

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/00571/FUL Frilsham	24.05.2024 <sup>1</sup>	Retrospective: Partial retention of former bungalow for use as outbuilding, in association with dwelling approved under Application No. 18/00409/FULD. External alterations and hard landscaping.  Mallards Haven, Frilsham, Thatcham, RG18 9XQ  Mr and Mrs A Clark

<sup>1</sup> Extension of time agreed with applicant until 30.08.2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=24/00571/FUL>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SAOXWPRD0S100>

**Recommendation Summary:** Delegated to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

**Ward Member(s):** Councillor Culver

**Reason for Committee Determination:** More than 10 letters of objection.

**Committee Site Visit:** 10<sup>th</sup> July 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 partial retention of a former bungalow for use as outbuilding, in association with the dwelling approved under planning permission reference 18/00409/FULD.
- 1.3 The application site is outside of a defined settlement boundary and is therefore in planning terms classed as being within the open countryside. It is within the North Wessex Downs National Landscape and a biodiversity opportunity area. There are local wildlife sites to the west and further to the north east of the site. The site is within an amber risk zone for great crested newts, and touches on red risk zones to the west and north east.
- 1.4 The site is accessed via byway FRIL/2/4 which is a narrow track, only one vehicle wide.
- 1.5 There is a historic environment record covering the application site and a wider area; this record relates to the remains of a redundant post-medieval brick and tile works, including buildings and pits.
- 1.6 There are areas of surface water flood risk on the site, which is also within a public protection consultation zone and a minerals safeguarding area.
- 1.7 Planning permission was first granted for a replacement dwelling in 2016, under application reference 16/02604/FULD, and subsequently amended under application reference 18/00409/FULD. Both permissions had conditions attached requiring the demolition of the existing (as was) bungalow, prior to the occupation of the new dwelling. A condition was also attached to both permissions removing permitted development rights for various works, including extensions, roof alterations or extensions and outbuildings.
- 1.8 Part of the original bungalow has been retained and turned into a tool shed. The remaining structure is proposed to be completely clad in oak timber boarding, with the pitched part of the roof to be covered with cedar shingles. The flat roof is a green roof.
- 1.9 Attached to the shed structure, a timber pergola has been constructed, with a polycarbonate roof.
- 1.10 The remaining footprint has been turned into a gravel terrace, with the whole structure enclosed by a metal railing fence.

## 2. Planning History

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

Application	Proposal	Decision / Date
80/12765/ADD	Conservatory.	01.05.1980

16/01391/FULD	Demolition of existing dwelling; erection of replacement dwelling with associated parking, turning and landscape works.	Withdrawn 28.07.2016
16/02604/FULD	Demolition of existing dwelling, erection of replacement dwelling with associated parking, turning and landscape works.	Approved 16.12.2016
17/00401/HOUSE	Demolition of existing workshop/garage and erection of cart shed.	Approved 10.05.2017
18/00409/FULD	Section 73: Variation of condition 2 'approved drawings' of previously approved application 16/02604/FULD: Demolition of existing dwelling, erection of replacement dwelling with associated parking, turning and landscape works.	Approved 05.04.2018
18/01584/COND1	Application for approval of details reserved by condition 3 - Schedule of Materials, 6 - Boundary Treatment, 8 - SUDS, 10 - Spoil Disposal Scheme and 11 - Landscaping Scheme, of planning permission 18/0409/FULD.	Approved 12.10.2018

### 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 08.04.2024 to the front of the application site, with a deadline for representations of 29.04.2024. A public notice was displayed in the Newbury Weekly News on 11.04.2024; with a deadline for representations of 25.04.2024.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross

Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

- 3.5 Based on the CIL PAIR form, it does not appear that the development would be CIL liable. 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 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.12 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 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>Frilsham Parish Council:</b>	No objection subject to conditions for PIR controlled external lighting and elevations to be clad in oak.
<b>WBC Highways:</b>	There should have been a separate address for the former bungalow, but that doesn't seem to have happened. The site layout continues to be acceptable. The Local Highway Authority therefore has no objection to this planning application / proposal.
<b>North Wessex Downs Natural Landscape:</b>	No response received at time of report.
<b>Archaeology:</b>	Do not think that there are any archaeological implications to this proposal.
<b>Environmental Health:</b>	No environmental health objections.
<b>Minerals and Waste:</b>	No response received at time of report.
<b>Ecology:</b>	No response received at time of report.
<b>Berkshire Newt Officer:</b>	No response received at time of report.

<b>Lead Local Flood Authority [LLFA]:</b>	No comment to make on this application.
<b>Public Rights of Way:</b>	No response received at time of report.
<b>West Berks Ramblers:</b>	We have no objection to this application in principle but would ask that if permission is granted conditions are imposed requiring that access along BOAT FRIL/2/4 is kept clear of contractor's vehicles and is maintained at all times.
<b>Tree Officer:</b>	<p>TPO – no      CA – no      Ancient Woodland – Franklins Copse</p> <p>The old bungalow is on the boundary of the 15m buffer to Franklins Copse Ancient Woodland. The retrospective lean-to log store extends north of the original footprint of the bungalow and intrudes into this buffer by 1.5-2m. Standing government advice is that no development takes place within this buffer area as Ancient Woodland is irreplaceable habitat. This structure must not be allowed to become anything other than a temporary lightweight structure, or it will conflict with that advice and be unacceptable. So I have no objections subject to the following (bespoke) condition suggested below:</p> <p><u>Lean-to Log Store</u></p> <p>The approved Log Store hereby approved sits within the 15m buffer of Franklins Copse Ancient Woodland. It shall therefore, not be maintained as anything other than a lightweight, lean-to structure for the temporary storage of untreated firewood. It shall not be used for the storage of machinery, fuel or chemicals. It shall not have a foundation. It shall not be extended further into the buffer zone.</p> <p>Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

### ***Public representations***

- 4.2 Representations have been received from 15 contributors, 1 of which support, and 14 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:
- Modest in scale, unobtrusive in the landscape. Will blend in when clad in accordance with the submitted plans.
  - Inaccuracy within the application regarding materials.

- Proposal fails to make a positive contribution to the character and appearance. Not in keeping with surrounding properties. Visible from the public right of way and road.
- Concern regarding the retention of structure that should have been demolished.
- No requirement for any more buildings. There should be no further development on the site above that granted under the replacement dwelling application.
- External lighting. There is already a lot of light pollution on the plot.
- Concern regarding compliance with conditions.
- Intensifies development contrary to policy C7.
- If approved will reduce the habitats for local wildlife, increase light and sound pollution.
- Condition on replacement dwelling permission requiring demolition of bungalow to prevent an accumulation of buildings. This retrospective application should there be refused.
- 2016 application – made a case for re-siting of the dwelling to improve the AONB.
- Reduces the privacy and amenity for the neighbours. Outlook for immediate neighbours degraded.
- AONB (now Natural Landscape) has not been enhanced but degraded.
- Proposal is not consistent with an outbuilding.

## 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, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C3 and C6 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 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)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development.
- The character and appearance of the area.
- The impact on neighbouring amenity.
- Highway matters.

- Flooding and drainage.
- Ecological matters.
- Green infrastructure.

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

- 6.2 The application site is located within the open countryside according to policy ADPP1 of the West Berkshire Core Strategy. In such areas only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Policy C3 of the HSA DPD requires development in the countryside to have regard to the character of the area in which it is located whilst Policy C6 relates to the extension or alteration of existing dwellings in the countryside and amongst other points, seeks to secure house extensions that are in character with the existing dwelling.
- 6.3 It is noted that the development subject to this application was part of the previous dwelling, a bungalow, on the site. For the purposes of this application, the proposal is being treated (in the interpretation of planning policy) as an extension in the form of an outbuilding to an existing dwelling, the existing here being the replacement dwelling first approved in 2016.
- 6.4 The current dwelling does not benefit from permitted development rights for outbuildings, and therefore, notwithstanding the condition requiring the removal of the original bungalow, planning permission is required for any new outbuilding.
- 6.5 In order to comply with policy C6 of the Housing Site Allocations DPD, an extension is required to be subservient to the original dwelling and designed to be in character with the existing dwelling. It must not have an adverse impact on the setting or local rural character, and the use of materials must be appropriate within the local architectural context. The extension must not result in significant harm to the living conditions currently enjoyed by residents of neighbouring properties.
- 6.6 The part of the bungalow that has been retained and the alterations implemented are lower than the height of the original bungalow and are considered to be subservient to the replacement dwelling, which is two storeys high. Whilst closer to the agricultural land to the west than the replacement dwelling, due to its scale and massing, it is not considered that there would be demonstrable harm to the space occupied within the plot or within the wider landscape.
- 6.7 The materials proposed, in particular the use of timber cladding, will help to give the appearance of an outbuilding and are considered to be acceptable within the local architectural context.
- 6.8 By virtue of the separation distance and the low height of the structure, it is not considered that there would be a detrimental impact on neighbouring amenity.
- 6.9 The application is therefore considered to be in accordance with policy C6 and is acceptable in principle.

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

- 6.10 The site is within the North Wessex Downs Natural Landscape. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (now designated as Natural Landscapes). Policy CS14 seeks to ensure that proposals respect the character and local distinctiveness of the area. Policy CS19 seeks to ensure that development is



appropriate in terms of location, scale and design as well as the conservation, and where appropriate, enhancement of heritage assets including conservation areas.

- 6.11 The retention and alteration of part of the bungalow on site will increase the amount of built form on the site over that permitted under applications 16/02604/FULD and 18/00409/FULD. Policy C6 of the Housing Site Allocations DPD allows for the extension to dwellings in the countryside, including an assessment of the scale and impact on the landscape, against which the proposal has been assessed above. It is not considered that the retained part of the bungalow and the additional works would result in demonstrable harm due to the reduced massing and height of the structure in comparison to the original bungalow.
- 6.12 The low-quality materials of the original bungalow are noted; the full implementation of the materials shown within the application submission would further reduce the impact of the retained and altered structure. It is considered necessary to secure the implementation of the materials in order to make the scheme acceptable. As such, a condition securing the completion of the materials as stated within three months of any permission issued is recommended to be attached to any permission granted.
- 6.13 Policy ADPP5 seeks to protect the dark night skies of the North Wessex Downs National Landscape. A condition requiring the details of any external lighting prior to installation is recommended to be attached to any permission granted.
- 6.14 Reference has been made in letters of representation to the removal of permitted development rights and policy C7 of the Housing Site Allocations DPD in respect to the impact on the character of the area and the AONB/Natural Landscape. The condition regarding permitted development rights does not preclude any additional development on the site, only that an application is first required to be submitted to the Local Planning Authority to determine whether a proposed development is acceptable in terms of its impact on the landscape. Policy C7, whilst a consideration in relation to the previous applications relating to the replacement dwelling, is not the relevant policy in relation to this current application, as C6 applies to extensions to dwellings in the countryside.
- 6.15 Concern has been raised regarding the need for another outbuilding on the application site. Neither policy C6 nor other current development plan policies require an assessment of need in relation to extensions to dwellings in the countryside. This is not therefore considered to be a material planning consideration, other than the impact in respect of the character of the area and Natural Landscape.
- 6.16 Several of the letters of representation address the concern at the retrospective nature of the application, however, the LPA is required to consider such applications as they would any other, non-retrospective submission.
- 6.17 No comments from the North Wessex Downs Natural Landscape were received in response to the consultation carried out during the course of the application.
- 6.18 The proposal is therefore considered, on balance, to be in accordance with current development plan policies relating to character and appearance.

### ***Neighbouring amenity***

- 6.19 Policy CS14 of the West Berkshire Core Strategy states that new development must contribute to the quality of life in West Berkshire. SPD Quality Design - West Berkshire outlines considerations to be taken into account with regard to residential amenity, and SPG 04/2 House Extensions provides guidance in this respect. Policy OVS.6 of the

West Berkshire Local Plan Saved Policies considers the potential noise impact of development.

- 6.20 The proposal is located approximately 8 metres from the boundary of the site with the closest adjoining neighbour. It is approximately 52 metres from the rear of the closest neighbouring dwelling. It is not considered to result in demonstrable harm to neighbouring amenity as a result of a loss of privacy or light. Due to the separation distances and the low height of the structure it is not considered to have an overbearing impact or a sufficiently harmful impact on outlook as to warrant refusal of the application.
- 6.21 A letter of objection raised concern regarding noise; if a statutory noise nuisance is raised with Environmental Health following the completion of the development, this can be dealt with under legislation outside of the planning framework. A condition restricting the hours of work during the construction process is recommended to be attached to any permission granted.
- 6.22 The application is therefore considered to be in accordance with current development plan policies relating to neighbouring amenity.

### ***Highway matters***

- 6.23 Policy CS13 of the Core Strategy sets out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 6.24 The Highway Officer raised no objection to the proposals.
- 6.25 The Council's Public Rights of Way Officer did not provide a consultation response to the application. The application site is access via a public right of way; informatives relating to the PROW are recommended to be attached to any permission granted.
- 6.26 It is therefore considered that the application is in accordance with current development plan policies relating to highway matters.

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

- 6.27 Policy CS16 of the Core Strategy states that development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. On all development sites surface water is required to be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 6.28 The Lead Local Flood Authority were consulted on the application and confirmed that they had no comment to make regarding the proposal. On the basis of the small scale of the development and the comments from the LLFA it is not considered necessary to secure details of SuDS by way of a condition. An informative regarding SuDS measures is recommended to be attached to any permission granted.
- 6.29 The application is therefore considered to be in accordance with current development plan policies regarding flooding and drainage.

### ***Ecological matters***

- 6.30 Policy CS18 of the Core Strategy states that the District's green infrastructure will be protected and enhanced whilst policy CS14 requires development proposals to respect the landscape and biodiversity of the surrounding area.
- 6.31 No consultation response has been received from the Council's Ecologist or the Berkshire Newt Officer. An informative highlighting the status of protected species is recommended to be attached to any permission granted.

### ***Green infrastructure***

- 6.32 Policy CS18 of the Core Strategy states that the District's green infrastructure will be protected and enhanced whilst policy CS14 requires development proposals to respect the landscape and biodiversity of the surrounding area.
- 6.33 A log store was shown on a superseded version of the block plan which would be within the 15m buffer to Franklins Copse Ancient Woodland. The Council's Tree Officer stated that this structure must not be allowed to become anything other than a temporary lightweight structure, or it will conflict with that advice and be unacceptable and recommended a condition. However, the agent for the application has confirmed that this element has been removed, and a condition is not therefore considered to be necessary.

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

- 6.34 The Parish Council's comments are noted, and a condition securing details of external lighting is recommended to be attached to any permission granted. A condition is also recommended securing the cladding of the elevations as shown within 3 months of any approval issued.

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

- 7.1 Whilst the original dwelling on site should have been demolished prior to the occupation of the new dwelling, this application has to be considered on its own merits and is considered to be acceptable in principle as an extension to a dwelling within the countryside.
- 7.2 On balance, the retention and alteration of part of the bungalow are not considered to result in demonstrable harm to the character of the area and would not result in harm to neighbouring amenity. The application is therefore considered to be acceptable subject to conditions.

## **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:

- (i) Location plan 240208-01 received on 02.04.2024;
- (ii) Block plan 240208-02 Rev A received on 04.07.2024;
- (iii) Plans and elevations 240208-03 Rev A received on 23.05.2024.

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

3. **Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

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), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

4. **Materials within 3 months**

The oak timber boarding of the outbuilding hereby approved shall be fully installed within three months of the date of this decision notice.

Reason: To secure materials that respect the character and appearance of the area as the existing materials are of a poor quality. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

5. **External lighting**

No external lighting shall be installed on the outbuilding, log store, loggia or terrace hereby approved until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed on the outbuilding, loggia or terrace except in accordance with the above strategy.

Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

7. **Hours of work**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### **Informatives**

1. **Proactive**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. **CIL**

The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, you are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

3. **SuDS**

The Lead Local Flood Authority would hope that consideration would be given to the use of SuDS features that provide a control of rainfall at source. This would include features such as water butts and raised planters where a small volume of runoff would be contained for use in local irrigation of garden plants.

For more information on SuDS features, reference should be made to Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Sustainable Drainage Systems (2018). Reference should also be made to the Environment Agency Standing Advice. Further information regarding SuDS can be found in C753 The SuDS Manual which is available for free online.

We do not advise infiltration devices in areas where Clay is the underlying geology. To establish the underlying bedrock geology, reference should be made to the British Geological Survey (BGS) website. Where soakaways are to be used please carry out an infiltration test prior to construction and always ensure there is an alternative to discharge surface water runoff from the site (i.e. connection to a watercourse, or surface water sewer) when conceptualising the proposal.

4. **Public Right of Way**

The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site and should give way to pedestrians, cyclists and equestrians at all times.

The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.

Nothing connected with either the development or the construction must adversely affect or encroach upon the byway, which must remain available for public use at all times.

5. **Protected Species**

Prior to the commencement of this proposal, you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter [www.gov.uk/guidance/wildlife-licences](http://www.gov.uk/guidance/wildlife-licences).