

4Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/00582/FUL Hamstead Marshall	30 th May 2024 ¹	Change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and infrastructure. White Hart Inn Hamstead Marshall Newbury RG20 0HW The White Hart Inn (Hamstead Marshall) Ltd
¹ Extension of time agreed with applicant until 29 th October 2024			

The application can be viewed on the Council's website at the following link:
[24/00582/FUL | Change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and infrastructure. | White Hart Inn Hamstead Marshall Newbury RG20 0HW \(westberks.gov.uk\)](https://www.westberks.gov.uk/24/00582/FUL)

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

Ward Members: Councillor Denise Gaines
Councillor Tony Vickers
Councillor Dennis Benneyworth

Reason for Committee Determination: More than 10 objections received.

Committee Site Visit: 21st October 2024

Contact Officer Details

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

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the change of use of the White Hart Inn, which is a public house, to residential use to create four dwellings together with external alterations, landscaping, car parking and associated works and infrastructure.
- 1.3 The application site is situated within Hamstead Marshall, and consists of the public house, beer garden, manager's flat, nine bedroom spaces for overnight accommodation in two outbuildings, a third outbuilding used as a store, a beer garden and two parking areas. Within the application site there is a Tree Preservation Order 201/21/0946-T1-HAZ.
- 1.4 Hamstead Marshall is a rural village which does not have a settlement boundary and is situated within the North Wessex Down National Landscape (formerly Area of Outstanding Natural Beauty). The application site has residential properties along the north-east and north-west boundaries. To the south-east of the site is Elm Farm which is now in residential use, and the site is to the north of the access to the Dogs Trust Rehoming Centre
- 1.5 The application is proposing the conversion of the public house into two units, and outbuildings into four units as follows.
- Plot 1 – a two bedroom house
 - Plot 2 – a three bedroom house
 - Plot 3 – a two bedroom bungalow
 - Plot 4- a two bedroom house
- 1.6 Each dwelling will have its own garden area, and the storage outbuilding will be retained as a store to serve plot 4. There are nine parking spaces proposed to serve the development. The parking area along the road frontage will be incorporated into garden area, with a new parking area created adjacent to the existing access to the car park.

2. Planning History

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

Application	Proposal	Decision / Date
84/21739/ADD	Refurbishment of existing barn change of use to provide 6 units of overnight accommodation in association with public house	Approved 27/06/1984
87/28632/ADD	Extension to existing restaurant	Approved 17/04/1987

88/33667/ADD	Refurbishment and extension to outbuilding to form accommodation wing	Approved 08/02/1989
95/46126/FUL	Field shelter/hay store.	Approved 22/03/1995
94/44600/FUL	Refurbishment & extension to outbuilding to form accommodation wing.	Approved 06/06/1994
00/00261/RELAX	Removal of condition on bungalow restricting occupancy to manager	Approved 04/12/2000
01/02432/HOUSE	Provision of alternative vehicular access	Approved 09/01/2002
11/01188/FUL	Proposed conversion of existing outbuilding to bed and breakfast accommodation	Approved 17/10/2011
11/01207/FUL	Proposed conversion and extension of existing garage to provide disabled accommodation	Approved 17/10/2011
12/03021/FUL	Extension and change of use of outbuildings to create an additional 4 bed and breakfast rooms. Extensions and link to 'infill' area between existing garage and existing outbuildings to the North boundary of the site	Approved 05/06/2013
14/00490/FUL	Section 73A - Removal of Condition 2 - Materials of approved application 12/03021/FUL- Extension and change of use of outbuildings to create an additional 4 bed and breakfast rooms. Extensions and link to 'infill' area between existing garage and existing outbuildings to the North boundary of the site.	Approved 07/05/2014
15/02727/FULD	Change of Use from public house (Class A4) to four dwellinghouses (Class C3) and associated external alterations, landscaping and car parking.	Refused 22/04/2016
17/00103/FULD	Change of use from public house (Class A4) to four dwelling houses (Class C3) and associated external alterations, landscaping and car parking (following refusal of 15/02727/FULD).	Refused 30/03/2017 Appeal dismissed 29/05/2018

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** The application has been screened under the EIA Regulations, having regard to the development types described in Paragraph 10b (urban development project) of Schedule 2, and given the site's location within the National Landscape, a sensitive area under the EIA Regulations. A negative screening opinion has been issued confirming the proposal is not EIA development.
- 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 19th April 2024 on a window of the public house building, with a deadline for representations of 11th May 2024.
- 3.3 Following the receipt of amended plans, a further site notice was posted in the same location on 25th July 2024, with a deadline of representations of 15th August 2024.
- 3.4 **Neighbour notification:** Two neighbouring properties were also informed on the application.
- 3.5 **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	3.6
New Homes Bonus	Yes	No	3.9
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.6 **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).

- 3.7 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £82,690 and an indexed link uplift will be added to that. 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.
- 3.8 **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.
- 3.9 **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.
- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.

- 3.14 **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.
- 3.15 It is acknowledged that there are certain properties where they may be some impact, due to additional windows proposed as part of the proposal this can be mitigated by conditions. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of bringing a redundant building back into use.
- 3.16 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.
- 3.17 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The Old Post Office is a grade II listed building approximately 25 metres to the north-west of the site, and the Barn at Elm Farm is a grade II listed building approximately 45 metres to the southwest of the site.
- 3.18 **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

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.

Hamstead Marshall Parish Council:	No objection: On the basis that the White Hart Inn is no longer viable as a public house business. Following receipt of amended plans, confirmed no objection to the amendments
WBC Highways:	Two additional parking spaces need to be provided, subject to the recommendation of approval subject to conditions.
Local Lead Flood Authority:	No objection subject to conditions

WBC Trees:	1 st response: Object –Loss of trees protected by TPO 2 nd Response: Removal of trees with minimal replacement, a substantial replanting scheme is required and tree protection measures. 3 rd Response: Recommend approval subject to conditions
WBC Archaeology:	A building recording at English Heritage Level 2 condition is required.
WBC Ecology:	No objection subject to conditions
WBC Conservation	No response received

Public representations

- 4.2 Representations have been received from 33 contributors, 5 of which support, and 28 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:

Support

- The previous landlady worked over 12 hour days to attempt to achieve financial viability.
- The White Hart Inn has been well run with a good food and drink offer
- Very few local people have supported the pub and due to location it is difficult to increase footfall
- We are in need of housing more than a pub
- There is competition form town centre restaurants and the White Hart faces huge competitions
- Nobody has made a sensible offer to purchase it as a community asset.
- Housing will be very beneficial to the community

Objections

- Skylight for property H4 overlooks my property and garden, window on east elevation overlooks
- Separate drainage is required
- Removal of trees, hedges and bushes , and land levelling will create privacy and instability issues
- Trees in adjacent gardens need protecting
- Request that the building recording is implemented
- The pub could become viable as a community pub as seen in other places, or run by another business/owners
- The asking sale price is too high, does not compare well to recent pub sales in the wider area, and the open market valuation, and poor state of repair of the building.
- The business model for the pub has not been working rather than it not being viable, poor food and drink offering

- RICS Red Book valuation should be provided
- Other comparable pubs in the rural area are viable as destination pubs, and thriving post Covid
- Will result in the loss of a focal point for community interaction
- Loss of employment opportunities
- This pub has the advantage of rooms which other pubs do not have.
- It is listed as an Asset of Community Value and the community should be given the opportunity to purchase it.
- Absence of evidence that it has been marketed at a reasonable price
- Change of use does not meet policy requirements or overcome the Inspector's reasons for dismissing the previous appeal.
- Pop up cafes and pub in the village hall have not been suitable alternatives to the pub.
- The pub is the only one in West Berkshire to close over winter
- The pub has been closed at times when it was advertised to be open

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, CS5, CS10, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C4, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, 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)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Public Houses SPG (2000)
- Hamstead Marshall Village Design Statement (2011)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Character and appearance of the development
- Heritage
- Residential amenity
- Highway safety
- Trees
- Ecology

Principle of development

- 6.2 Policy CS10 of the Core strategy seeks to encourage the diversification of the rural economy and says that proposals which seek the loss of small or medium sized enterprises in the rural area will need to demonstrate that the loss of the site will not negatively impact the local economy and the vitality and viability of the surrounding rural area. Policy C1 of the Housing Site Allocations DPD states that there will be a presumption against new residential development in the countryside other than for limited exceptions which includes the conversion of redundant buildings. Policy C4 requires that the application can demonstrate that the building is genuinely redundant. The supporting text to that policy says that for a building to be considered to be redundant it is important that the original use of the building for that purpose no longer exists. Paragraph 97 of the NPPF says that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The Public Houses SPG sets out guidance to be used in assessing applications which will result in the loss of a public house which are
- i. Whether it would have an adverse effect on the local character, diversity and amenity of the area*
 - ii. Demonstrating that alternative acceptable public house provision exists,*
 - iii. Evidence that that the loss of the public house would comprise an unacceptable decline in the standard of community services for visitors.*
 - iv. Whether it can be demonstrated that the public house is no longer economically viable and that all reasonable attempts have been made to sell or let the building as a public house at a realistic price for no less than six months.*
- 6.3 In considering the alternative public house provision, there are five other pubs within a 2 mile radius of the application site. These are The Craven Arms Enborne, The Furze Bush Ball Hill, The Red House Marsh Benham, The Halfway House Bath Road, and Dundas Arms Kintbury. Given the location of the White Hart Inn within Hamstead Marshall, which is realistically only accessible by car, even to many residents within the village, and these alternative sites are also dependent upon car borne journeys, this two mile radius is a reasonable consideration for alternative provision of a public house.
- 6.4 The application has been submitted with a Community Resource Analysis Report which sets out the alternative community uses in the area, the suitability of the building for ongoing community or commercial use, past trading information, and marketing of the White Hart Inn. There are alternative community facilities within the village hall and there is also a Parish Church. Whilst some of the objectors have referred to the lack of community meeting place with the closure of the pub, given the size of the community, there are also other facilities for social interaction within the community, albeit without the full range of interactions available within a public house. In addition, there are the other public houses within a 2 mile radius as referred to above. Hamstead Marshall is not a large enough community to support a public house, without bringing most of its trade from outside the village. The site was previously listed as an Asset of Community Value, and this was in place when the previous appeal was dismissed. However, a further application to renew this listing was refused in 2021 because the application did not sufficiently demonstrate that the local community benefited from the use of the site to a significant extent.
- 6.5 The SPG requires that the loss of a public house will not comprise an unacceptable decline in the standard of community services for visitors. Whilst tourism is encouraged throughout West Berkshire, within Hamstead Marshall and the immediate area there are

not particular tourist attractions, and so the loss of the public house will not result in an unacceptable decline in the standard of community facilities for visitors.

- 6.6 The Community Resource Analysis Report sets out the record of trading performance since closure in 2010, this has been independently reviewed and concluded that whilst no financial information has been included within the Analysis Report to demonstrate unviability, undertaking a review it was concluded that the White Hart Inn cannot be reopened as a viable public house, this is because of the isolated location of the site, relying on business as a destination site, with limited numbers of visitors likely to use the overnight accommodation, and considering the costs of running it a public house, and the potential income which could be generated.
- 6.7 The applicant's Report has also set out the marketing strategy, which has also been reviewed and that there had been a suitable and competent marketing campaign of more than 12 months. The marketing review has been assessed, and when the previous application on the site to convert to residential use was dismissed on appeal, the inspector concluded that insufficient marketing has taken place because it had only been offered for sale on a leasehold basis. The current marketing of the property has included advertising on a leasehold or freehold basis. It has been for sale for more than 12 months, and it considered that there has been a full and competent exposure to the market.
- 6.8 Policy C4 requires demonstration that the building is genuinely redundant, and this is considered as to whether the original purpose of the building exists. The previous application to change the use of the public house to residential use was refused and dismissed on appeal in 2018. In dismissing that appeal the Inspector considered that the evidence submitted at that time was not sufficient to demonstrate that it was genuinely redundant as a public house, and that it was an important community facility. Since that time the Covid pandemic has occurred, and this combined with the cost of living crisis, has changed the economic climate since the previous application was considered at appeal. Furthermore, it is acknowledged that the site is no longer an Asset of Community Value. It is considered that in the light of the updated information that it has been demonstrated the White Hart Inn is unviable and so it can be considered to be redundant for its original purpose in accordance with policy C4.
- 6.9 Policy C4 also requires that the proposal involves a building which is structurally sound and capable of conversion without substantial rebuilding, extension or alteration. The buildings are in a condition where it is not considered reasonable to require a structural survey to demonstrate that they are sound. The application is proposing internal alterations to the building, with the limited external alterations proposed such as doorways and windows, and the infilling of the current walkway though one of the buildings, and no physical extensions to the buildings are proposed.

Character and appearance

- 6.10 Policy CS14 requires that new development is of high quality and sustainable design, which respects and enhances the character and appearance of the area, and that good design relates not only to the appearance of the development but also to the way it functions. Policy CS19 says that particular regard will be given to the sensitivity of the area to change and ensuring that development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policies C3 and C4 require the conversion to not have an adverse impact on the rural character, and that the creation of the residential curtilage would not be visually intrusive or have a harmful impact on the character of the site or its setting within the wider landscape.
- 6.11 The application is proposing the subdivision of the main public house building into two dwellings, and the conversion of the two outbuildings into dwellings. The main alteration

to the external appearance of these buildings are the insertion of doors, and repositioning of some windows, and the insertion of some new windows. A fire escape on the north elevation is proposed to be removed. It is proposed to infill the walkway between the car park and the beer garden as part of the living accommodation. Overall, these alterations will have a minimal impact on the appearance of the site within the rural location. The more significant visual alteration is the repositioning of the parking spaces along the road frontage, and using that area as garden space for H1, with parking spaces being provided adjacent to the existing driveway. With suitable boundary treatment and a scheme of landscaping, this may be an improvement in the street scene, through removing the parking area. The garden areas for plots H3 and H4 will be created from the existing hard surfaced parking area.

- 6.12 It is considered that the proposal will assimilate with the existing pattern of development and will not result in a visual incursion into the surrounding countryside, as all development is contained within the existing site. However, conditions will be required with regards to boundary treatment, and external lighting, given the location within the North Wessex Downs National Landscape.

Heritage

- 6.13 Policy CS19 says that particular regard will be given to the conservation and where appropriate enhancement of heritage assets and their settings. Policy C4 requires that the conversion retains the character, fabric and historic interest of the building. The site is not listed building; however, it is included in the Historic Environment Record as a locally listed building. A Heritage Statement has been submitted with the application.
- 6.14 The proposals to change the internal arrangements of the buildings are the same as those that were considered in the previous application which was dismissed at appeal. At that time there were no objections from the Conservation Officer, as amendments had been made to the proposal to ensure that the historic fabric of the building would be retained, and so conserve the historic importance of this non-designated heritage asset. Conditions requiring details of the material to be used in the conversion works can ensure that the details are appropriate to ensure the appearance of the building is retained.
- 6.15 The archaeologist has reviewed the proposals as requested that building recording is carried out before the development commences. This can be secured through conditions.

Residential Amenity

- 6.16 Policy CS14 requires that new development make a positive contribution to the quality of life in West Berkshire. Policy C4 requires that the environment is suitable for residential use and gives a satisfactory level of amenity for occupants. The Quality Design SPD also sets out guidance for assessing the impact of residential development on adjoining occupiers, as well as setting out guidance on such matters as the amount of amenity space to serve new development.
- 6.17 The proposed site layout plan indicates a private garden area to serve each dwelling. This area exceeds the minimum required space for the size of dwellings. There are ground floor windows serving proposed dwelling H3 which faces towards the garden of dwelling H2, however with suitable boundary treatment there can be sufficient screening to prevent overlooking.
- 6.18 The proposed plans also include the insertion of a roof light on the north elevation on plot H4. The building is situated on the boundary with the adjacent house known as Mansard House. Amended plans were submitted to show the positioning of the window so that the opening parts would be 1.7 metres above the internal ground floor level. This

accords with the permitted development tolerance for the insertion of windows on roof slopes on side elevations. This will prevent overlooking from the proposed bedroom into the adjacent garden area, and windows at the rear of Mansard House, and would be in accordance with the SPD guidance on habitable windows at right angles. To ensure that levels of privacy within the garden are maintained, a condition removing the permitted development rights on additional windows on this roof slope can be imposed.

- 6.19 There has also been an objection raised about the retention of the window on the east elevation, which also faces towards a residential garden which serves White Hart Cottage. However, this window already serves as a guest bedroom, and so it would not be reasonable to restrict the glazing of this window, as there is already a degree of overlooking from a bedroom, and the proposal would also result in overlooking from a bedroom.
- 6.20 It is considered that the proposal will result in sufficient levels of amenity to serve the needs of the future residents, and with conditions the proposal will not result in an unacceptable degree of looking to the neighbouring properties.

Highway Safety

- 6.21 Policy CS13 refers to the impact that new development may have on the highway network. Policy P1 sets out the parking requirements for new residential development.
- 6.22 The Highways Officer has assessed the proposals and has raised no objections with regards to visibility splays as the access to the site is utilising the existing access, this is on the proviso that the visibility splays are not worsened as a result of the development by the boundary treatment for plot H1. This can be secured through conditions.
- 6.23 The site layout plans indicate the provision of 9 car parking spaces, this accords strictly with the requirements set out in Policy P1, as plots H1, H2, & H3 are two bedrooms, requiring 2 spaces each (6 in total), and H4 is proposed to have three bedrooms so requiring 2.5 spaces, and so with rounding up this is 9 spaces as proposed in the layout.
- 6.24 The Highways Officer has also requested conditions requiring a Construction Method Statement, the provision of electric vehicle charging points and cycle storage, surfacing of the access, and the provision of the proposed parking spaces. With the imposition of these conditions the proposal will provide sufficient parking and will not be harmful to highway safety.

Trees

- 6.25 Policy CS18 ensures that the District's green infrastructure will be protected and enhanced. Within the site there is a hazel tree which is proposed to be removed due to its poor condition. The application also proposes the removal of a section of hedgerow along the access to the car park at the north of the site., to provide parking spaces. This is compensated through additional planting, and the site remains well screened from the surrounding countryside It is also proposed to retain the landscaping along the north-east boundary of the site. The Tree Officer has confirmed that following the submission of amended plans that he is satisfied with the details provided subject to the submission of a landscaping scheme and a tree protection scheme, and these can be secured through conditions.

Ecology

- 6.26 Policy CS17 says that biodiversity assets across West Berkshire will be conserved and enhanced and goes on to say that adequate mitigation measures must be provided where damage to biodiversity interests is unavoidable. The application has been submitted with an ecology survey which indicates the presence of bats within the

application site buildings. The report sets out mitigation measures to be used during the construction works, and the lighting and the timing of development works. The Council's ecologist is satisfied with the mitigation measures proposed within the report and recommends conditions to ensure that the recommendations of the report are implemented. A condition is also required to approve details of any external lighting to avoid disturbance to the bats. With conditions in place the proposal is considered to accord with Policy CS17.

Other matters

- 6.27 An objection was also raised about additional pressure that there would be on the shared drain which crosses the application site before it reaches the main sewer. As this is a private drain, this is a civil matter between the parties who manage the drain.

Parish Council representations

- 6.28 Hamstead Marshall Parish Council has said that they are of the view based on the evidence within the application that the White Hart Inn is no longer viable as a public house business and so raises no objection to the application. They confirmed this view following the consultation on the amendments to the application. This view supports the viability evidence provided by the applicant, which was reviewed independently and confirmed the same conclusion.

7. Planning Balance and Conclusion

- 7.1 Policy C1 and C4 support the conversion of redundant buildings in the countryside to residential use, and the Public Houses SPD also sets out guidance on assessing whether a public house is viable. In dismissing the previous appeal in 2018 for a very similar development, the Inspector considered that there was insufficient evidence to demonstrate that the public house was no longer viable. There has been a material change in circumstances since that appeal decision with the Covid pandemic and subsequent cost of living crisis changing the economic outlook for many hospitality businesses. The updated viability and marketing information has been assessed and it has been concluded that the building is no longer viable as a public house. Whilst there is potential loss to the rural economy through the loss of the site, given that it has been proven to be unviable then this loss is considered to be minimal. The principle of the change of use to residential use has been accepted.
- 7.2 The proposed alterations to the building and the site layout are considered to be acceptable and will not be harmful to the character and appearance of the rural area, or protected species within the application site. With conditions the potential loss of privacy to adjoining properties can be overcome.
- 7.3 It is considered that the proposal accords with the relevant development plan policies and national planning policy guidance.

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</p> <p>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</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan Drawing No 51429-XX-P1-01 v4 received 4th April 2024; Proposed Site Plan Drawing No 51429-XX-P1-02 v9 received 18th July 2024; Proposed Building Section AA Drawing No 51429-B2-P4-01 v4 received 18th July 2024; Proposed Elevations Drawing No 51429-B2-P3-01 v4 received 18th July 2024; Proposed Elevations Drawing No 51429-B2-P2-01 v4 received 18th July 2024; Proposed Elevations Drawing No 51429-B1-P3-01 v3 received 22nd March 2024; Proposed Elevations Drawing No 51429-B3-P3-01 v1 received 22nd March 2024; Proposed Floor Plans Drawing No 51429-B1-P1-01 v4 received 22nd March 2024; Proposed Floor Plans Drawing No 51429-B3-P2-01 v1 received 22nd March 2024; Proposed Roof Plan Drawing No 51429-B1-P2-02 v3 received 22nd March 2024; Proposed Site Section Drawing No 51429-XX-P5-01 v1 received 22nd March 2024;</p> <p>Arboricultural Impact Assessment prepared by SJ Stephen Associates dated December 2023 received 22nd March 2024; Bat Surveys prepared by All Ecology dated December 2023 received 22nd March 2024; Heritage Statement prepared by Sarum Heritage and Planning dated September 2023 received 22nd March 2024; Technical Note prepared by i-Transport LLP reference ITB19284-001a TN dated 1st March 2024 received 22nd March 2024; Planning Statement prepared by Pro-Vision dated March 2024 received 22nd March 2024;</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials</p> <p>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.</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>Electric vehicle charging points (prior approval)</p> <p>No dwelling shall be first occupied until an electric vehicle charging point has been provided for that 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.</p>

	<p>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.</p>
5.	<p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding; (f) Wheel washing facilities; (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (h) A scheme for recycling/disposing of waste resulting from demolition and construction works; (i) Hours of construction and demolition work; <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
6.	<p>Access closure with reinstatement</p> <p>The existing access to the parking area at the south of the site shall be stopped up and abandoned prior to the first occupation of the dwellings hereby permitted. The highway verge shall at the same time as the stopping-up and abandonment, be reinstated in accordance with the approved plans.</p> <p>Reason in the interest of road safety and highway maintenance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026).</p>
7.	<p>Surfacing of access</p> <p>No development shall be first occupied until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the carriageway for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026).</p>

8.	<p>Visibility splays before development</p> <p>No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.</p> <p>Reason: In the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026).</p>
9.	<p>Cycle Parking provision</p> <p>No dwelling shall be first occupied until cycle storage facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the adequate provision of cycle parking facilities. 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).</p>
10.	<p>Sustainable Drainage Methods</p> <p>No development shall take place until details of the discharge of surface water has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved scheme,</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, 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.</p>
11.	<p>Soft Landscaping Prior Approval</p> <p>No dwelling shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include</p> <ul style="list-style-type: none"> a) detailed plans, planting and retention schedule, noting species, plant sizes and proposed numbers/densities, programme of works including management of the planting, and any other supporting information. b) All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following first occupation of any of the dwellings. <p>Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design, and the safeguard and enhance the character an amenity of the area to provide</p>

	<p>ecological, environmental and biodiversity benefits and to enhance the setting of the site within the locality. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
12.	<p>Tree protection scheme</p> <p>The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment, including the tree protection plan and arboricultural method statement. The protective fencing shall be erected prior to any development works taking place. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies ADPP5, CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
13.	<p>Written Scheme of Investigation</p> <p>No demolition and /or site works shall take place within the application area until the applicant has secured the implementation of a programme of building recording at Level 2 as specified by Historic England in Understanding Historic Buildings: A guide to good recording practice (2016). This programme of building recording shall also be 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.</p> <p>Reason: To ensure that an adequate record is made of this building of architectural, historical or archaeological interest. This condition is applied in accordance with the National Planning Policy Framework and Policy CS19 of the West Berkshire Core Strategy 2006-2026</p>
14.	<p>Compliance with existing detailed biodiversity method statements, strategies, plans and schemes</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Bat surveys' (December 2023, All Ecology) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
15.	<p>Submission of a copy of the EPS licence</p> <p>The following works 'Change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and infrastructure' shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p>

	<p>(a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or</p> <p>(b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This “strict protection” condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.</p>
16.	<p>Lighting design strategy for light sensitive biodiversity</p> <p>No external lighting shall be installed until a lighting design strategy has been submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed on buildings or within the site except in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.</p> <p>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. The condition is also applied to conserve the dark skies of the North Wessex Downs National Landscape. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-2024 and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
17.	<p>Time limit on development before further surveys are required</p> <p>If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning permission, the approved ecological measures secured through Condition ‘<i>Compliance with existing detailed biodiversity method statements, strategies, plans and schemes</i>’ shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of bats and (ii) identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development Works will then</p>

	<p>be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>IMPORTANT: If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
18.	<p>Obscure glazing of windows</p> <p>The roof light window at first floor level in the north elevation of dwelling H4 shall be fitted with obscure glass and shall be non-opening except where it is more than 1.7 metres above the internal floor level . The obscure glazing shall be permanently retained in that condition thereafter.</p> <p>Reason: To prevent overlooking of adjacent properties/land, 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).</p>
19.	<p>Permitted development restriction (windows/dormers)</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at ground or first floor level on the north elevation of the dwelling H4 hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent overlooking of adjacent properties/land, 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).</p>
20.	<p>Boundary treatment</p> <p>No dwelling shall be occupied until details to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwellings hereby permitted are occupied. The approved boundary treatments shall thereafter be retained.</p> <p>Reason: To ensure that the boundary treatment is appropriate to the rural character and appearance of the area, and to ensure that any boundary treatment does not affect highway safety. This condition is imposed in accordance with the National Planning Policy Framework Policies APDD5, CS13 CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006)</p>

Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>CIL</p> <p>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</p>
3.	<p>BNG -Not required (predates Mandatory BNG)</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> <ul style="list-style-type: none">(a) a Biodiversity Gain Plan has been submitted to the planning authority, and(b) the planning authority has approved the plan. <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> <ul style="list-style-type: none">1. The application for planning permission was made before 12 February 2024.2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

- (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
- (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

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

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

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

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

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

APPLICABLE EXEMPTION

	<p>The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.</p> <p>IRREPLACEABLE HABITAT</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</p> <p>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.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> 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. <p>PHASED DEVELOPMENT</p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
4.	<p>Damage to Footways, Cycleways & Verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
5.	<p>Damage to the carriageway</p>

	The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
6.	Excavation in close proximity to the highway In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority.
7.	Incidental works affecting the Highway Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Highways (Planning) Manager, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD, tel. no. 01635 519169, before any development is commenced.
8.	Official Post Office 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.