

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	23/01577/FUL Chieveley	31 <sup>st</sup> August 2023 <sup>1</sup>	Demolition Of Industrial Units And Pigsty, And Construction Of 4no. Residential Dwellings And Parking Provision (Pursuant To Refusal 22/00106/FULD)  Buildings and Land to the rear of Londis Stores High Street, Church lane, Chieveley, Newbury  Chesterton Commercial Group

<sup>1</sup> Extension of time agreed with applicant until 24<sup>th</sup> June 2024

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01577/FUL>

**Recommendation Summary:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions and a S106 agreement

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

**Reason for Committee Determination:** More than 10 objections

**Committee Site Visit:** 22<sup>nd</sup> April 2024

#### Contact Officer Details

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## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the demolition of industrial units and pigsty, and construction of 4no. residential dwellings and parking provision (pursuant to refusal 22/00106/FULD).
- 1.3 The application site is located to the rear of the Londis Convenience Store, High Street, Chieveley approximately 50 metres south of the Church Lane/East Lane junction, to the west of High Street. The site is accessed via an existing private drive directly from Church Lane. The western part of the site is within the Chieveley Conservation Area, and the North Wessex Downs National Landscape (formerly known as the North Wessex Downs Area of Outstanding Natural Beauty) sweeps over the site.
- 1.4 The proposal is consistent with similar developments, with examples of one and half storey dwellings in the surrounding area. Whilst there is a linear pattern of development along the High Street, there are tandem developments with the dwelling called Lynch Gate located further east of the site, and recently constructed dwelling called Dalmore House, to the west of the site. In addition, the site is located in a concealed location to the rear of the buildings along the High Street. The site is currently occupied by disused industrial buildings in a poor condition, which were formerly used as a bakery, and a pigsty.
- 1.5 The proposal will incorporate two pairs of semi-detached dwellings and each dwelling will consist of three bedrooms. The proposal will also deliver associated car parking, bicycle and bin storage with access from Church Lane.

## 2. Planning History

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

Application	Proposal	Decision / Date
77/06482/ADD	Extension of existing shop into adjoining hall and living room	Approved 06/07/1977
87/29830/ADD	Change of use of warehouse to workshop	Approved 14/10/1987
22/00106/FULD	Demolition of Industrial Units and Pigsty, and Construction of 4no. Residential Dwellings and Parking Provision	Refused 29/11/2022

### 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 29<sup>th</sup> September at the entrance to the site on Church Lane, with a deadline for representations of 20<sup>th</sup> October 2023. A public notice was displayed in the Newbury Weekly News on 27<sup>th</sup> July 2023; with a deadline for representations of 10<sup>th</sup> August 2023.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4-3.5
New Homes Bonus	Yes	No	3.6
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £68.870 and index linked. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

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

- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.14 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. St Mary's Church is a Grade II\* listed building situated to the north-west of the site, The Old House, is a Grade II listed building to the north-east of the site, Chieveley House a Grade II\* listed building, and Outbuilding south of Chieveley House and Wall Gate and Piers at Chieveley House, are Grade II listed buildings are to the South- east of the application site. An assessment of the impact of the proposals is considered in section 6.
- 3.15 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is partially within the Chieveley Conservation Area.

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Chieveley Parish Council:</b>	Object: limited parking with road congestion in Church Road and the High Street, safety for pedestrians, removal of parking for church users, not in keeping with the Village Design Statement and Parish Plan, does not enhance the Conservation Area, bland design and includes flat roof elements.  Insufficient weight given to the enhancement of the Conservation Area, SuDS officer objection, archaeology investigation inadequate, the EHO identifies issues, insufficient contaminated land assessment, 2021 amendment to dormer not included, tree impacts.
<b>WBC Highways:</b>	No objections.
<b>Environmental Health:</b>	1 <sup>st</sup> response- Concerns about store noise and activities to future residents, noise and light disturbance and potential land contamination.  2 <sup>nd</sup> Response: Land contamination and noise mitigation can be dealt with by conditions. Further external lighting could be

	investigated as a potential nuisance under the Environmental Protection Act 1990.
<b>Archaeology</b>	Recommend a condition requiring a scheme of investigation for a programme of archaeological works and a building recording condition.
<b>Ecology:</b>	1 <sup>st</sup> response: Insufficient information about nutrient neutrality, recommend conditions for lighting and precautionary biodiversity method statement.  2 <sup>nd</sup> Response: A Habitats Regulations Assessment has been completed and subject to a condition restricting occupation until after 1 <sup>st</sup> January 2025, and off-site provision of arable farmland planted, this is acceptable.
<b>Natural England:</b>	No Objection subject to appropriate mitigation being secured.
<b>Lead Local Flood Authority:</b>	1 <sup>st</sup> Response: The Flood Risk Assessment is acceptable, but the drainage strategy is not.  2 <sup>nd</sup> Response: Recommend a condition with further drainage details to be provided.
<b>Trees:</b>	1 <sup>st</sup> Response: Requested an updated arboricultural method statement  2 <sup>nd</sup> Response: No objections subject to conditions
<b>Conservation:</b>	No response received
<b>Waste Management:</b>	No response received
<b>North Wessex Downs National Landscape:</b>	No response received
<b>Thames Water:</b>	No response received

### ***Public representations***

- 4.2 Representations have been received from 18 contributors, none of which support, and 18 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- The site and number of houses is not in keeping with Chieveley & AONB
  - Overdevelopment of a small plot, density too high
  - A very urban design
  - Additional traffic a risk to pedestrians, particularly children, school bus point, access to the church
  - The access lane has no pavements

- Insufficient garden space, doesn't comply with SPD guidance
- Lack of parking, congestion in Church Lane and High Street
- Blind spot coming out of Church lane
- Drainage systems can't cope with additional flow, could make flooding in High Street worse
- Community cohesion
- Lack of outdoor storage
- The properties look the same and should be of individual character.
- Parking should be provided for occupants of flats above the shop.
- Permitted development rights should be removed to protect character of the village.
- Commitment given that north dormer would be altered to a roof light.
- Potential overlooking from rooflights in plot 1, these should be obscure glazed.
- Displacement parking behind the shop leading to more parking on the High Street
- Impact on privacy to plots 1 and 2 having access to the rear of properties.
- Querying access to the High Street from the rear of plot 1 & 2, and boundary treatments
- Potential impact on neighbouring trees
- Access for oil tanks
- Ground levels should be restored to maintain privacy levels from plots 3 & 4, existing boundaries to be maintained.
- Concern about asbestos hazards form buildings that need removing or altering.
- Impact on the shop as there may be a reduction in shoppers due to lack of parking.
- No material change since the previous application was refused.
- Two houses, as originally suggested would be more appropriate.

## 5. Planning Policy

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

- Policies ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

- Chieveley Village Design Statement

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance
- Heritage
- Impact on neighbouring amenity and quality of life
- On site amenity for future occupiers
- Highway safety
- Trees and landscaping
- Flooding and drainage
- Biodiversity
- Nutrient neutrality
- Land Contamination

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

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land, and sets out the settlement hierarchy for the District, and includes Chieveley as a Service Village where there will be a more limited range of services and some limited development potential. Policy ADPP5 also says that within the service villages in the AONB, limited development including housing will be accommodated to maintain the areas as vibrant and balanced communities with their own sense of identity. Policy C1 also states that there is a presumption in favour of development and redevelopment within the settlement boundary of Chieveley. The principle of the redevelopment of the site is considered to be acceptable in principle, subject to the consideration of the following matters.

### ***Character and appearance***

6.3 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy CS19 outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard has been given to the sensitivity of the area to further change and ensuring that any new development is appropriate in terms of location, scale, bulk, and design in the context of the existing settlement form, pattern, and the character of the area. Supplementary Planning Document Series: Quality Design (SPDQD) part 2 offers guidance on how to preserve residential character by emphasising that respecting the physical massing of an existing residential area is a critical part of protecting residential character. The physical bulk of the proposal would need to be considered in terms of its footprint, length, width, and height in line with the guidance within SPDQD) part 2.

6.4 The western part of the site is within the Chieveley Conservation Area. The area is consistent with similar developments, with one and half storey dwellings. Whilst there is a linear pattern of development along the High Street, there are tandem developments with the dwelling called Lych Gate and Dalmore House located further west of the site. The site is located in a concealed location to the rear of the buildings along the High Street, with only glimpsed views from the High Street. The pairs of



semi-detached houses are designed in a traditional manner with a pitched roof with hipped ends, features consistent with the residential properties within the area in terms of appearance, height and scale, and supported by the Chieveley Village Design Statement. The front elevations consist of three one and half storey gables plus single gable porches. The roof design is consistent and symmetrical, with dormer windows in the side elevations. The application proposes the use of a mixture of red bricks and render on the elevations, and slate on the roofs. Overall, the proposed materials are appropriate within the context of the site.

- 6.5 The North Wessex Downs National Landscape sweeps over the whole of the village. The site is well contained within the built form of the village, and so Officer's considered that the proposed dwellings and landscaping are of an acceptable standard of design, size and scale within the context of the area adequately respecting and enhancing the distinctive village character of the this part of the North Wessex Downs National Landscape.

### ***Heritage***

- 6.6 Policies CS14 and CS19 seek to protect the setting of heritage assets and the character of Conservation Areas, and the NPPF also sets out advice for assessing the impact of development on heritage assets. The eastern part of the application site is within the Chieveley Conservation Area. Whilst there are listed buildings close to the application site, due to intervening development none of these are affected by the proposed development, either directly or in terms of their setting. The development site consists of unused buildings in a poor state of repair, and their removal and replacement with the proposed development could be viewed as an enhancement of the site. The general palette of materials proposed is considered to be appropriate for the site, and the location within the Conservation Area, and can be secured through conditions.
- 6.7 The Archaeologist has identified that the site may have some archaeological potential, as it is situated within the historic core of the village, which has Saxon origins, and there is the possibility of medieval or earlier below ground remains on the site. No field evaluation of the site has been carried out, and so it would be appropriate to secure through conditions a programme of archaeological supervision during the works. In addition, the pigsty may have been part of a group of buildings, which may contribute to the story of rural life and so a building recording condition is required, and this can be secured as part of any permission.
- 6.8 The proposal to develop four houses on the site is considered to be acceptable within the setting of the Conservation Area, with conditions to ensure that suitable materials are used, and with conditions to secure a watching brief and building recording, the proposal will not be harmful to the designated assets.

### ***Impact on neighbouring amenity and quality of life***

- 6.9 Policy CS14 also requires that new development makes a positive contribution to the quality of life in West Berkshire. The Quality Design SPD also sets out guidance for assessing the impact on new development on neighbouring dwellings. There are residential properties around each of the boundaries of the site, the nearest being residential flats above the shop to the east of the site. There have been objections raised about the impact on the dwellings on adjacent properties, particularly with regards to the impact on privacy.
- 6.10 The first floor windows are a mixture of roof lights and dormer windows. The roof lights are at a sufficient distance away from nearby properties, and with a sufficient range to prevent overlooking, particularly to The Chase to the north, and the flat above the shop to the east. In addition, the bedroom window is proposed to be predominantly obscure

glazed to prevent direct overlooking, other than a high level opening window. The dormer window on the north elevation will face towards an outbuilding of The Chase to the north, and this sufficient to prevent overlooking to the amenity areas of that house. The boundary fences will be sufficient to prevent overlooking at the ground floor level, from windows and garden areas to neighbouring properties, and considering the orientation with the surrounding dwellings. Conditions can be imposed to secure the obscure glazing in perpetuity and to ensure adequate boundary treatments to ensure screening. The submitted plans indicate that the ground levels will be retained across the site, with only small variations as a result of the development,

- 6.11 The application has been submitted with shadowing diagrams indicating the shadows at different times of the day at different days of the year. This shows that overall there will be very little difference to the shadowing of the surrounding dwellings and gardens, than is currently experienced, as a result of the current buildings on the site.
- 6.12 The proposals are not considered to be harmful to the living conditions of adjacent dwellings.

### ***On-site Amenity for Future Occupiers***

- 6.13 Policy CS14 required a good quality design and well-designed places to meet the amenity needs of future occupiers, and the Quality Design SPD sets out relevant guidance. The shadowing diagrams indicate that there is a sufficient separation distance of plots 1 and 2 from the rear of the shop to ensure sufficient sunlight and daylight to the rear rooms of plots 1 and 2 throughout the year to provide adequate levels of daylight.
- 6.14 The Environmental Health Officer has also considered additional noise and disturbance which may be experienced by future occupiers, as a result of the proximity to the shop, and the A34. Noise mitigations measures have been proposed, including acoustic fences, acoustic glazing and ventilation. However Environmental Health require further details to secure adequate noise mitigation measures are provided which can be secure through conditions.
- 6.15 The third party comments have referred to most of the garden area proposed being below the guidance levels provided in the Quality Design SPD, which suggests from 100 sq. metres for 3 or more bedroom houses, and from 70 sq. metres for 1 and 2 bedroom houses and bungalows. The guidance also refers to the quality of the space and requires a garden to be large enough to accommodate features such as a garden shed, washing lines, areas for sitting outside in comfort and reasonable privacy and space for children's play. The green areas proposed are from 83.88 sq. metres to 132.52 sq. metres. Whilst this is below the SPD guidance, they all show space for bin storage, sitting out, play space and cycle storage. The shadowing diagram also show that the gardens will all receive some sunlight, except in December, when it is less likely that occupiers will be spending much time sitting out. The garden areas, whilst below the SPD guidance are considered to be sufficient to meet the needs of the future occupiers.
- 6.16 However to ensure that sufficient garden space is maintained to serve the needs of the occupiers in the further it is necessary to restrict permitted development rights for extensions and outbuildings, which may reduce the amount of useable garden space available to future residents.

### ***Highway Safety***

- 6.17 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for new residential development.

6.18 There were objections raised about the potential increase in traffic on Church Lane, and the potential danger to pedestrians, and potential displacement of parking for residents of the flats, and potential increase in on street parking in the High Street. The Highway Officer has not raised any objection to the proposal. The site plans shows 10 parking spaces with 8 electric vehicle charging points, and the provision of bicycle storage sheds. The parking proposed meets the requirements of Policy P1. A Swept Path analysis has also been submitted to indicate that refuse vehicles can enter and exit the site form Church Lane in forward gear. The proposal is considered to be acceptable.

### ***Trees and Landscaping***

6.19 Policy CS18 and CS19 require that the District's green infrastructure is protected and enhanced, and that the landscape character is preserved an enhanced. The application was submitted with a Tree Survey and Arboricultural Method Statement, which were updated in the course of the application to reflect the requirements of the Tree Officer. The details which have been submitted indicate that tree protection measures can be included in the development, which can be secured through conditions, to protect trees which are adjacent to the site. In addition, a condition requiring further landscaping proposals to ne approved and implemented can be secured.

### ***Flooding and Drainage***

6.20 Policy CS16 requires that on all development site, surface water will be managed through implementation of Sustainable Drainage Methods (SuDS). The application site is within Flood Zone 1, which has the lowest probability of flooding. The previous application on the site, as insufficient information had been provided with the application, as the way that surface water is manged is linked to how the development can achieve nutrient neutrality, as discussed below.

6.21 The application was amended to include additional drainage information following the initial comments of the Drainage Engineer. The application proposes the use of rain gardens, and the infiltration calculations submitted have been accepted. The details which have been submitted are considered to be acceptable, subject to a condition requiring the submission of further design details, prior to the commencement of the development. These details are considered to be acceptable and have overcome the previous reason for refusal.

### ***Biodiversity***

6.22 Policy CS17 requires that biodiversity assets across West Berkshire are conserved and enhanced. The application as submitted with a Preliminary Ecological Appraisal which indicated that the there was no evidence of bats in the external or internal inspection of the building on the site, which are proposed to be demolished. However, they were assessed as having low to moderate potential to support roosting bats. A further emergence study was undertaken which indicated that roosting bats were likely to be absent. However, given the potential risk from the proposed works, a condition requiring a precautionary method statement for the removal of the buildings to ensure no bats or protected reptiles are injured or killed as a result on the development.

6.23 The Ecology Appraisal also indicated that biodiversity enhancements can be provided through the provision of four bat boxes, with one for each dwelling. These can be secured through conditions. In addition, a lighting scheme should be submitted for approval prior to the occupation of the building, to ensure that lighting will not impact the local bat population. This can be secured through conditions.

### ***Nutrient Neutrality***

- 6.24 The proposed development falls within the catchment of the River Lambourn SAC and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural England's Advice on Nutrient Neutrality dated 16<sup>th</sup> March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission. A Habitats Regulations Assessment has been completed, which demonstrates that with mitigation measures, and with the imposition of a condition limiting occupation of the dwellings to after 1<sup>st</sup> January 2025 when works to the Chieveley Wastewater works have been completed, the proposed development will not have an adverse effect on the integrity of the River Lambourn SAC.
- 6.25 It is proposed to provide off-site mitigation in the form of 0.57 hectares of land situated to the south of Green Lane, Chieveley, which is currently arable land, which will be fallowed and a new woodland planted at a density of 100 trees per hectare. This can be secured through a S106 agreement, and has been considered to be acceptable as part of the Habitats Regulations Assessment.

### ***Land Contamination***

- 6.26 Policy OVS5, requires that permitted development does not give rise to an unacceptable pollution of the environment, and the NPPF sets out guidance for addressing land contamination on development sites. A preliminary Desk Study sets out a basic risk assessment of the potential contamination on the site and indicates that there could be potential pollutant leakages that could pose a risk to the future occupiers and indicates that further exploratory instructive investigations should be carried out. The Environmental Health Officer is content with this approach and has requested a condition to secure a further investigation, and if any contamination is discovered to carry out further surveys, and submit a scheme of remediation for approval, with details of the subsequent implementation and verification, to be approved.
- 6.27 The potential for asbestos within the buildings to be demolished has been referred to. However, the control of asbestos within buildings is covered by separate legislation, and so is not part of the consideration of this application.

### ***Parish Council representations***

- 6.28 Chieveley Parish Council in their original objection raised concerns about parking and congestion in Church Road and the High Street. These matters have been addressed within the report and the Highways Officer is satisfied with the development as proposed. The Parish Council have said that the plans are not in keeping with the Village Design Statement and Parish Plan, and do not enhance the Conservation Area. These matters have been addressed within the report. The individual matters with regards to the drainage, archaeological investigations, Environmental Health Officer comments with regards to lighting, and land contamination, and trees have been dealt with in the amendments to the application or can be secured through conditions.
- 6.29 The Parish have referred to an intention of the developer to replace a dormer with rooflights. The plans before us are those to be considered, and the assessment indicate that the development as proposed will not be harmful to the privacy of surrounding occupiers.

## 7. Planning Balance and Conclusion

- 7.1.1 This application is proposing the erection of four dwellings on a redundant industrial site. There will be a social benefit of the development through the additions of this windfall site to the housing land supply. The proposal will provide short term and limited economic benefits during the construction phase of the development, and additional population which may use the businesses and services within the village, but given the 4 units proposed this is a limited benefit. There are environmental benefits through the removal of the redundant buildings which are in poor repair, and the proposed buildings are considered to conserve the Conservation Area, and it is considered to be a sustainable form of development which accords with the relevant development plan policies and the advice contained within the NPPF. The application is therefore recommended for approval.

## 8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed within three 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 below.
- 8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

### Conditions

1. **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 Drawing No 21-24-250 received 29<sup>th</sup> June 2023

Block Plan Drawing No 21-24-251 Rev F received 30<sup>th</sup> November 2023;

Plots 1 and 2 Floor Plans and Elevations Drawing No 21-24-253 received 29<sup>th</sup> June 2023;

Plots 2 and 3 Floor Plans and Elevations Drawing No 21-24-254 received 29<sup>th</sup> June 2023;

Arboricultural Method Statement prepared by Arbtech dated 23 November 2023 received 30<sup>th</sup> November 2023;

Arboricultural Impact Assessment Drawing No Arbtech AIA 01 received 30<sup>th</sup> November 2023;

Tree Protection Plan Drawing No Arbtech TPP 01 received 30<sup>th</sup> November 2023;

Phase 1 Geo-Environmental Desk Study prepared by EPS reference UK22.5939 dated June 2022 received 30<sup>th</sup> November 2023;

Flood Risk Assessment & Sustainable Drainage Strategy prepared by MTC Engineering received 29<sup>th</sup> June 2023, and as amended by letter from MTC Engineering dated 27<sup>th</sup> November 2023 received 30<sup>th</sup> November 2023;

Noise Impact Assessment prepared by 24 Acoustics ref R9588-1 Rev 0 dated 21st June 2023 received 29<sup>th</sup> June 2023;

Cover Letter from Partners in Planning and Architecture ref 2021.24 dated 28<sup>th</sup> June 2023, received 29<sup>th</sup> June 2023; and  
Heritage Planning, Design and Access Statement prepared by Partners in Planning and Architecture ref 2021.24 dated 28th June 2023, received 29th June 2023.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Materials**

The construction of the dwellings shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

4. **Programme of archaeological work**

No demolition shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. **Building Recording**

No demolition shall take place within the application area until the applicant has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that an adequate record is made of these buildings of historical or archaeological interest. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6. **Sustainable Drainage**

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:

- a) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- b) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change including hydraulic connectivity between drainage features, as appropriate;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels within the exact location of the proposed infiltration devices. Groundwater monitoring should be undertaken to a minimum depth of 1m below the detailed design of the infiltration device. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- d) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;
- e) Include pre-treatment methods to prevent any pollution or silt entering Suds features or causing any contamination to the soil;
- f) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- g) 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.

The above sustainable drainage measures shall be implemented in accordance with the approved details before dwellings hereby permitted are occupied.

The sustainable drainage measures shall be maintained and managed in accordance with the approved details 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, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). 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.

#### 7. **Electric Vehicle Charging Points**

No dwelling shall be first occupied until an electric vehicle charging point has been provided dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy

Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

8. **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, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required as this condition requires approval of operational details throughout the demolition and construction phase of the development.

9. **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 for that dwelling (including any surfacing arrangements and marking out) have been completed in accordance with the approved plans. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD 2006-2026.

10. **Cycle Storage**

No dwelling shall be first occupied until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the cycle parking and storage space has been provided in accordance with the approved details. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).



#### 11. **Precautionary Biodiversity Method Statement**

No development shall take place (including any ground works, site or vegetation clearance), until a precautionary method statement for the removal of the dilapidated buildings and vegetation on the application site has been submitted to and approved in writing by the local planning authority. The content of the precautionary method statement shall include the:

- a) Detailed working methods necessary to avoid the killing or injury of breeding birds, reptiles and bats;
- b) Extent and location of proposed works, shown on appropriate scale maps and plans;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups;
- d) Persons responsible for implementing the works, including times during site clearance/ construction when specialist ecologists need to be present on site to undertake / oversee works;
- e) Provision for bat 'rescue' if animals are encountered;
- f) Provision for reptile 'rescue' if animals are encountered;

The works shall be carried out in accordance with the approved details. Reason: To avoid adverse impacts to legally protected species during site clearance and construction and in accordance with the requirements of the NPPF to minimise impacts on biodiversity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy (2006-2026). A pre-condition is necessary because there is a potential that bats may have begun roosting in the building since the survey was carried out, and requires approval of details before any site clearance takes place and so it is necessary to approve these details before any development takes place.

#### 12. **Lighting Design**

The dwellings hereby permitted shall not be occupied until details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined in the recommendations of the submitted Bat Survey Report (July 2022, Arbtch Consulting Ltd) and the guidance contained in Bats and Artificial Lighting at Night GUIDANCE NOTE 08/23 (Bat Conservation Trust and the Institute of Lighting Professionals). 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 CS17 of the West Berkshire Core Strategy 2006-2026.

#### 13. **Land Contamination**

No development shall take place other than that required to be carried out as part of an approved scheme of remediation until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be stopped on that part of the site affected by the unexpected contamination to

the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme

a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the 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 and other offsite receptors. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**14. Noise mitigation**

The dwellings hereby permitted shall not be occupied until a detailed scheme for protecting the proposed dwellings and gardens of the approved development from plant and delivery noise from the adjacent Londis store and road traffic noise from the A34 shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied until the noise mitigation measures identified in the approved scheme, have been fully implemented. The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future occupants of the development from commercial noise from the adjacent Londis store and road traffic noise from the A34 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, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.

**15. Arboricultural Method Statement**

The Arboricultural Method Statement and tree protection measures and supervision thereof, within Arbtech Arb Method Statement and Tree Protection Plan report TPP 01 both dated Nov 2023, shall be implemented in full and tree protection measures and works carried out in accordance with the statement. 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 ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

**16. Landscaping**

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include:

- schedules of plants noting species, plant sizes and proposed numbers/densities
- an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping 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.

**17. Windows**

The window at first floor level in the rear elevation of plot 2 shall be fitted with obscure glass, with top hung half opening light, in accordance with Drawing No 21-24-253 before the dwelling hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

**18. Boundary Treatment**

No dwelling shall be occupied until details of the boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to the first occupation of the dwelling and maintained thereafter.

Reason: To ensure adequate levels of privacy for future occupiers and neighbouring properties. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

**19. Permitted Development Removal**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006) and the Village Design Statement for Chieveley.

20. **Limiting occupation**

No dwelling shall be occupied until after 1<sup>st</sup> January 2025.

Reason: To reduce the amount of phosphorous being discharged into the River Lambourn Special Area of Conservation. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy (2006-2026) and Regulation 63 of the Conservation of Habitats and Species Regulations, 2017 (as amended).

***Heads of Terms for Section 106 Agreement***

1. **Nutrient Neutrality**

Provision of off-site mitigation consisting of the planting on 0.57 ha of woodland in advance of occupation of the dwellings.

***Refusal Reasons (in the event the S106 is not completed)***

1. **Planning obligation**

The application has fails to provide an appropriate planning obligation with respect to providing a satisfactory scheme of phosphorous mitigation and so the proposal would result in a likely significant effect on the River Lambourn SAC which without appropriate mitigation measures could result in an adverse effect on the integrity of this Habitats Site. Therefore, without the submission of a satisfactory scheme of mitigation (i.e. one that can demonstrate the nutrient neutrality of the proposed development) the Council cannot consider approving this application as to do so would be contrary to Regulation 63 of the Habitats Regulations. Therefore, the development fails to accord with the Conservation of Habitats and Species Regulations 2017 (as amended), the Written Ministerial Statement of 20 July 2022, Policy CS17 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework.

***Informatives***

1. **S106 Legal Agreement**

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

2. **CIL Liability**

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](http://www.westberks.gov.uk/cil)

3. **Proactive actions of the LPA**

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

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

4. **Pre-conditions**

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

5. **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.

6. **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.