

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	24/01602/REG4 Newbury Town Council	30.09.2024	Proposed new single storey entrance lobby and canopy. New entrance facade cladding, new door/window openings and new roof top plant. Northcroft Leisure Centre, Northcroft Lane, Newbury, RG14 1RS Everyone Active

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SHFPWCRD09N00>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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

Reason for Committee Determination: Application on behalf of the Council and over five objections received.

Committee Site Visit: 12th September 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 external alterations to the Northcroft Leisure Centre, consisting of a single storey entrance lobby and canopy, new cladding and signage, new or updated door and window openings, and a roof top plant. New hardsurfacing on the approach to the front entrance is also proposed.
- 1.3 The application site is 60m south of the defined Newbury settlement boundary, within the Newbury Conservation Area and forms part of public park amenities in between areas of residential development to the east and west. The site has historically been used for the purposes of leisure, recreation, and sport, with 19th century swimming baths converted into a lido in 1937, followed by the erection of a recreation centre towards the end of the 20th century, which, following extensions and various minor alterations, forms the present-day Leisure Centre.

2. Planning History

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

Application	Proposal	Decision / Date
77/07415/ADD	Recreation centre in accordance with resolution no 43(v) of recreation and amenity committee dated 22/09/1977	Approved 23.01.1978
78/09485/ADD	Recreation centre stage 1 swimming pools and squash courts.	Approved 08.02.1979
81/15330/ADD	Lettering and logo	Approved 25.08.1981
84/21430/ADD	Extension to Northcroft recreation centre to provide main and ancillary sports halls changing rooms and bar also an improvement to existing facilities.	Approved 28.11.1986
86/27992/ADD	Extension	Approved 14.01.1987
93/43263/ADD	Internal alterations to refurbish existing pool tanks-changing areas- provide spectator seating area-extension- & associated access bridge/storage & sanitary accommodation to the existing Northcroft Leisure Centre.	Approved 15.09.1993
18/00372/FUL	Demolition of subsiding existing chemical store extension and construction of new larger chemical store with independent secure bunded compartments for storage of pool treatment chemicals, in accordance with current storage regulation requirements.	Approved 19.04.2018
22/01861/CERTP	Application for a Lawful Development Certificate for a Proposed development: Ground stabilisation works to the pool tank and its immediate	Approved 23.08.2022

	surroundings. The proposed works involve the injection of cement/Bentonite grout and a third phase of injection with a polyurethane grout.	
22/02766/CERTP	Application for a Lawful Development Certificate for a Proposed use or development: Regeneration of the existing Northcroft Lido including building a concrete wall to alter the length to 50m, line tank with water proof lining, new pool covers, new pool surround decking and sun terrace, children's splash zone, beach hut style changing cubicles, replacement pergola and covered seating area, refurbish existing stores to summer servery and pool office, new accessible WC, new paving finish, new planting and new surface water drainage.	Approved 07.12.2022
22/03087/REG3	Provision of new flume and multi-water slide located in the grounds of the refurbished Northcroft Lido, including spiral stair access plus landing and half landing.	Approved 16.02.2023

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice displayed on 09.08.2024 to a post at the car park entrance; the deadline for representations expired on 31.08.2024. A public notice was displayed in the Newbury Weekly News on 15.08.2024 the deadline for representations expired on 30.08.2024.
- 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 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.
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 It is acknowledged that there are properties to the northwest of the application site to which there may be some noise impact. Such an impact can be mitigated by a condition securing details of a noise impact assessment in relation to the proposed roof plant. Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site is within the Newbury Town Centre Conservation Area although no heritage assessment has been submitted nor is the Conservation Area referenced in the Design and Access Statement. Given the small scale of the proposal and lack of historic interest/significance ascribed to the leisure centre itself, it is considered the Conservation Area would not be significantly affected. This is assessed in more detail under paragraph 6.8.

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.

WBC Highways:	No objections.
WBC Environmental Health:	A noise impact assessment is required in order to determine whether nearby residential properties could be disturbed by the installation of the new plant.
WBC Archaeology:	No objections.
WBC Ecology:	No objections.
WBC Sustainable Drainage:	No comments.
Sport England:	No detailed comments – the proposed development does not fall within their statutory nor non-statutory remit.
Environment Agency:	No detailed comments.

4.2 No responses were received from Newbury Town Council, WBC Transport Policy, WBC Environment Delivery, WBC Conservation, WBC Public Rights of Way, Berkshire Newt Officer, Ramblers' Association, and Natural England.

Public representations

4.3 Representations have been received from 12 contributors, all of which object to the proposal.

4.4 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 removal of the squash courts would harm the local squash community
- There are no affordable alternative squash facilities in the local area. People would have to travel further to access facilities, which would have an environmental impact.
- There would be a loss of opportunity for people to play squash, which is contrary to the need to support the community's mental and physical wellbeing.
- No justification for the squash court removal has been provided.
- There has been no public consultation or communication on the squash court removal.
- Increased demand for squash facilities, in light of the sport being included in the next Olympics, would not be met, and opportunities for more to take up the sport lost.
- The proposal prioritises the café and soft play area rather than sports facilities
- No assessment has been undertaken which clearly shows the existing facilities to be surplus to requirements.

4.5 Planning permission is required for the carrying out of any “development of land”, as stipulated by Section 57 of the Town and Country Planning Act 1990 (as amended). Under Section 55 of this Act, “development of land” could be a change of use, but not operations that affect only the interior of a building.

4.6 Replacing the internal squash courts with sports studios, as is indicated on the proposed floor plans, would be an internal operation, and not alter the overall use of the building as a leisure centre. The loss of squash courts would thus not constitute development and not require planning permission.

4.7 Therefore, whilst the above concerns raised are acknowledged, they are not treated as material to the consideration of this planning application which has been submitted because of proposed external works.

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, ADPP2, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS)
- Policies OVS6 and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Newbury Town Design Statement (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Character and appearance
- Neighbouring amenity
- Highway matters
- Flooding and drainage
- Ecology
- Trees
- Sustainable construction

Principle of development

6.2 Policy ADPP1 states most development will be within or adjacent to settlement boundaries as defined in the policy, and on previously developed land. The policy defines Newbury as an Urban Area which is the focus for the majority of development. Policy ADPP2 sets out the role of Newbury in particular, and states existing community facilities will be protected and, where appropriate, enhanced. These include leisure and cultural facilities, which contribute to the attraction of the town for both residents and visitors. Therefore, the principle of modifying the external appearance of an existing leisure centre directly adjacent the Newbury settlement is in general accordance with the development plan. The acceptability of the proposal is subject to its design and specific impacts.

Character and appearance

6.3 Forming part of the West Berkshire Core Strategy, Policies CS14 and CS19 relate to design and impacts on the character and appearance of the area. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the local area and wider context, makes a positive contribution to the quality of life in West Berkshire and maintains the sense of place. Policy CS19 seeks development that ensures the diversity and local distinctiveness of the landscape character of West Berkshire is conserved and enhanced.

6.4 Despite the location within the Conservation Area, the redbrick, modular, and functionalist design of the leisure centre, combined with an adjacent play area, public car park, and football and cricket pitches, results in the immediate setting having a semi-urban character.

6.5 This application proposes a range of alterations to the north-facing elevation of the leisure centre. A single storey extension and canopy covering a 45 sqm area is proposed and would project 3.5 m ahead of the original entrance, above which yellow aluminium rainscreen cladding would replace redbrick and white cladding at the first-floor level. The extension would be glazed, and new openings would have black/grey aluminium frames. Additional glazing is proposed to be added to the east elevation of an existing single storey block which extends ahead of, and faces, this main entrance. Existing frames across the building would be sprayed grey, and a conservatory roof would be replaced with a solid grey roof. Grey/silver signage for the centre is proposed to be added to the rainscreen cladding, as well as a larger sign on the external wall of an existing sports hall block, and these would be halo illuminated.

6.6 Alterations to the approach to this entrance are also proposed, comprising a mix of black and grey paving to replace tarmac, and the addition of bollards.

- 6.7 It is considered these works would result in an enhanced and more contemporary appearance to the building, as well as a more active frontage due to increased glazing enabling views into/out from the building's entrance.
- 6.8 The muted sandy/ochre tones proposed for the aluminium rainscreen cladding would contrast well with existing red brick. Halo illuminated signage is proposed but given the existing street lighting, it is considered this would not result in a significant change to the existing character of the building nor its immediate setting. Furthermore, there are mature trees within planters directly ahead of the entrance and planted along the access road.
- 6.9 Other proposed external alterations include a white aluminium serving window and door facing the lido on the western elevation, and wall-mounted entrance lighting. These are considered to be functional and appropriate additions.
- 6.10 Finally, a roof plant is proposed to be installed on flat roof areas. It is considered that this would not generally be visible from views of the building nor Conservation Area due to the siting between and behind existing galvanised metal sheet rooves. Where visible, the plant would be consistent with the function of the building.

Neighbouring amenity

- 6.11 The impact on neighbouring amenity is an important material consideration, and works should not result in any undue or harmful impact on amenity such as a significant increase in overlooking, overshadowing or overbearing impacts on habitable rooms of neighbouring dwellings and their private amenity spaces.
- 6.12 The neighbouring amenities of primary concern are those associated with three dwellings 10-30m northwest of the site. The proposed works would be contained within either the footprint of the building or site boundary treatment, and there would be no increase in the height of the centre. Therefore, it is considered there would be no overshadowing, overbearing nor overlooking impact.
- 6.13 A noise impact assessment is required in order to determine whether nearby residential properties could be disturbed by the installation of the new plant particularly if it is designed to work into the late evening/early morning when background noise levels are low. A noise impact assessment, along with any mitigation measures if required to ensure noise levels are acceptable, can be secured via a condition.

Highway matters

- 6.14 No alterations to the existing parking arrangement for vehicles and bikes are proposed, with the exception of a canopy covering existing cycle stands. The overall use of the building as a leisure centre would not change and the small increase in footprint would relate only to the entrance. No objections or matters have been raised by the Council's Highways Team.
- 6.15 It is therefore considered the proposal complies with current development plan policies relating to transport.

Flooding and drainage

- 6.16 The application site boundary includes Flood Zones 2 and 3, however the only new structure proposed would be outside of these zones. Surfacing alterations would affect existing hardstanding, and the existing planters would be retained. The site is less than 1ha, and no part is at risk of flood from surface water. Therefore, a detailed flood risk

assessment is not required, and the Lead Local Flood Authority is satisfied that the proposal would not increase flood risk on the site nor elsewhere and accords with the NPPF and Policy CS16.

Ecology

- 6.17 Policy CS17 states that biodiversity assets across West Berkshire will be conserved and enhanced. The proposal would affect existing built forms which lack the potential to accommodate protected species or valuable habitats. The Council's Ecologist thus considers there is no need for further ecological information in order for the proposal to comply with the policy.
- 6.18 The development would not impact any on-site habitat and is therefore exempt from the requirement for development to deliver a 10% net gain in biodiversity, as set out under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Trees

- 6.19 Policy CS18 states that the District's green infrastructure will be protected and enhanced. No Tree Preservation Order is within the site boundary, although the site does reside within a particularly verdant part of the Conservation Area due to the surrounding parks and associated vegetation. The existing planters and mature trees on and around the site would remain and given the small and localised nature of the proposed works, it is considered no additional information is required to ensure the proposal complies with Policy CS18.

Sustainable construction

- 6.20 Policy CS15 requires new non-residential development to meet the BREEAM excellent standard of construction. A sustainability statement has been submitted with the application which indicates a commitment to techniques to minimise energy use and carbon emissions. It notes that Air Source Heat Pumps are proposed, which would introduce a renewable energy source to the Leisure Centre. No reference to BREEAM is made, however the proposal involves a small extension to the front entrance to form a lobby connecting directly to an existing reception area. Given the small scale and high level of integration with the existing building, it is considered the proposed built form would not be akin to a new building and it is thus acceptable that BREEAM Excellent is not being sought.
- 6.21 The application is therefore considered to be in accordance with current development plan policies relating to sustainable design.

7. Planning Balance and Conclusion

- 7.1 It is considered that the development proposed is acceptable and conditional approval is justifiable. It is considered that this proposal would not demonstrably harm the amenity of neighbouring residential properties and accords with guidance contained within the National Planning Policy Framework and Policies ADPP1, ADPP2, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026.

8. Full Recommendation

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

Conditions

1.	<p>Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Application Form received 30.07.2024 Design and Access Statement Ref: 2023-290 by Hadfield Cawkwell Davidson, received 30.07.2024 Sustainability Statement received 30.07.2024 Drawing A-05-110 Rev.P03 Proposed Elevations Drawing A-09-002 Rev.P03 Proposed External Works Drawing A-04-100 Rev.P02 Proposed Ground Floor Plan Drawing A-04-101 Rev.P03 Proposed First Floor Plan Drawing A-09-010 Rev.P03 Proposed Site Plan Drawing A-09-001 Rev.P03 Site Location Plan Drawing A-04-102 Rev.P03 Proposed Roof Plan Drawing A-06-120 Rev.P02 Proposed Sections</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Approved materials The materials to be used in the development hereby permitted shall be as specified on the plans and application form.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Plant noise No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:</p> <p>(a) written details concerning any proposed air handling plant associated with the development including:</p> <ul style="list-style-type: none">- the proposed number and location of such plant as well as the manufacturer's information and specifications;- the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice- and the intended operating days and times. <p>(b) calculations showing the likely impact of noise from the development;</p>

	<p>(c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;</p> <p>(d) The development shall not commence until written approval of a scheme under above has been given by the Local Planning Authority. All works forming part of the scheme shall be completed before the use of development commences.</p> <p>Reason: To protect the occupants of nearby residential properties from noise. 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.</p>
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Informatives

1.	<p>Approval – Objections/Support received</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>BNG Not Required (De Minimis)</p> <p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <p>1. The application for planning permission was made before 12 February 2024.</p>

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

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

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

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

APPLICABLE EXEMPTION

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

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

IRREPLACEABLE HABITAT

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

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

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

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

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

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

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

PHASED DEVELOPMENT

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

	<p>Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
3.	<p>Building Regulations</p> <p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control</p>