

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00657/FUL Chieveley Parish Council	23/05/2024 ¹	Erection of single dwelling, double garage and associated works Land at Tudor Avenue Chieveley Newbury RG20 8RW Calco Construction Limited
¹ Extension of time agreed with applicant until 30/04/2025			

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=SBF45ZRD0S100>

Recommendation Summary: To DELEGATE to the Development Manager to GRANT PLANNING PERMISSION subject to conditions and Section 106 agreement

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

Reason for Committee Determination: The application has received more than 10 letters of objection, and the officer recommendation is for conditional APPROVAL.

Committee Site Visit: 17/04/2025

Contact Officer Details

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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the erection of a single dwelling, double garage and associated works at Land at Tudor Avenue Chieveley Newbury RG20 8RW.
- 1.3 The application site is situated on the northeast side of Tudor Avenue in Chieveley in the open countryside. Tudor Avenue lies beyond the designated settlement boundary for Chieveley on the west side of the Oxford Road.
- 1.4 The site is within the North Wessex Downs National Landscape (Formerly AONB). The site has several Tree Protection orders within it composing of two individual tree TPO's and band of TPO's along the southern boundary. The existing site is unkept, mostly clear vacant land that is enclosed on all sides by trees. To the north is open countryside fields, to the south is Tudor Avenue and the adjoining dwelling. To the east and west lay residential dwellings. and on three sides by residential development or access.
- 1.5 The proposed development consists of a two-storey dwelling whereby the first-floor rooms are in the roof of the house. The dwelling is rectangular in form, long and narrow reflecting the application side. A small adjoining side extension is located to the north of the main gable ended dwelling. To the east of the proposed dwelling is a detached garage and access. A footpath runs from Tudor Avenue to the proposed front door.
- 1.6 To the west/northwest there is an area that will be used for nutrient neutrality mitigation.

2. Planning History

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

Application	Proposal	Decision / Date
75/02625/ADD	Erection of 10 dwellings	Refused.
79/10053/ADD	11 no detached houses and garages	Refused.
79/12061/ADD	Six detached dwellings and garage accommodation	Approved.
81/14492/ADD	Proposed layout for six detached dwellings roadworks and foul drainage system	Approved.
81/15259/ADD	Erection of detached dwelling with garage on plot 1 realignment of access road	Approved.
81/15805/ADD	Erection of detached dwellings with garages plots 3 5 and 6	Approved.
83/19298/ADD	Detached dwelling and garage plot 7	Approved.
83/20568/ADD	Detached dwelling and garage plot 9	Approved.
84/20961/ADD	Erection of a house	Approved.

84/22155/ADD	Erection of 3 no detached dwellings with garages	Refused.
89/35370/ADD	Erection of two detached houses with garages	Refused.
00/00294/FUL	Two detached houses. One pair of semi-detached houses. (two low cost housing)	Withdrawn.
04/01201/FUL	One house and garage.	Refused.
23/01535/FUL	Erection of single dwelling, garaging and associated works	Refused

2.2 It is considered the two most pertinent cases to this recommendation are applications 04/01201/FUL and 23/01535/FUL which both considered a proposed dwelling on site. The case officer has reviewed these decisions and has considered the material difference between these applications and the proposed development in this application.

2.3 It should also be stated that both previous decisions were made on up-to-date local plans and therefore paragraph 11 of the NPPF and the tilted balance were not engaged.

3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs National Landscape (Formerly known as an Area of Outstanding Natural Beauty). The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.

3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required. A screening opinion has been sent to the applicant/agent reflecting this view and is saved to the file.

3.3 **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 30/04/2024 at the entrance of Tudor Avenue, with a deadline for representations of 22/05/2024.

3.4 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision

Community Infrastructure Levy (CIL)	Yes	No
New Homes Bonus	Yes	No
Affordable Housing	No	No
Public Open Space or Play Areas	No	No
Developer Contributions (S106)	No	No
Job Creation	No	No

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

3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.

3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 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.
- 3.13 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CROW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

4. Consultation

Statutory and non-statutory consultation

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

Chieveley Parish Council	<p>The Parish Council Object to this planning application proposal on the following grounds.</p> <ul style="list-style-type: none"> - The proposed development is outside the defined settlement boundary which is considered unacceptable according to ADPP1 of West Berkshire Core Strategy2006-2026. - It is in an Area of Outstanding Natural Beauty (AONB) and impacts on its surroundings. Policy ADPP5 of West
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	<p>Berkshire Core Strategy 2006-2026 permits development within the AONB, providing its impact on the surrounding is acceptance - This proposal is not acceptable.</p> <ul style="list-style-type: none"> - There are trees which will obtain root damage by the construction. The loss of further trees will threaten the habitat. This will impact an area of open greenspace. - Risk of flooding, removing more of the soakaway for this development will cause a risk to further flooding. A more in-depth flood assessment is required, members of the public reported to Parish Council that flooding is a major issue in this location who in the past have had to create flood defences to stop their homes from being flooded, this development would only add to the already problem off loading. - Privacy issues, neighbours will become overlooked. Screening / landscaping needs to be a condition of this planning. - Access issues, it is a single track, loss of the passing circle and turning bay will cause problems. Including Construction Traffic issues. There is also not enough room for extra waste collections. - The telephone pole will need to be moved and it was not known where this could be re-located. - The Nutrient Neutrality Plan contains no mitigation.
WBC Highways:	No objections subject to conditions.
Thames Water Utilities:	No response with the 21 day consultation period
WBC Ecology Officer	No objection subject to conditions and section 106 agreement.
WBC Environmental Health Officers	No comments
Environments Agency	No comments.
WBC Tree Officer	No objections subject to conditions.
WBC Lead Local Flood Authority	No objections

Public representations

- 4.2 Representations have been received from 22 contributors, 0 of which support, 1 provides ambivalent comments and 21 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- The land was once productive agricultural land until the owner enclosed it.
- The site dips to the west to east across the site resulting in issues in regard to drainage on the site and flooding
- The existing systems in the area managed by Thames Water are inadequate
- The application is contrary to planning policy by being outside of settlement boundaries and in the AONB
- The development would impact the TPO trees of the site
- There would be harm to the AONB as per the previous inspector's decision
- The application has minimally changed since the previous application.
- The site has been cleared of landscaping recently to which was to the detriment of the ecology of the site.
- The proposed development is not nutrient neutral
- The proposed development is not in keeping with the existing pattern of development
- The design of the proposed development is not in keeping with the existing character of the area.
- It would incur into root protection areas of the site's trees
- It would increase the risk of flooding in areas around the site.
- The access road and turning area is currently used as informal parking and bin storage.
- Could set a precedent for further dwellings on or near the plot
- The development would be detrimental to the AONB and possibly lead to cutting back or down of trees in a protected landscaping.
- The development would increase vehicle movements in the nearby and immediate highway to the detriment of safety, privacy and noise.
- The development would conflict with the local plan.
- The garage block remains visually intrusive.
- The turning area should not be used for the access of the dwelling.

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, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1, C1, C3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).
- Policy NRM6 of the Southeast Plan.

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 Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

Principle of development

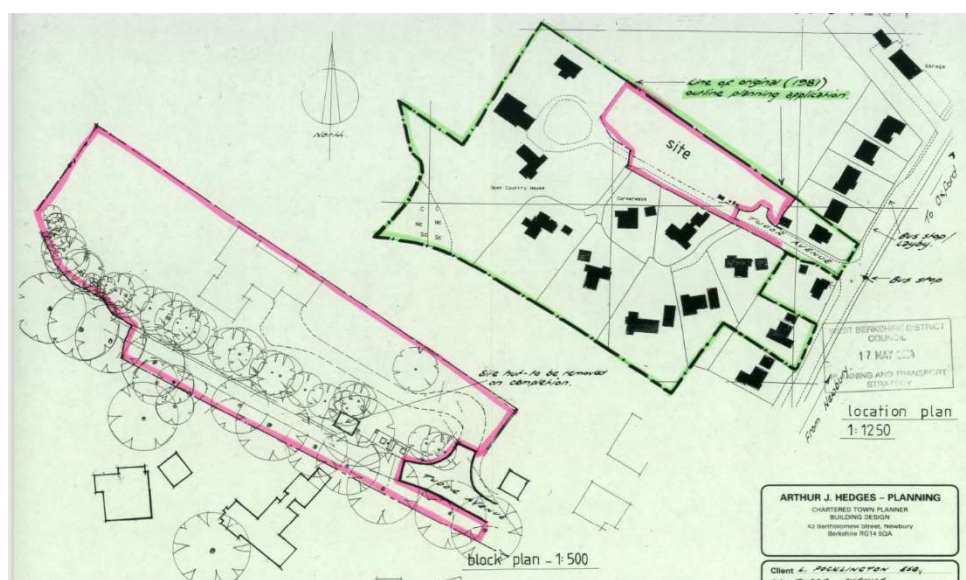
- 6.1 The site is not within a defined settlement and is within the North Wessex Downs National Designated Landscape. As such, development is limited (ADPP1) and must preserve and conserve the area's natural beauty (ADPP5). With these constraints, development is more favourable when it can demonstrably meet local needs or support the rural economy.
- 6.2 Policy C1 states there is a presumption against new residential development outside of settlement boundaries, although limited infill development can be appropriate subject to criteria set out within the policy.
- 6.3 All proposals will need to satisfy the other policies in this section of the Plan.
- 6.4 In settlements in the countryside with no defined settlement boundary, limited infill development may be considered where:
- i. It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
 - ii. The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built-up frontage; and
 - iii. It does not extend the existing frontage; and
 - iv. The plot size and spacing between dwellings is similar to adjacent properties and respect the rural character and street scene of the locality.
- 6.5 Planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the National Landscape or where development would have an adverse cumulative impact on the environment or highway safety.
- 6.6 The development is not considered to fall within a closely knit cluster of 10 or more dwellings adjacent to, or fronting an existing highway. The development is north of Tudor Avenue, to the east of the site is the dwelling known as Fairfield and its back garden and garage. The area north of Tudor Avenue is undeveloped in nature and enclosed by Trees and Landscaping. Furthermore, to the north-west there is an outbuilding serving the dwelling known as Open Country House.
- 6.7 Given these site factors the site is open and undeveloped, and the development is not considered to be infill in a built-up frontage. The dwelling would be adjacent to Fairfields garden but would leave an open gap to the northwest of the site. The proposed dwelling is not considered to be within the cluster of dwellings. It is adjacent to just one, Fairfields and then open space to the northwest. Tudor Avenue itself would divide the site away from the built form to the south of the site.
- 6.8 The new curtilage would be to the north of the avenue, notably separated from the existing cluster south of the main avenue road and is proposed to have a longer and thinner form than existing curtilages. The proposed curtilage would be more akin to those along Oxford Road however the actual position of the curtilage would mean it is read more in accordance with the layout of those to the south of Tudor Avenue. These are more rounded and box like. The impact on the character of the area is discussed in more detail below but the plot size and spacing would be similar to some of the dwellings in the area (those along Oxford Road) but not in accordance with the plots the proposed dwelling is most likely to be read against (those in Tudor Avenue).

- 6.9 It is not considered to be in accordance with criteria i., ii, iii and iv. of policy C1 and therefore would not meet the exceptions for appropriate limited infill development. This is a view consistent with the previous officer's reason for refusal under application 23/01535/FUL.

Character and appearance

- 6.10 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 area and makes a positive contribution to the quality of life in West Berkshire. Furthermore, it is expected that the design and layout of any development are relative to the wider context, having regard to not just to the immediate area, but also the wider locality. Development should contribute positively to local distinctiveness and sense of place.
- 6.11 Policy ADPP5 recognises the national landscape designation of the NWD National Landscape and says that development will conserve and enhance the local distinctiveness, sense of place and setting of the NWD National Landscape, whilst preserving the sense of remoteness tranquillity and dark night skies. It goes on to say that development will respond positively to the local context. Policy CS19 seeks development that ensures the diversity and local distinctiveness of the landscape character of West Berkshire is conserved and enhanced.
- 6.12 Tudor Avenue comprises a small cluster of detached dwellings off Oxford Road in a landscape otherwise characterised by open fields, outside of any defined settlement and within the North Wessex Downs National Landscape. The curtilage on the western edge of the avenue was the site of a 19th century country house and farmstead known as Broomdown Farm, to which the land now known as Tudor Avenue formed part of. The character of the setting therefore holds some historical value although 7 detached dwellings were erected to the south of the site in the late-20th century, followed by a further 8 along Oxford Road. The site is well assimilated into the rural setting due to the presence of mature trees and an area of vegetation to the north of Tudor Avenue containing multiple tree preservation orders. It is in this section that the proposed development would be sited.
- 6.13 The design of the dwelling itself is respectful in terms of its form, scale, and materials. The form and scale are similar to that of the existing dwellings in the area, and the materials would be in-keeping, albeit with the introduction of some more modern materials such as anthracite UPVC windows. Regarding the proposed garage, the materials would be similar to those for the main dwelling, and thus equally respectful and in-keeping.
- 6.14 The proposed garage siting has been changed in response to the previous applications comments and is now located to the northeast of the site behind the building line drawn from the frontage elevation of the proposed dwelling away from the highway. This is a similar layout to that of the adjacent dwelling Fairfield.
- 6.15 The proposed residential curtilage form, size, and siting has been reduced from the previous submission. It is now much smaller with a curtilage frontage similar to that of Walnut Lodge opposite, albeit being just slightly longer to include the access to the east. It would be notably smaller than the previous application and more in line with the size of the curtilage of those dwellings to the east along Oxford Road.
- 6.16 The proposed curtilage would be more akin to those along Oxford Road however the actual position of the curtilage would mean it is read more in accordance with the layout of those to the south of Tudor Avenue. These are more rounded and box like.

- 6.17 The new curtilage would be to the north of the avenue, notably separated from the existing cluster south of the main avenue road and is proposed to have a longer and thinner form than existing curtilages. Therefore, the new residential site would extend an isolated group of dwellings northwards into the countryside and would introduce built form inconsistent with the character and settlement pattern.
- 6.18 It is acknowledged that the proposal seeks to retain mature trees to form the curtilage border, and thus the development would be partially obscured from views from the street scene. The level of protected trees has increased from the previous application and the tree officer has no objections to the application. There is no loss of trees to the northern boundary that is adjacent to the open National Landscape.
- 6.19 It is noted that a previous appeal APP/W0340/A/04/1163526 considered a dwelling located in this area to be harmful to the National Landscape (formerly AONB) due to the risk it would pose to the Trees of the site and the possibility of future residents wishing to remove these trees. The block plan for this appeal shows the dwelling pushed tight to the northern boundary whereas this application it is centred in the site. The length of the proposed curtilage is also reduced in this application compared to the appeal decision. The block plan also does not show any landscaping to the northern boundary of the site. Furthermore, the proposed dwelling was proposed to be of a different design and scale. Therefore, there are significant material changes to the proposed scheme compared to the previous appeal scheme.



- 6.20 The proposed development would be seen in the context of the other built form of Tudor Avenue and respects the existing boundaries of the site. However, some protected

mature trees and vegetation would still require removal to accommodate the works. This impact can be mitigated to an extent by a landscaping condition.

- 6.21 The proposal would introduce built form to a previously undeveloped site, thus eroding the rural character of the site. However, this harm has been reduced since the previously considered application under 23/01535/FUL.
- 6.22 The views of the site would be limited to the immediate areas of Tudor Avenue and with the existing strong boundary treatments, the wider views of the site would only be altered to a small extent. There would be limited change to the interconnectivity of views from Tudor Avenue and the National Landscape.
- 6.23 The proposed development would be seen in localised views in the context of dwellings of Tudor Avenue and would affect minimal change on the wider National Landscape.

Neighbouring Amenity

- 6.24 The NPPF states that planning should create places with a high standard of amenity for all existing and future users. Policy CS14 states that development should make a positive contribution to the quality of life. As such amenity is an important consideration.
- 6.25 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. According to Policy OVS.6, the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. The NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Part 2 of the Quality Design SPD provides guidance on residential amenity, including on acceptable relationships between built form and habitable windows.
- 6.26 The assessment considered the impact on neighbouring amenity in terms of
 - Sunlight / daylight
 - Overlooking / privacy
 - Overbearing impact
 - Noise and disturbance
- 6.27 The proposal has been assessed against the above metrics. The proposed development should have no adverse impact on the living conditions for those in neighbouring amenities due to the distance the proposed dwelling would be and the intervening features such as boundary treatments/landscape and the Tudor Avenue.
- 6.28 The dwelling and garage would be over 20m from any neighbouring dwelling, and partially obscured by mature trees, thus negating concerns of overshadowing and overlooking.
- 6.29 Whilst there may be some noise during the construction phase this would be temporary and would stop when construction is finished. Conditions can be utilised to reduce disturbance during the construction period.
- 6.30 It is therefore considered that the proposal accords with Policy CS14 of the West Berkshire Core Strategy with regards to neighbouring amenity subject to conditions.

Future occupants' amenity

- 6.31 Part 2 (Residential Development) of the Quality Design SPD considers that it is essential for the living conditions of future residents that suitable outdoor amenity space is provided in most new residential developments, and suggest that as a general guide the following garden sizes are suggested for houses:
- 1 and 2 bedroom houses and bungalows, from 70 sq.m;
 - 3 or more bedroom houses and bungalows from 100 sq.m
- 6.32 The proposed development has adequate private amenity space and meets the SPD's requirements as shown on the site plan.

Highway Matters

- 6.33 The existing access on to the site is being retained and will serve the parking area for the garage and driveway to the east of the proposed dwelling. This is access from a turning space for vehicles on Tudor Avenue which is unaffected by the proposed development. The vehicular access to the site is considered acceptable and the proposed development is not considered to alter the existing arrangements on Tudor Avenue to a refusal level.
- 6.34 The details submitted for an electric vehicle charging point with a minimum of 7kw are considered acceptable and can be secured by planning condition.

Flooding and Drainage

- 6.35 The site is not located in Flood Zone 2 or 3. The nature of the works could have the potential to affect flood risk due to the increased levels of impermeable materials and loss of vegetation within the site itself. However, a drainage strategy has been put forwards that has been accepted by the LLFA.
- 6.36 The submitted infiltration testing proposed cellular soakaway, and permeable paving is considered satisfactory by the Sustainable Drainage officer and they have no objection to the proposed method of discharge via infiltration. A condition securing the SUDS details is recommended. The development is considered to comply with CS16 of the development plan in terms of surface water and flooding.

Trees

- 6.37 As part of the previous application 4 trees were proposed to be removed these were T6-T9. This was identified as having an adverse impact on the character of the area contributing to the previous reason for refusal.
- 6.38 The current application has been changed so that now only two trees are proposed to be removed these are T4 and T9. According to the planning statement
- "One of these is a small, coppiced hazel growing around a telegraph pole that requires ongoing maintenance to ensure it doesn't affect the cables above. The second is a cherry laurel, which is an incongruous non-native invasive species. Both trees are categorised as C grade trees and were not included as part of the TPO."*
- 6.39 Whilst the planning statement identifies just two trees to be removed the Arboricultural Impact Assessment recommends further trees are removed due to issues identified with them during a tree survey.

- 6.40 T3 is now a U grade Corsican Pine and is not part of the TPO which is to be removed due to a risk of failure at the point of defect on the tree. T6 and T19 a Norway Maple have been identified to be considered for removal. Furthermore T31, T32, T33 are recommended to be felled.
- 6.41 Whilst the tree report identifies they may be removed in the future the application only proposes the removal of two trees. The worst-case scenario has been considered by the tree officer that the greater number of trees is being removed. The West Berkshire Council Trees Team do not object to the proposed removal of trees provided the protection schemes are adhered to and replacement planting of native trees is incorporated into the proposal. These can be secured by planning condition and the vast majority of the trees are being retained.
- 6.42 The previous application objected to the loss of 4 trees on this boundary line (T6-T9). This would have significantly opened the site creating a higher degree of visibility. This scheme seeks the loss of different trees (T4 and T9). The loss of different trees from the scheme results in less harm to the character of the area in the case officers view and does not illicit an objection from the tree officer. The trees to be removed are spaced out and not as prominent in the street scene as the former trees that were to be removed. Therefore, their loss is not considered, on balance, as harmful as the previous scheme.

Ecology

- 6.43 A summer/transitional bat roost for common pipistrelle has been confirmed from emergence surveys in tree T6 a Horse Chestnut. The original proposals were to remove this tree, but it is now proposed to retain it. The submitted proposed layout drawings show that this is possible. This tree – and others to be retained in TL1 and TL2 will need robust protection during the construction phase. This can be controlled by a suitable condition. As the tree is to be retained, no Regulation 55 licence from Natural England will be required to enable the development to proceed lawfully if approved. However, it will be important to limit any artificial light spill onto the confirmed bat roost following occupation. This too can be controlled by a suitable planning condition.
- 6.44 Section 6.1 of the submitted Ecological Appraisal outlines measures for the avoidance and mitigation of impacts to biodiversity.
- 6.45 The application has been registered on the basis that it did not at the time of application require to demonstrate a minimum 10% Biodiversity Net Gain (BNG) in accordance with the new regulations. It was received on 28th March 2024 and as a minor application it was therefore received before minor applications became liable for mandatory BNG on 1st April 2024.
- 6.46 Nevertheless, the NPPF does still require planning applications to seek no net loss and net gains wherever possible. Section 6.2 of the submitted Ecological Appraisal outlines measures for ecological enhancements. It is advised that conditions are applied to ensure the protection and enhancement of biodiversity are secured.
- 6.47 The proposed development is therefore considered to accord with CS17 of the development plan.

Nutrient Neutrality

- 6.48 The proposed development falls within the catchment of the River Lambourn SAC and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural

England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission. This planning application was subject to a Habitats Regulations Assessment, dated 29th November 2024. This concluded that provided mitigation is secured in the form of a condition restricting occupation until January 2025 and a legal agreement securing the offsite mitigation land is in place, there will be no likely significant effects on the River Lambourn SAC.

- 6.49 Given this recommendation is made post January 2025 this condition is no longer needed.
- 6.50 Based on the assessment, the total phosphate budget for the proposed development is **0.09g/yr** once the upgrades to the WwTW have been completed in January 2025. A condition preventing occupation until after this date will be necessary.
- 6.51 A mitigation site has been found which is to be purchased by the developer. The land consists of a 0.57ha parcel currently in arable production and will be fallowed and planted as a woodland to provide the nutrient mitigation for the development. This will be secured by a section 106 agreement and will remain for a period of 80 years.

Permitted Development

- 6.52 According to paragraph 53 of the NPPF, planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. Given the developments location in a National Landscape and the considerations given above in regard to the harm the proposed curtilage may create through the creation of a dwelling it is considered appropriate to restrict permitted development rights. A taller dwelling would not be appropriate in the countryside therefore restrictions to class AA are considered acceptable. The further extension into the countryside from development under class A is not considered appropriate either as this will take development closer to the boundaries increasing its visibility in the National Landscape and placing development closer to trees of the site. The creation of outbuildings may impact the national landscape by placing further development in the application site which may impact the national landscapes views and character. Inappropriate hard boundaries such as close boarded fences will also have a negative impact on the National Landscape if inappropriate design and placed. It is therefore considered justified to restriction Class A, AA, B and E alongside Class A of Part 2 of the permitted development rights.

7. Planning Balance and Conclusion

- 7.1 This application is proposing a new dwelling in the countryside outside of any settlement boundaries. The site is not previously developed land as defined by the NPPF. It does not constitute a form of development which is permitted by policy C1, as it does not constitute a closely knit cluster of 10 or more dwellings adjacent to or fronting an existing highway and so is contrary to the spatial policies set out in the development plan.
- 7.2 The Council is unable to demonstrate a five-year supply of deliverable housing sites. Because of the significant increase in the minimum local housing need figure, the Council can currently demonstrate only a 2.6 years' supply of deliverable housing sites, using a five-year housing land supply from 2024/25 to 2028/29 against a five-year housing land supply requirement, plus a 5% buffer. Because the Council cannot demonstrate a five-year housing land supply, the presumption in favour of sustainable development as outlined in paragraph 11 of the NPPF is engaged.

7.3 For planning decisions, the presumption in favour of sustainable developments means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including due to lack of 5 year housing supply), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

7.4 The addition of one house would contribute to the overall housing supply which is in shortage in the area. There would be social and economic benefits associated with the provision of housing. However, given the small scale of the development, these benefits carry moderate weight in the planning balance.

7.5 The previous similar application was refused on its impact to the National Landscape and lack of mitigation for Nutrient Neutrality. The issues around Nutrient Neutrality have been resolved with mitigation which can be secured by way of planning condition and legal agreement. The impact to the National Landscape has been substantially reduced by reducing the number of trees lost, reducing the curtilage size and moving the garage.

7.6 The proposal nonetheless would introduce built form to a previously undeveloped site, eroding the rural character and introducing further built form into views in the National Landscape. However, the harm from this built form is considered to be isolated to immediate views of the site. This issue attains moderate weight given the limited harm in the case officer's view. Mitigation can be secured by way of appropriate materials, landscaping and the retention of trees on the boundaries.

7.7 In the context of paragraph 11 of the NPPF and the titled balance which is engaged the limited harm identified is not considered to significantly and demonstrably outweigh the benefits of an additional dwelling. This is reflective of both the moderate level of harm and moderate level of benefit.

7.8 Therefore, the application is recommended for APPROVAL subject to conditions and legal agreement.

8. Full Recommendation

8.1 PROVIDED THAT a Section 106 Agreement has been completed with 3 months of the committee resolution (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

1.	<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 number PL/15 Rev B. Block Plan. Drawing number PL/18 Rev B. Proposed Site Setting Plan & Architectural Grain. Drawing number PL/16. Rev C. Proposed Part Site Plan with Roof Plan. Drawing number PL/19 Rev B. Proposed Dwelling - Elevations, Sheet 01. Drawing number PL/21 Rev B. Proposed Dwelling - Elevations, Sheet 02. Drawing number PL/22 Rev B. Proposed Dwelling – Floor Plans. Drawing number PL/20 Rev A. Proposed Dwelling – Sections. Drawing number PL/23. Rev A. Proposed Garage – Floor Plans & Sections. Drawing number PL/24 Rev A Proposed Garage – Elevations. Drawing number PL/25 Rev A. Proposed Drainage Strategy. Drawing number 8940-501 Rev B.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
4.	<p>Schedule of materials</p> <p>No construction work above ground foundation level related to the replacement dwelling hereby permitted, (apart from demolition of the existing building), shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</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>
3.	<p>Electric Charging Point</p> <p>The dwelling shall not be occupied until an electric vehicle charging point, minimum of 7kw, has been provided in accordance with the approved drawings.</p> <p>The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site</p>

	Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
4.	<p>Construction method statement</p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities (f) Measures to control the emission of dust and dirt during construction (g) A scheme for recycling/disposing of waste resulting from demolition and construction works (h) A site set-up plan during the works <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
5.	<p>Parking/turning in accord with plans</p> <p>The dwelling shall not be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
6.	<p>SUDS</p> <p>The development hereby approved shall be constructed in accordance with the Proposed Drainage Strategy. Drawing number 8940-501 Rev B.</p> <p>The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</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).</p>

7.	<p>Precautionary Biodiversity Method Statement</p> <p>No development shall take place (including any ground works, site or vegetation clearance), until a precautionary method statement has been submitted to and approved in writing by the local planning authority. The content of the precautionary method statement shall be based on the recommendations set out in Section 6.1 of the submitted Ecological Appraisal, Icon Ecology dated March 2024 and include the:</p> <ul style="list-style-type: none"> a) Detailed working methods necessary to avoid damage to the mature trees to be retained within the application site and damage or disturbance to tree T6 the Horse Chestnut supporting a confirmed bat roost. b) Detailed working methods necessary to avoid the killing or injury of breeding birds, reptiles and hedgehogs. c) Detailed working methods necessary to control and avoid the spread of invasive species e.g. Rhododendron. d) Extent and location of proposed avoidance measures shown on appropriate scale maps and plans. e) Timetable for implementation, demonstrating that avoidance measures are aligned with the proposed phasing of construction and taking into consideration the active and the sensitive periods for these animal groups. f) Use of protective fences, exclusion barriers and warning signs. g) Persons responsible for implementing the avoidance measures, including times during site clearance/construction when specialist ecologists need to be present on site to undertake /oversee works. h) Provision for bat 'rescue' if animals are encountered. i) Provision for reptile 'rescue' if animals are encountered. <p>The works shall be carried out in accordance with the approved details.</p> <p>Reason: To avoid adverse impacts to legally protected species during site clearance and construction and in accordance with the requirements of the NPPF to minimise impacts on biodiversity.</p>
8.	<p>Lighting Design</p> <p>No external lighting shall be installed on the buildings hereby approved until details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined in the recommendations of the Ecological Appraisal (March 2024, Icon Ecology) and the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals) and will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To avoid adverse impacts to legally protected species during site clearance and construction and in accordance with the requirements of the NPPF to minimise impacts on biodiversity and in accordance with CS17 of the West Berkshire Core Strategy (2006-2026).</p>
9.	<p>Ecological Enhancements</p> <p>Prior to the occupation of the dwelling hereby approved the development, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority.</p>

	<p>These shall be based on those outlined in Section 6.2 of the Ecological Appraisal, (March 2024, Icon Ecology) and include the installation of bat roosting and bird nesting boxes along with provision of generous native species planting where possible.</p> <p>The approved details will be implemented prior to any occupation of the dwelling hereby approved and there after retained.</p> <p>Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the requirements of the NPPF and in accordance with CS17 of the West Berkshire Core Strategy (2006-2026).</p>
10.	<p>Arboricultural Method Statement</p> <p>The development shall be carried out in accordance with the Arboricultural Method Statement and tree protection measures within report ref: 22.1483 dated Feb '24 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
11.	<p>Permitted development restriction (extensions/outbuildings)</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 extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B, and E and Schedule 2, Part 2 Class A of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site, to ensure appropriate boundary treatments of the site in the National Landscape, to ensure appropriate development in the National Landscape in the interests of respecting the character and appearance of the surrounding area in the National Landscape. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006)</p>
12.	<p>Landscaping Soft</p> <p>The dwelling hereby approved shall not be occupied until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:</p> <p>a) Completion of the approved landscaping scheme within the first planting season following /first occupation of the dwelling or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.</p>

	<p>b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.</p> <p>Thereafter the approved scheme shall be implemented in full.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
13.	<p>Hard landscaping</p> <p>The dwelling hereby approved shall not be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. 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 the Quality Design SPD.</p>

Heads of Terms for Section 106 Agreement

1.	<p>Securing Nutrient Neutrality Mitigation</p> <p>The s.106 agreement will need to secure the implementation of the following requirements:</p> <ul style="list-style-type: none"> - The area required for mitigation of the current planning application, out of the total area. - That the woodland planting scheme details are agreed and the woodland planted prior to the occupation of the first residential unit. - The s.106 agreement must also specify the required maintenance for the woodland and secure the guarantee that the woodland is maintained for the duration of the residential use or at least 80 years (as advised by Natural England).
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Refusal Reasons

1.	<p>S106 Planning Obligation Refusal Reasons</p> <p>The application is for development inside the catchment of the River Lambourn Special Area of Conservation ("SAC"), which Natural England advises is in an unfavourable condition due to an exceeded nutrient threshold. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, the proposed development, either alone or in combination with other plans or projects, is likely to have a significant effect on the River Lambourn SAC. A nutrient budget has been</p>
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	<p>calculated and submitted in connection with the proposal which includes an assessment of the implications for the River Lambourn SAC.</p> <p>The application fails to provide an appropriate planning obligation to secure Nutrient Neutrality Mitigation to mitigate the developments impact without which the proposal would be contrary to the NPPF, Policy CS17 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD</p>
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Informatives

1. S106 Legal Agreement

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

2. Compliance with conditions

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

3. Pre-conditions

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

4. Compliance with approved drawings

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

5. Proactive actions of the LPA

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

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

6. **Building Regulations**

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

7. **Foul drainage**

The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

8. **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

9. **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

10. **Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

11. **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519169, before any development is commenced.

12. **Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.