

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(3)	24/01651/FUL East Garston	27 th 2024 ¹	September	Replacement dwelling 2 Burfords, East Garston, Hungerford, RG17 7HL Andrew James
¹ Extension of time agreed with applicant until 25 th July 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=SHSSXCRD0S100>

Recommendation Summary: The Development Control Manager be authorised to GRANT conditional permission.

Ward Member(s): Councillor Hooker

Reason for Committee Determination: Over 10 letters of objection received

Committee Site Visit: 17th July 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 a one and a half storey, 3-bed dwelling to replace the existing 2-bed bungalow. The replacement dwelling is proposed to be on a similar footprint as the existing bungalow. The existing vehicular access to the site from Burford's will be retained.
- 1.3 The application site is occupied by a bungalow dwelling on a corner plot visible from Burford's and Front Street.
- 1.4 Original plans submitted with the application proposed a two-storey dwelling, with an overall ridge height of 8.5m. During the course of the application, at the advice of the case officer, the proposal was amended to a chalet style bungalow, with a reduced ridge height of 7.4m. The amended design being the same design as the approved extended bungalow granted consent under 12/00825/HOUSE - Extensions to ground floor and creation of first floor (one and a half storey) together with replacement garage and store.
- 1.5 The report below therefore assesses the proposal as amended.

2. Planning History

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

Application	Proposal	Decision Date	/
12/00825/HOUSE	Extensions to ground floor and creation of first floor (one and a half storey) together with replacement garage and store	Approved 30.05.2012	/

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on 9th September 2024 at the application site, with a deadline for representations of 26th September 2024. Notification letters were sent to 15 neighbouring properties
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local

authority or other government body. The table below identified the relevant local financial considerations for this proposal.

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

3.4 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>

3.5 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.

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

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

- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - 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;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (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.
- 3.10 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. The scheme also proposes measures to improve pedestrian safety on routes through the village. The final design of this scheme would need to meet the Highways Authority's safety and access audit. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions) 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.
- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.14 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same

requirement for proposals for listed building consent. Grade II listed building located to the east of the site

- 3.15 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Application site is located outside of the conservation area which is located to the east of the site.
- 3.16 **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.

East Garston Parish Council:	Objection following assessment of revised plans. "1. The property although on a similar footprint is doubling in size. 2. If planning is granted it could set a precedent for other applications in Burfords, leading to over development of the cul-de-sac which is currently all small bungalows. 3. This in turn removes a number of small, affordable houses in the village."
Highways:	No objection following revisions
Public Protection:	No objections but recommend inclusion of hours of work condition
SUDS:	Sufficient information provided.
Archaeology:	No objections.
Ecology:	Sufficient information provided. Conditions required.
North Wessex Downs:	No response

Public representations

- 4.2 Representations have been received from 13 contributors, and 13 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:

- Too big
- Imposing structure
- Risk of flooding
- out of proportion with neighbouring properties
- overdevelopment
- set a precedent
- floor to ceiling glass frontage out keeping with listed buildings
- Development close to property on the north
- Overbearing
- Overshadowing
- Disproportionate to the plot
- Out keeping with character of the area
- Adverse impact on heritage assets and its setting
- Parking spaces not in line with policy
- Misleading information on the watercourse
- Misleading information on the types of property within the area
- Unreasonable in its scale, design and relocation
- Ridge height 1.1meters above previously approved scheme
- Concern over plan measurements
- Negative impact from surface water drainage
- Material of the Old Mail House would be affected

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.

5.2 Development Plan Document	5.3 Relevant Policies
West Berkshire Local Plan Review 2023-2041	SP1, SP2, SP3, SP5, SP6, SP7, SP9, SP11, SP19, DM4, DM5, DM6, DM7, DM9, DM10, DM30, DM41, DM44

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

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

- 6.1 Planning Policy SP1 (Spatial Strategy) of the West Berkshire Local Plan Review (LPR) states that development will meet the social and economic needs of the District while conserving and enhancing the environmental assets of the District and meet the objective to mitigate and adapt to the effects of climate change and minimise demand for energy and other resources. Development and redevelopment within the settlement boundaries of those settlements (listed in Appendix 2 and outlined on the Policies Map) will be supported. The policy states that outside of settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in policies DM1 (Residential Development in the Countryside) and DM35 (Sustaining a Prosperous Rural Economy). The North Wessex Downs National Landscape will have appropriate and sustainable growth that conserves and enhances its special landscape qualities as set out in policy SP2.
- 6.2 Planning Policy SP2 (North Wessex Downs AONB) of the LPR states that development in the North Wessex Downs National Landscape must be appropriate and sustainable, conserving and enhancing the area's natural beauty, landscape character, and special qualities like tranquillity and dark skies. Proposals must be sensitive to local context, support local communities and the rural economy, and avoid adverse impacts on the landscape. Major development will only be permitted in exceptional circumstances and when clearly in the public interest. The Council will assess whether a proposal constitutes major development based on its scale, character, nature, and potential impact, including cumulative effects.
- 6.3 As the property is within a defined settlement boundary the principle of the development is generally in favour of replacement dwellings. Although the scheme should ensure that there are no adverse impacts that would outweigh the benefits, when assessed against the policies in this Local Development Plan taken as a whole.

Character and appearance

- 6.4 Planning Policy SP7 (Design Quality) of the LPR is relevant in this instance. Policy SP7 states that new development must use high-quality, locally distinctive design to create a strong sense of place and support healthy, well-functioning communities. Proposals should conserve and enhance the area's character and appearance, and demonstrate alignment with national design principles (e.g., the National Design Guide) and local guidance, including neighbourhood plans and community-led documents that reflect local identity.
- 6.5 It is noted that the amended proposal under consideration (Fig 1) is almost identical to the scheme approved under application 12/00825/HOUSE (see Fig 2). Whilst application 12/00825/HOUSE has now lapsed, there have been no significant changes to relevant policies or other circumstances that would warrant a different decision being taken on this application. The planning history of this site is therefore a material planning consideration.

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The architectural drawings include:

- Elevations:** Four exterior elevations (South, East, North, West) showing a two-story house with a gabled roof, dormers, and a mix of siding and brickwork.
- Section:** A cross-section showing the interior layout, including a living room, dining room, kitchen, and bedrooms.
- Floor Plans:**
 - First Floor Plan:** Shows the layout of the first floor, including a living room, dining room, kitchen, and bedrooms.
 - Roof Plan:** Shows the layout of the roof, including the gabled roof and dormers.
- Site Plan:** A detailed site plan showing the ground floor plan, parking spaces, and surrounding landscape.

- 6.6 The site is in an established residential area situated within the settlement boundary of East Garston and within the North Wessex National Landscape.
- 6.7 The application site is situated on a corner plot at the junction of Burfords and Front Street. Burfords is a cul-de-sac of modern bungalows of similar, but not identical styles. They are constructed of modern materials, with concrete tiles roofs.
- 6.8 Whilst Burfords is characterised by modern bungalows, the wider area surrounding the site is characterised by a mixture of traditional properties, including 2 storey houses, chalet style bungalows, and single storey dwellings.
- 6.9 Immediately to the east of the application site lies the Grade II listed Old Mail House. This is a fairly substantial two storey dwelling with a more forward building line.
- 6.10 Due to the corner location of the site it relates to both the single storey modern properties along Burfords and the traditional one and a half and two storey dwellings along the historic thoroughfare of Front Street and Station Road.
- 6.11 The proposals have been carefully designed to respond to the traditional street scene along Station Road and Front Street and provide an appropriate transitional element between the existing neighbouring properties along both streets.
- 6.12 The lower eaves lines and cat-slide roof proposed to the north side of No. 2 Burfords will ensure that the alterations relate sympathetically to the single storey dwellings in Burfords, including No 1 (which also fronts Station Road).
- 6.13 The proportions and scale of the proposal also respect Church Cottage (Grade II listed) to the west of No. 1 Burfords and Forge Cottage to the southern side of Station Road.
- 6.14 The proposal incorporates traditional materials and detailing. The walls will be rendered below an area of tile hanging to the upper level. Pitched roofs will be covered with plain tiles and gable verges will incorporate barge boards. Windows are to be traditional timber flush casements, and all rainwater goods will be traditional black metal. Rooflights are to be conservation style, fitted flush with the roof.
- 6.15 It is considered that the traditional design and materiality of the proposal would sit comfortably within the historic street scene, therefore preserving, and even enhancing, the character and appearance of the immediate area.
- 6.16 The proposed detached garage and cycle store to the north of the proposed dwelling are considered acceptable by virtue of their siting, scale and design. The proposal would maintain sufficient open garden space on site with off street parking.
- 6.17 The traditional design, scale and architectural detailing of the proposed scheme is considered to be in keeping with the traditional character and appearance of the surrounding area in accordance with Policy SP7.

Heritage

- 6.18 According to Policy SP9, development proposals will be required to conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of archaeological, architectural, artistic or historic interest, or of landscape or townscape significance.
- 6.19 Policy DM10 states that development proposals affecting a Listed Building or its setting must comply with policy SP9 and must:

- Justify why the development is desirable or necessary.
 - Demonstrate how the building's significance and setting will be preserved.
- 6.20 Permission will be refused if applicants do not provide adequate information on the impact to the building's historic or architectural value, including its setting and any curtilage-listed features.
- 6.21 Policy DM9 requires that proposals for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through, will be required to demonstrate how the special character, appearance and significance of the conservation area will be preserved or enhanced.
- 6.22 Whilst the site is not located within the Conservation Area, it is located approximately 80 metres to the west of the conservation area. It is therefore important to ensure that the proposal will not harm the significance of the conservation area.
- 6.23 There are a number of listed buildings in close proximity to the site, the closest being the adjacent Grade II listed Old Mail House which sits immediately to the east of the application site. The Grade II listed cottages – Bay Tree Cottage, College Cottage and Church Cottage – are located to the west of the application site and front onto Front Street.
- 6.24 The applicant submitted a Heritage Statement upon request, the report considered the Grade 2 listed building and other heritage assets within the area. The statement concludes that the proposed dwelling by virtue of its design is sensitive to the heritage assets in the village.
- 6.25 The proposal would replicate the design of the development that was previously approved (12/00825/HOUSE). The scale and height of the proposal would remain subordinate to the Old Mail House. The new proposed ridge sits below the ridge of the adjacent listed property and the proposed development is to be set back from the listed building frontage.
- 6.26 The design and materiality of the proposed dwelling has been carefully considered to be in keeping with the traditional character of the surrounding buildings and the setting of nearby listed buildings and the Conservation Area.
- 6.27 As set out earlier, it is considered that the proposed dwelling would be represent a soft transition between Old Mail House and the properties to the west.
- 6.28 It is considered that the Heritage Statement provides sufficient detail to demonstrate the proposed development would not cause any harm to the significance of the listed buildings nearby and their settings, or the setting of the nearby Conservation Area. The proposed scheme is considered in accordance with the Section 16 of the NPPF, and Policies SP9, DM9 and DM10 of the West Berkshire Local Plan Review

Residential amenity

- 6.29 LPR Policy DM5 (Environmental Nuisance and Pollution Control) states that development will be supported if it avoids causing environmental pollution and ensures site suitability. Proposals must prevent harm to nearby residents and future occupants from pollution (light, noise, dust, odour, vibration), be compatible with surrounding uses, and avoid air, soil, and water contamination. Where land contamination is likely, assessments and remediation are required. Developments should not disturb tranquil areas, must limit intrusive lighting, and protect areas with biodiversity or geological value. Pollution-generating activities should be located in the least sensitive parts of a site, and necessary assessments (e.g. noise or lighting) must accompany applications.

- 6.30 LPR Policy DM30 (Residential Amenity) states that all development must ensure a high standard of amenity for both current and future users. Proposals will be supported if they avoid unacceptable harm to living conditions, including significant loss of daylight or privacy, overbearing impact, loss of outlook, and issues related to noise, dust, fumes, or odours.
- 6.31 It is considered that the proposed replacement dwelling would not give rise to harmful shading, loss of light, loss of privacy and would not appear overbearing to the neighbouring occupants. The proposed rooflights on the north roof slope would serve bathrooms and staircase, as such a condition will be attached to ensure they are obscure glazed to preserve privacy and mitigate overlooking concerns raised.
- 6.32 There are no windows in the west side elevation of the adjacent Old Mail House, so no opportunities for any direct overlooking.
- 6.33 In terms of future occupiers, the proposed replacement dwelling would offer adequate space, outlook and natural light into the habitable rooms. The new site layout would retain sufficient green space on site to accommodate the 3-bed property.

Highways

- 6.34 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies SP19 (Transport), DM42 (Transport Infrastructure) and DM44 (Parking), set out highway and parking requirements.
- 6.35 During the course of the application amended plans were submitted increasing the proposed parking from 2 spaces to 3 spaces and showing the provision of a cycle store and an electric vehicle charging point. The Highways Officer has assessed the amended plans and raised no objection subject to standard conditions.

Flooding and Drainage

- 6.36 LPR Policy SP6 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.37 Policy SP6 states that on all development sites, in order to restrict or reduce runoff, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with the SuDS Supplementary Planning Document, best practice, and the Non-statutory Technical Standards for Sustainable Drainage.
- 6.38 The Council's SuDS team observed that the proposed development is located within Flood Zone 1 and within an area shown to be at risk of groundwater flooding. Therefore, an appropriate and proportionate flood risk assessment was requested.
- 6.39 Following the submission of additional information, the Council's SuDS team consider that sufficient and appropriate information has been provided. They are satisfied with the proposal. The proposed development is not considered to increase flood risk within the site or surrounding area.

Ecology

- 6.40 LPR Policy SP11 (Biodiversity and Geodiversity) states that Development must conserve and enhance biodiversity and geodiversity, ensure long-term management, and deliver Biodiversity Net Gain where required. Proposals should protect important

habitats and species, enhance ecological connectivity, avoid habitat fragmentation, and incorporate climate-resilient conservation features. A 10m buffer zone should be maintained around designated sites and key habitats.

- 6.41 Development must follow a hierarchy of avoidance, mitigation, and compensation, with the level of protection reflecting the site's importance (international, national, or local). Loss of irreplaceable habitats (e.g., ancient woodland or grasslands) will only be allowed in exceptional cases with clear justification and commensurate compensation.
- 6.42 For locally important sites, developers must first consider alternative locations, then on-site mitigation, and finally, compensation with long-term maintenance if loss is unavoidable. Proposals must align with strategic conservation plans and relevant nature recovery strategies.
- 6.43 The Council's Ecology Officer considered that the proposal provides sufficient information. They provided conditions to be secured for ecological avoidance and mitigation measures and the implementation of ecological enhancements.

Nutrient Neutrality

- 6.44 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 will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission.
- 6.45 This is echoed in Policy DM6 which seeks to protect the water quality of West Berkshire's water bodies, and requires all proposals located within the catchments of the River Lambourn SSSI/SAC to demonstrate nutrient neutrality.
- 6.46 The proposal does not result in a net increase in dwellings. There are therefore no likely significant effects on the River Lambourn SAC from nutrients, no requirement for a full Habitats Regulations Assessment and no requirement for nutrient mitigation.

Climate change

- 6.47 According to Policy SP5, the principles of climate change mitigation and adaptation will be required to be embedded into new development. Proposals should be accompanied by a Sustainability Statement which demonstrates how the principles in Policy SP5 have been embedded into the development, proportionate to the scale and nature of the development proposed.
- 6.48 Policy SP5 is a requirement introduced by the West Berkshire Local Plan Review 2023-2041 which was adopted 10.06.2025, however the application was validated 02.08.24 and as such a sustainability statement was not required at validation.
- 6.49 Notwithstanding the this, the proposal will incorporate a highly insulated envelope utilising blown fibre insulation to exceed the thermal requirement of the building regulations. It will also utilise a heat pump heating system.

Green Infrastructure

- 6.50 According to Policy DM15, development which conserves and enhances trees, woodland and hedgerows will be supported. Development proposals should be accompanied by an appropriate Arboricultural Survey, Arboricultural Impact Assessment and/or an Arboricultural Method Statement. Proposals will be expected to clearly demonstrate that wherever possible existing trees, woodland and hedgerows have been incorporated into the design and layout of a scheme from the outset.
- 6.51 Criterion j of Policy DM28 requires that the proposal would not result in adverse impacts on trees (including their roots and canopy spread) on and off site, in accordance with policy DM15. Trees should be retained where possible.
- 6.52 There are no protected trees in the setting, and the application does not propose to remove any existing. It is not considered reasonably necessary to require GI protection or enhancement measures.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. It includes a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. However, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 7.2 For the reasons given in this report it is considered that the proposal is in accordance with current development plan policies and material considerations do not indicate that planning permission should otherwise be refused. The application is therefore recommended for approval.

8. Full Recommendation

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

Conditions

1.	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2.	Approved plans The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 23071 PL100A: Location and Block Plan received 08/01/2025 23071 PL105A: Proposed Plans, Elevation and Site Plan received 05/12/2024 23074 PL110A (soakaway): received 19/03/2025 Design and Access Statement: received 05/12/2024

	<p>Heritage Statement: received 01/05/2025 Preliminary Roost Assessment, version 01: received 25/10/2024 Flood Risk Assessment, 23071, Issue No.3 dated January 2025: received 05/02/2025</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 this development shall be as specified on the plans, Design and Access Statement dated Nov 2024 and the application forms. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policy SP7 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Hours of work</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
5.	<p>EVCP</p> <p>The use shall not commence until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</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, and Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
6.	<p>Surfacing of access</p> <p>No development shall take place until details of the surfacing arrangements for the vehicular access(es) 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 access. 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, and Policy SP19 of the West Berkshire Local Plan Review 2023-2041.</p>
7.	<p>Parking/turning in accord with plans</p> <p>The use shall not commence 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</p>

	<p>safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
8.	<p>Cycle parking</p> <p>The use shall not commence until the storage for cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041, the Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
9.	<p>PRA submitted</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Preliminary roost assessment' (June 2024, ProVision) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
10.	<p>Biodiversity method statement</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a method statement for 'the replacement dwelling' has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason: To avoid harm to protected species during demolition/construction and preparatory operations. This condition is applied in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required to ensure the adequate safeguarding of protected species.</p>
11.	<p>Biodiversity measures</p> <p>The dwelling hereby permitted shall not be first occupied until the following biodiversity measures have been installed/constructed:</p> <ul style="list-style-type: none"> (a) One integrated bat box into the new dwelling in accordance with the 'Preliminary roost assessment' (June 2024, ProVision)

	<p>(b) One integrated bird nesting opportunity in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority in.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
12.	<p>Obscure rooflights</p> <p>The rooflights at first floor level in the north side roof slope shall be fitted with obscure glass prior to the use of bath 1/bath 2 and the obscure glazing shall thereafter be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.</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 DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
13.	<p>Conservation Rooflights</p> <p>Rooflights are to be conservation type, fitted flush with or below the roof covering. The rooflights shall be installed in accordance with the approved details.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policy SP7 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>

Informatives

1.	<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>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun</p>

because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

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

The exemption that is considered to apply to this application is: 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).

IRREPLACEABLE HABITAT

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

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

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

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

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

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

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

	<p>made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.</p> <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>
3.	<p>CIL</p> <p>The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, you are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
4.	<p>HI1</p> <p>The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants behalf.</p>
5.	<p>HI3</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>
6.	<p>HI4</p> <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.</p>
7.	<p>HI9</p> <p>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.</p>

8.2

8.3