tree is centrally placed, has medium amenity value and its removal will have a corresponding impact. Due to the trees location on site, they are of low amenity value and their removal will have a low impact on the site as a whole.

15.3 The AIA notes that the development impacts on retained trees are generally low (with the exception of T23) and the tree officer agrees with the AIA that protection and any negative impacts posed by the development can be mitigated by planning condition requiring landscaping of the proposed dwellings. The tree officer confirms they have no objection to the application subject to a condition.

Ecology

15.4 The Ecology team have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, they advise that conditions securing ecological avoidance and mitigation measures and the implementation of ecological enhancements are attached.

15.5 They do comment that the application site is designated partially as a deciduous woodland priority habitat on DEFRA's MAGIC map. Upon detailed review, the Council's ecologist does not believe the application site constitutes this priority habitat given the site photographs provided, previous use of the land and the results from the ecological survey submitted alongside the application. Therefore, there is no impact to priority habitat. Subject to conditions securing biodiversity net gains, enhancements and protection during construction the proposed development is not considered to negatively impact the ecology of the site.

16. Responding to Climate Change

16.1 Policy SP5 requires the principles of climate change mitigation and adaptation to be embedded into new development, improving the resilience of land, buildings and existing and future communities to the opportunities and impacts arising from climate change. All development should contribute to West Berkshire becoming and staying carbon neutral by 2030.

- 16.2 Policy HUNG10 of the NDP outlines that proposals must demonstrate how the design of buildings and site layouts minimise consumption of energy, water, minerals, materials and other natural resources in order to minimise carbon emissions.
- 16.3 Wherever possible, new buildings shall be orientated to maximise the opportunities for natural lighting, heating and ventilation; and reducing exposure to wind and other elements;
- 16.4 Policy DM4 relates to Building Sustainable Homes and Businesses. It stipulates that new development of one or more new dwellings (C3 or C4 use class) should achieve net zero operational carbon emissions (regulated and unregulated energy) by implementing the energy hierarchy.
- 16.5 Proposals should demonstrate the application of the energy hierarchy through submission of an Energy Statement or a detailed energy section within the Sustainability Statement in accordance with policy SP5. This should identify how the policies standards of construction are achieved to the greatest extent feasible and viable.
- 16.6 Residential Development should meet the following minimum construction standards related to a semi-detached dwelling
- Achieve 63% reduction in carbon emissions achieved by on-site measures, as compared to the baseline emission rate set by Building Regulations Part L 2021 (SAP 10.2). These regulated carbon emission targets are to be achieved before the addition of on-site renewable electricity generation (which should subsequently be considered in section 3 of this policy); and
 - Equal to or less than the following targets, using the Building Regulations Part L SAP Fabric Energy Efficiency (FEE) metric:

End terrace: 32.9 kWh/m²/year FEE (i.e. semi-detached)
Detached: 43.6 kWh/m²/year FEE
- 16.7 The application is accompanied by separate Energy Statements for each plot and the associated SAP calculations supplied by the planning agents.
- 16.8 In regard to DM4's target reduction in carbon emissions of 63% the proposed development reduces energy demand through improvements to the fabric of the building and enhanced thermal bridging details covered in the report. The development proposes to utilise air source heat pumps alongside 18kWp of PV panels located on the roof areas. These aspects align with the policy goals of HUNG10.
- 16.9 The development achieves the policies 63% percentage reduction in carbon emissions achieved by on-site measures, as compared to the baseline emission rate set by Building Regulations Part L 2021 (SAP 10.2). The report outlines that there is a 68.99% reduction in CO₂ emissions over the baseline of a building's regulations Part L 2021 dwelling.
- 16.10 The submitted report goes on to outline that through the use of PV panels a further reduction of 14% in CO₂ emissions can be achieved. Taking the overall reduction of CO₂ emissions to 83.50% better than a dwelling built to the current building regulations specification.
- 16.11 Whilst this reduction is welcomed policy DM4 seeks development to go further and be zero carbon. However, it outlines where this is not possible a contribution can be put forwards to offset the remaining carbon emissions. This contribution would then go towards projects related to achieving net zero/reductions in carbon emissions. The

submitted report outlines that a carbon offsetting payment has been calculated at £2,327.26 and this can be secured by planning obligation.

- 16.12 Given the details covered in this report and secured the aforementioned offsetting sum the development is considered to meet the aims of SP5, DM4 and HUNG10 of the development plan.

17. Other matters

Water Efficiency

- 17.1 Policy DM7 requires development to minimise water use by incorporating appropriate water efficiency and water recycling measures. It further requires new residential development, including replacement dwellings, to meet the Building Regulations optional higher water efficiency standard. Water efficiency measures could be secured via condition.

Digital Infrastructure

- 17.2 According to DM41, the Council will expect all new residential and employment generating premises commercial premises to be served by high-speed reliable gigabit-capable broadband, wherever possible in the form of fibre to the premises (FTTP), or any new or alternative technologies that may come forward during the lifetime of the Local Plan. Where it is not currently viable to deliver FTTP broadband, the fastest viable alternative connection should be provided, together with adequate ducting to allow FTTP connections to be made easily at a later date, without the additional costs of retrofitting. This can be secured by planning condition.

Health Impacts

- 17.3 The development is not a major development in terms of the DMPO's definition and given its modest number of dwellings is not considered to have a significant impact on health and wellbeing of the local population by the case officer. A health impact assessment is therefore not required in accordance with DM3. Any impacts arising from the proposed development will likely be resolved through the payment of community infrastructure levy (CIL).

Public Open Space

- 17.4 Policy DM40 applies to proposals above the threshold of 10 dwellings. The proposed development therefore does not need to provide space or a contribution to open space.

18. Planning Balance and Conclusion

- 18.1 The development conflicts with Policy HUNG1 in regard to the housing mix put forwards. The policy does seek to address the housing needs of Hungerford with a greater mix. The proposed development does propose a mix of dwelling types, albeit just 2- & 3-bedroom dwellings. The relatively small nature of the development site and non-major nature of the application would contribute to the difficulty in not being able to meet such a wide spread of mix of dwelling as requested by HUNG1. The case officer gives this conflict some negative weight in the planning balance. The weight is

reduced by the size of the proposal, the spread required to meet the policy, and the lack of demonstrable harm from not meeting this policy.

- 18.2 The proposed development attracts significant positive weight in the planning balance regarding the provision of additional housing in a suitable location. The design is high quality with appropriately sized parking spaces, amenity areas and separation distances. The proposed development adheres to the Council's policies in regard to contributing a commuted sum to affordable housing, attracting great weight in the planning balance.
- 18.3 The proposed dwellings, whilst not fully being zero carbon compensate for the shortfall with an off-setting fee. The development does not impact Trees or the ecology of the site and does not harm the wider nationally designated landscape. All these positive design features attract positive weight in the planning balance.
- 18.4 Whilst there is concern in regard to the lack of access for the Council to collect Waste from the site it is considered this harm can be overcome to an extent with the requirement for private waste collections to be arranged from the site. This would attract some negative weight in the planning balance.
- 18.5 Overall, the minimal harm arising from the housing mix and the requirement for private waste collection are outweighed by the significant weight attributed to the delivery of high-quality designed dwellings in a sustainable location with a contribution to affordable housing.
- 18.6 The proposed development is therefore recommended for APPROVAL subject to conditions and legal agreement.

19. Full Recommendation

- 19.1 PROVIDED THAT a Section 106 Agreement has been completed by within 6 months of the date of this planning committee (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions and heads of terms listed below. Additionally any minor further changes required.
- 19.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 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).
2	Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: - Location Plan. Dwg. No. C12556.PL.001. Received 3rd December 2025. - Proposed Site Plan Dwg. No. C12556.PL.050 Rev B received 21st April 2026

	- Proposed Contextual Plan Dwg. No.C12556.PL.060 Rev B received 21st April 2026 - Proposed Contextual Plan Roof Dwg. No. C12556.PL.061 Rev B received 21st April 2026 - Proposed Plans – Semi-detached Dwg. No.C12556.PL.100 Rev A received 21st April 2026 - Proposed Elevations – Semi-detached Dwg. No.C12556.PL.200 Rev A received 21st April 2026 - Proposed Plans & Elevations – Gate House. Dwg No. C12556.PL110 Rev A received 21st April 2026 - Proposed Site Section A-A Dwg. No.C12556.PL.300 received 21st April 2026 - Parking Allocation and EV Location Plan Dwg. No. C12556.PL.720 received 21st April 2026 - Ecological Management Plan Dwg. No. C12556.PL.730 received 21st April 2026 - Tree Retention and Removal Plan Dwg. No.NGTRRP 190925 Rev C received 21st April 2026 - Environmental Noise Assessment received 21st April 2026 - Energy & Sustainability Statement received 21st April 2026 Reason: For the avoidance of doubt and in the interest of proper planning.
3	Schedule of materials No works above foundation level of the dwellings hereby approved shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details. 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).
4	Architectural details No works above foundation level of the dwellings hereby approved shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority: - window/door arches, lintels, reveals and surrounds - eaves and fascia - parapets, cornices and pediments - brick detailing and decorative features Thereafter the development shall incorporate and be undertaken in accordance with the approved details. Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.
5	Hard landscaping The dwellings hereby permitted shall not 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. Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8 and SP10 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.
6	Soft landscaping The dwellings hereby permitted shall not 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. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations or first occupation of the new dwellings (whichever occurs first). 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. Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8 and SP10 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.
7	Arboricultural Method Statement The Arboricultural Method Statement and tree protection measures within the amended report shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies SP10, SP11 and DM15 of the West Berkshire Local Plan Review 2023-2041.
8	Electric Charging Point No dwelling shall be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the 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 electric cars. 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.

9	Construction method statement No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for: (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities (f) Measures to control the emission of dust and dirt during construction (g) A scheme for recycling/disposing of waste resulting from demolition and construction works (h) A site set-up plan during the works 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 Policy DM42 of the West Berkshire Local Plan Review 2023 – 2041. A pre-condition is necessary because sufficiently detailed information does not accompany the application. These measures will be required to be in place prior to works commencing on any part of the development may and so it is necessary to approve these details before any development takes place.
10	Hours of Construction Works No construction works shall take place outside the following hours: 0730 hours to 1800 hours Mondays to Fridays. 0830 hours to 1300 hours Saturdays; and No work shall be carried out at any time on Sundays or Bank Holidays 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.
11	Road construction No development shall take place until details of road construction have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until associated road construction has been constructed in accordance with the approved drawings. The road construction shall comply with the Local Highway Authority standards and shall thereafter be maintained by appropriate legal agreements when required. Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041. A pre-condition is necessary because sufficiently detailed information does not accompany the application. These measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

12	Parking/turning in accord with plans No dwelling shall be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times. Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policy DM44 of the West Berkshire Local Plan Review 2023 – 2041.
13	Cycle and motorcycle parking (prior approval before occupation) No dwelling shall be first occupied until cycle and motorcycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times. Reason: To ensure the adequate provision of cycle and motorcycle parking facilities. This condition is applied in accordance with the National Planning Policy Framework, Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041, the Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).
14	Lighting design strategy for light sensitive biodiversity Prior to occupation, a lighting design strategy for biodiversity for the residential development shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.
15	Construction Environmental Management Plan No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

	(a) Risk assessment of potentially damaging construction activities. (b) Identification of biodiversity protection zones. Including suitable protective barrier shall be provided to prevent damage to the canal side landscape buffer, the habitats of protected species and the pollution of the canal during the construction phase. (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). (d) The location and timing of sensitive works to avoid harm to biodiversity features. (e) The times during construction when specialist ecologists need to be present on site to oversee works. (f) Responsible persons and lines of communication. (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. (h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason: The application is in immediate proximity to the Kennet and Avon canal, which adjoins the River Kennet Site of Special Scientific Interest further downstream. To avoid harm to protected species during demolition/construction and preparatory operations. This condition is applied in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.
16	Biodiversity measures No dwelling shall be occupied until the following measures have been undertaken/constructed - Installation of three bat boxes (Schwegler 1F or similar) are installed on the site boundary, - Installation of one integrated bat box, such as the Vivara Pro UK Build-in Woodstone bat box or equivalent into each of the seven new dwellings - Installation of three nest boxes on the site, - Installation of House martin facades are to be installed on three new houses - The installation of 1 x owl box on the boundary tree The installation should be in accordance with details provided in the Land at Everland Road, Hungerford, Ecology report - revision 2 (December 2025, Turnstone Ecology). The measures shall be retained and maintained thereafter. Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.
17	Biodiversity Gain Condition No development, demolition, earth moving shall take place until a Biodiversity Gain Plan has been submitted to and approved by the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Metric dated 28th November 2025 prepared by Turnstone Ecology and technical note: land at Everland road, Hungerford, Ecology report (Turnstone Ecology, December 2025), and shall include:

	i. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; ii. the pre-development biodiversity value of the onsite habitat; iii. the post-development biodiversity value of the onsite habitat; iv. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development; v. any biodiversity credits purchased for the development. The approved Biodiversity Gain Plan shall be implemented in accordance with the approved details. Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990. A pre-commencement condition is required because the habitat and management arrangements need to be determined before existing habitats are affected.
18	Habitat Creation Management and Monitoring Plan (HCMMP) Prior to the commencement of the development the HMMP shall be submitted to, and be approved in writing by, the local planning authority. The HMMP shall include: i. Summary of Habitat Proposal and Plans providing the biodiversity baseline assessment against Habitat Creation Management and Monitoring Plan (HCMMP) ii. Site Context Photos iii. Retention and Protection Measures Map iv. Management plan aims and objectives; v. Design Principles Informed by Baseline Information vi. a programme detailing the long-term phases of the management the number of years to achieve and then maintain the BNG targets; vii. Habitat targets. Habitat creation, enhancement condition management targets and prescriptions. viii. Habitat Creation, Enhancement and Management Risk Register and Remedial Measures ix. A monitoring strategy and schedule to inform decisions about management, whether assessing progress towards the BNG targets is on track and whether changes to management are required to achieve the targets to include methods and intervals of reporting and adaptive management. x. If management is not delivering the biodiversity outcomes or is deemed unlikely to (on the basis of trajectory of change in condition and known time to target condition), changes in the management regime shall be agreed in writing and implemented to deliver a successful outcome. xi. Evidence of legal, financial, governance and practical arrangements for the long-term delivery and management of BNG measures. The approved HCMMP will be implemented in accordance with the approved details.

	Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990. A pre commencement condition is required because the habitat and management arrangements need to be determined before existing habitats are affected.
19	Sustainable Drainage Scheme No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall: - Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with paragraph 182 of the NPPF, the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document (2018) with particular emphasis on Green SuDS and water re-use and the approved documents. - Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site. Exceedance routes should be provided on plans with level information showing the path of water noting any potential issues and mitigation measures used to control overland flow. - Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information must be provided. - Include a detailed drainage strategy for surface water run-off within the site in accordance with submitted information. - Include run-off calculations based on current rainfall data models, discharge rates. And infiltration and storage capacity calculations for the proposed SuDS measures (as applicable) based on a 1 in 100-year storm +40% for climate change. - Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development. - Include written confirmation from Thames Water of their acceptance of the proposed scheme in relation to the existing sewer crossing the site. - Include written confirmation from owner of the surface water sewer of their acceptance of the proposed scheme in relation to the diversion of the sewer. Details of how the outfall will be maintained during the construction phase should also be provided. - We note that the proposed cellular storage crosses over property boundaries. We would request the applicant reviews this at the detailed design stage in accordance with the maintenance requirements and the complexities that may be encountered by a single soakaway straddling multiple plot boundaries. Therefore, include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises. If any element of the SuDS design is to be adopted by the local authority whole life costing information relevant to all SuDS must be provided. The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance

	with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter. 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, National Standards for SuDS, Policy SP6 of the Adopted Local Plan (2023-2041) A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.
20	Sustainability and Building Construction Measures The development hereby permitted shall incorporate the sustainability measures set out in the submitted document Energy & Sustainability Statement reference PR13088. No dwelling shall be occupied until all sustainability measures have been provided in full accordance with these approved details. Reason: To secure the sustainability measures that the development is contributing to the district's response to climate change in accordance with Policy SP5 and DM4 of the West Berkshire Local Plan Review 2023-2041.
21	Noise Mitigation Measures The development hereby approved shall not be occupied until the noise mitigation measures as set out in the submitted document reference Environmental noise assessment, 23rd March 2026, Ref: M6025, submitted with the application, are implemented in full. The noise mitigation measures shall be retained and maintained thereafter Reason: To protect future occupiers of the development from excessive noise levels from the nearby railway and commercial properties, to ensure a good standard of amenity. The approval of this information is required before occupation because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.
22	Site Characterisation Contamination Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on the affected part of the site until condition 4 has been complied with. An investigation and risk assessment must be completed in accordance with an approved scheme to assess the nature and extent of any contamination on the site. The investigation must be undertaken by competent persons and a written report submitted for approval. The report must include: (i) a survey of the extent, scale and nature of contamination

	(ii) an assessment of risks to: • human health • property (existing or proposed), including buildings, crops, livestock, pets, woodland, service lines and pipes • adjoining land • groundwaters and surface waters • ecological systems • archaeological sites and ancient monuments (iii) appraisal of remedial options and identification of the preferred option(s) The investigation must be carried out in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11). 1.Submission of Remediation Scheme A detailed remediation scheme must be prepared to make the site suitable for the intended use. This must include remediation objectives, criteria, works required, timetable, and site management procedures. The scheme must be approved in writing by the Local Planning Authority and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990. 2.Implementation of Approved Remediation Scheme The approved remediation scheme must be fully implemented prior to the commencement of development (other than remediation works). The Local Planning Authority must be notified in writing at least two weeks before remediation works start. Following completion, a verification report demonstrating the effectiveness of remediation must be submitted for approval. 3.Reporting of Unexpected Contamination If unexpected contamination is found during development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is required, a remediation scheme submitted for approval. A verification report must be submitted following completion of any remediation works. 4.Long-Term Monitoring and Maintenance (if required) A monitoring and maintenance scheme must be prepared to assess the long-term effectiveness of remediation. Reports demonstrating performance against objectives must be submitted to the Local Planning Authority. This must be carried out in accordance with CLR 11. Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours or other off-site receptors. This condition is applied in accordance with the National Planning Policy Framework.
23	Unexpected contamination If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership

	of a relevant professional organisation) and conducted in accordance with current best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA. Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with the National Planning Policy Framework.
24	Maximum water consumption All new residential developments shall meet the Building Regulations optional higher water efficiency standard of 110 litres per person per day, using the 'Fittings Approach' as set out in table 2.2 of the Building Regulations part G2. No dwelling hereby permitted shall be occupied until this standard has been achieved for that dwelling. This standard shall be complied with for that dwelling and retained in perpetuity thereafter. Reason: To ensure development is designed to be water efficient and reduce water consumption in accordance with the National Planning Policy Framework and Policy DM7 of the West Berkshire Local Plan 2023-2041.
25	Digital Infrastructure No development above slab level shall take place until a digital infrastructure strategy statement has been submitted to and approved in writing by the Local Planning authority. Such a statement shall set out how the development hereby approved will be served by high-speed reliable gigabit-capable broadband, wherever possible in the form of fibre to the premises (FTTP), or any new or alternative technologies that may come forward Where the document describes how it is not currently viable to deliver FTTP broadband, the fastest viable alternative connection should be provided, together with adequate ducting to allow FTTP connections to be made easily at a later date, without the additional costs of retrofitting. Thereafter the development shall not be occupied until the submitted details have been provided in accordance with the approved details. Reason: To ensure that the site is provided with high-speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the National Planning Policy Framework and policy DM41 of the West Berkshire Local Plan 2023-2041.

Heads of Terms for Section 106 Agreement

1	Affordable housing Commuted Sum The proposed development requires a 20% contribution to affordable housing which is the equivalent to one dwelling on the site. It has been established that a Registered provider (RP) will not take on one dwelling on an individual small site. It is therefore agreed a commuted sum will be paid in lieu of on-site provision of
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	affordable housing. This is to be secured by legal agreement, and delegated authority is given to officers to negotiate the final sum.
2	Carbon Off setting The dwellings proposed as part of this application do not meet the required 100% reduction in co2 reduction target of DM4. The total residual emission needs to be offset through a contribution calculated through the carbon contribution calculator. The submitted Energy report documents have calculated the contribution to offset the remaining carbon emissions to be £2,327.26. The planning obligation should secure payment of this fee prior to the first occupation of the dwellings hereby approved or by an agreed timescale to be negotiated.
3	Private Waste Collections & Site Management The legal agreement shall require the setting up of a management company to manage and maintain the site including areas of landscaping and roads. This management company will also be responsible for submitting a waste management scheme to the Council for agreement. This scheme will include details of private waste collections from the site, including appropriate provision for food waste, waste and recycling collection. This scheme shall be submitted to and approved in writing by the Council, such approval not to be unreasonably withheld or delayed. The agreement shall include the provision not to carry out the Development otherwise than in accordance with the approved Waste Management Scheme (as may be amended from time to time with the written approval of the Council). The agreement shall include the provision not to Occupy (or permit the Occupation of) any Dwelling unless and until the Waste Management Company has been established in accordance with the approved Waste Management Scheme. Amongst other requirements in consultation with the Councils Waste Officers.
4	Council's Costs To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement or Unilateral Undertaking through an administration fee.

Refusal Reasons

1	Planning obligation – Affordable Housing The application has failed to provide an appropriate planning obligation with respect to providing a contribution towards affordable housing. The proposed development requires a 20% contribution to affordable housing which is the equivalent to one dwelling on the site. The proposed development therefore fails to comply with policy SP16 and the National Planning Policy Framework in regard to provision of affordable housing.
2	Planning obligation – Zero Carbon Homes The application has failed to provide an appropriate planning obligation with respect to providing a contribution towards making the proposed dwellings zero carbon homes in accordance with DM4. The total residual Emissions from regulated and unregulated sources has not been offset through a contribution calculated through the carbon contribution calculator.
3	Planning Obligation – Lack of Waste Infrastructure Provision

	The application has failed to provide an appropriate planning obligation to enable waste collections from the site. The site is accessed via an unadopted section of road to which the Councils Waste collections vehicles cannot traverse without confirmation of adoption, or confirmation it is built to adoptable standards. As such the 6 dwellings proposed in this application do not benefit from waste collections from the dwellings. The drag distance to the local highways network exceeds that recommended by the manual for streets and would require bins to traverse and be placed in close proximity to a railway crossing. This would be unacceptable in regard to safety and unacceptable in regard to providing future residents with waste collection services.
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Informatives

1	Decision Making This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.
2	Community Infrastructure Levy The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability 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
3	Biodiversity Net Gain 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: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. 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. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. 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. EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition. 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.
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* "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:

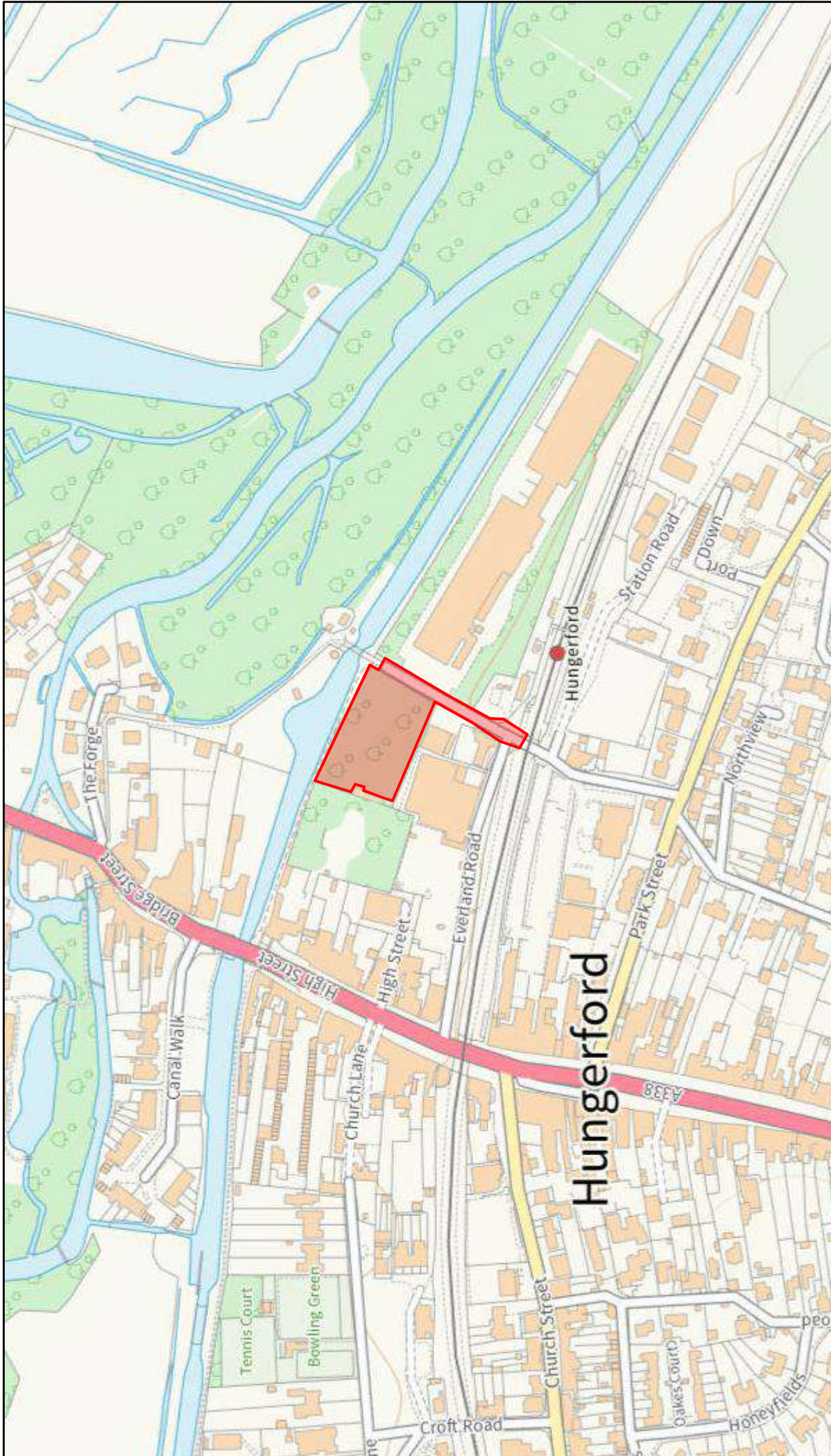
- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development 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

	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).
4	Damage to footways, cycleways and verges The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.
5	Damage to the carriageway The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
6	Incidental works affecting the highway Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.
7	Official Postal Address Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.
8	Canals and Rivers Trust The applicant is advised to contact David Wilson, Third Party Works Engineer by email to Enquiries.TPWsouth@canalrivertrust.org.uk to ensure that the works comply with the Canal & River Trust's 'Code of Practice for Works affecting the Trust'.

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and Avon Canal and
North Of Tesco
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Hungerford

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