

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	25/00732/HOUSE Bradfield	5 th June 2025 ¹	Erection of side extension to existing dwelling and internal alterations. Gardeners Cottage, Buckhold, Pangbourne, Reading, RG8 8QA Miss K Lane-Standley
¹ Extension of time agreed with applicant until 20 th August			

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=SU707QRD0HE00>

Recommendation Summary: To delegate to the Development Manager to REFUSE PLANNING PERMISSION

Ward Member(s): Councillor Ross Mackinnon

Reason for Committee Determination: Call-in

Committee Site Visit: 30th July 2025

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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 1.5 storey side extension, together with internal alterations.
- 1.3 Gardeners Cottage is a Grade II Listed Building that lies outside of a defined settlement boundary, within the North Wessex Downs National Landscape and Yattendon and Basildon Woodland biodiversity opportunity area. It appears in the Historic Environment Record under entry HER MWB18484, which identifies the building as a grade II listed 19th century estate cottage, designed in a Gothic Revival style by Alfred Waterhouse, adjacent to a walled garden.
- 1.4 The Historic England list entry states:

Estate lodge, built as gardener's cottage. 1885, by Alfred Waterhouse. Red brick with raised brick panel patterns in the gables with corbelled corners and toothed verges. Plain tile roof with gabled ends. Brick axial stack at centre with brick shafts and corbelled brick cap. PLAN: Cruciform plan. EXTERIOR: 2 storeys. Asymmetrical elevations. Gable-ends of wings with patterned brickwork and 3 and 4-light casements with glazing bars in the top lights and in segmental arch openings. Wooden lean-to open porch on timber post with arch and studding above; segmental-headed doorway with plank door. Main roof carried down as catslide over outshut in angle at rear. INTERIOR not inspected.

2. Planning History

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

Application	Proposal	Decision / Date
25/00733/LBC	Erection of side extension to existing dwelling and internal alterations.	Pending Consideration
15/00833/HOUSE & 15/00834/LBC2	Proposed two storey extension.	Refused / 21/05/2015
14/03232/HOUSE & 14/03233/LBC2	Proposed two-storey side extension.	Refused / 29/01/2015 Appeal Dismissed
96/49475/FUL & 96/49658/LBC	Two storey extension to form living room-bedroom with en-suite.	Approved / 26/03/1997 & 01/04/1997
95/47714/LBC	New single storey detached garage	Withdrawn / 11/12/1995

95/47713/FUL	New single storey detached garage	Approved / 21/02/1996
94/45762/FUL	Alterations and extension to existing cottage for residential use	Withdrawn / 26/01/1995

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 19th May, with a deadline for representations of 10th June. A public notice was displayed in the Newbury Weekly News on 24th April; with a deadline for representations of 8th May. A notification letter was sent to 1 neighbouring occupier.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** 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 **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.
- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 **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.
- 3.10 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.
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The application site hosts a Grade II listed building and an assessment has been undertaken on this basis.
- 3.12 **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.

Bradfield Parish Council:	No objection subject to property not being used as two separate dwellings.
Pangbourne Parish Council:	No objection
Local Highway Authority:	No objection, request informatives
Conservation Officer:	Objection due to harm to listed building
Archaeology Officer:	No objection
Ecology Officer:	No objection subject to conditions

Public representations

- 4.2 No public representations have been received for this application.

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.

Development Plan Document	Relevant Policies
West Berkshire Local Plan Review 2023-2041	SP1: The Spatial Strategy SP2: North Wessex Downs National Landscape SP5: Responding to Climate Change SP7: Design Quality SP8: Landscape Character SP9: Historic Environment SP11: Biodiversity & Geodiversity DM10: Listed Buildings DM28: Residential Extensions DM30: Residential Amenity DM44: Parking

5.2 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)

6. Appraisal

Principle of development

6.1 According to Policy DM28, the principle of the extension of existing permanent dwellings will be supported. The policy gives criteria where residential extensions will be permitted; these relate to the impacts of the development and are considered, as appropriate, under the headings below.

Character and appearance

6.2 Forming part of the West Berkshire Local Plan Review 2023-2041, Policies SP7 and SP8 relate to design and impacts on the character of the area.

6.3 Policy SP7 states that new development will be required to strengthen a sense of place through high quality locally distinctive design and place shaping. This will enable healthy place making, creating places that are better for people, taking opportunities available for conserving and enhancing the character, appearance and quality of an area and the way it functions. Development proposals will be expected to show how they have responded positively to both national and local design guidance. At a national level this includes the characteristics of a well-designed place as set out in the National Design Guide (2021), or as superseded, and at a local level, this includes neighbourhood plans, design guides or codes and relevant community planning documents that identify the local character and distinctiveness of an area which is valued by local communities. Policy SP8 seeks landscape led development which conserves and enhances the diversity and local distinctiveness of the landscape character of the district. New development is expected to be appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.4 Policy SP9 states that 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. These heritage assets include listed buildings.

6.5 Policy DM10 states that proposals for development affecting a Listed Building and/or its setting will be determined in accordance with policy SP9. Furthermore, unless justified otherwise, development would not be permitted if it would:

- Adversely affect the character, scale, proportion, design, detailing, or materials used in the Listed Building; or
- Result in the loss of/or irreversible change to original features or other features of importance or interest; or
- Harm the setting of the Listed Building.

- 6.6 From a design standpoint, Policy DM28 outlines that an extension will be permitted where the proposal complies with the following criteria:
- The scale of the enlargement or outbuilding is clearly subservient to the original dwelling.
 - It is of a high quality design, in accordance with policy SP7, which conserves and enhances the character and local distinctiveness of the surrounding area in accordance with policy SP8.
 - It does not harm the setting of the existing dwelling and the space occupied within the plot boundary.
 - It does not harm the historic and/or architectural interest of the existing dwelling.
 - The use of materials is appropriate within the local architectural context.
 - The windows are appropriate in terms of number, architectural style and type, position, size and proportion, extent of opening and need for obscure glazing.
- 6.7 Paragraph 189 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection.' As the application site is located within the NWD, the potential negative impact of the proposal must be considered.
- 6.8 Furthermore, on 16th December 2024, the Government published '*Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes*.' The Protected Landscapes duty requires relevant authorities to seek to further the statutory purposes of Protected Landscapes. The Council are required to comply with the duty, and it should be applied, among other things, '*in decision making in respect of development management and planning applications*.' As outlined in the guidance, the statutory purposes of National Landscapes are to conserve and enhance the natural beauty of the area. The guidance makes clear that this an active, not passive duty. Harm to the landscape should be avoided, and development should contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes. For the purposes of development management decisions affecting a Protected Landscape, the Council are required to seek to further the purposes of the Protected Landscape and, in doing so, consider whether measures can be embedded in the design of plans and proposals.
- 6.9 The proposal is considered to conflict with the above criteria. The Conservation Officer was consulted. The application is accompanied by a detailed heritage statement that correctly describes the history of the site and details the significance of the site lying in its historic illustrative and associative values, through its connection and illustration of the historic running of Buckhold House and its connection to the prominent architect Alfred Waterhouse. It also possesses architectural/aesthetic value due to its interesting crucifix planform, modest scale and intricate detailing, which reflects its ancillary function and connection to the estate.
- 6.10 The building was extended in the 1990s, to the east, with a smaller 2 storey element (similarly following a cruciform plan), connected via a single storey link. This extension has resulted in a floor area increase of 69%. This application follows two refused LBC applications; 14/03233/LBC2 (dismissed at appeal) and 15/00834/LBC2, where concerns were raised about the cumulative impact of the existing and proposed extensions resulting in a change of character and loss of legibility of the modest estate

Although these applications were assessed under different adopted policies at the time, and there are nuances in the proposals, within this decision there are a number of considerations that remain applicable to the application under consideration, namely:

- Paragraph 5: The proposal would be a significant addition to the original modest cottage, and would alter the modest proportions of the cottage such that an important of its special interest would be significantly and detrimentally altered. Overall, it would result in a far-from-modest dwelling with significant levels of accommodation, that fails to preserve the special interest of the listed building.
- Paragraph 8: The proposal, when combined with the previous extension, would result in a dwelling that is significantly greater than its original size. The combined effects would be obvious and would unacceptably affect the character and modest proportions of the original cottage, and there are no factors that can disguise or mitigate the effect. The secluded and largely screened location is acknowledged, but this did not alter the Inspector's view of the harmful effects of the proposal as a matter of principle.
- Paragraph 9: Refers to highest status of protection of National Landscapes. Although the site only forms a small part of the National Landscape and is in a secluded location, the proposal would not respect or respond to the historic environment and, through the provision of a significantly larger building, would not conserve and enhance local distinctiveness and landscape quality.

6.12 Each point is significant in that, despite the proposed extension now protruding from a different façade, the Inspector previously identified harm that remains significant irrespective of where the extension is located. The extension currently proposed is similar in terms of proportion, footprint and scale to that previously refused and dismissed at appeal. It is also an important consideration established through appeal precedent and case law that listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained.

6.13 Figure 6.1 below provides a plan comparison of the dismissed scheme of 14/03232/HOUSE & 14/03233/LBC2 (L), and the applications currently under consideration (R):



Figure 6.1 – Plan comparison of alternative scheme

- 6.14 Focussing on the application under consideration, while the proposal will not impact any historic fabric, it will impact the setting of the house and its significance and interpretation as a small cottage associated with a large estate. This further extension will now mean that the 20th century elements of the house are larger than the historic listed house, and would subsume it as a consequence.
- 6.15 The Conservation Officer considers that the proposal would result in a medium level of less than substantial harm which will affect the significance of the listed building, and therefore recommends the application should be refused. From a planning perspective, paragraph 215 of the NPPF states, inter alia, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. As the building is in use as a private residence the public benefits are negligible.
- 6.16 Officers consider that through the unavoidable intrinsic harm that will be caused to the listed building, its setting, and the immediate surroundings, the proposal does not respond positively to the national and local design guidance as required by SP7, and therefore fails to respect, conserve, or enhance the character of the area, in which great weight should be given to as per paragraph 189 of the NPPF. Furthermore, it does not conserve or enhance the historic environment as required by SP9, nor does it comply with DM10 which seeks to avoid adverse impacts on listed buildings, both to their fabric and setting. As a consequence, the proposal conflicts with DM28 as the scale is not subservient to the original dwelling, and harms the setting of a designated heritage asset.
- 6.17 Therefore, the proposal is contrary to the provisions of the NPPF when read as a whole, as well as policies SP7, SP8, DM10 and DM28 of the West Berkshire Local Plan Review 2023-2041.
- 6.18 The proposed internal works do not require planning permission, only Listed Building Consent. These further elements are substantively assessed in the committee report for 25/00733/LBC.

Residential amenity (neighbours)

- 6.19 The NPPF states that planning should create places with a high standard of amenity for all existing and future users. From an amenity standpoint, Policy DM28 outlines that an extension will be permitted where the proposal complies with the following criteria:
- It is not overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of outlook, daylight, sunlight and / or privacy in accordance with policy DM30.
 - It enables for the retention and provision of high quality useable private amenity space in accordance with policy DM30.
- 6.20 Policy DM30 states that all development will be required to provide and/or maintain a high standard of amenity for existing and future users of land and buildings.
- 6.21 When considering the impact on the living conditions of existing and proposed residential dwellings, development proposals will be supported where there is no unacceptable harm in terms of the following criteria:
- Any significant loss of daylight and/or sunlight to land and buildings;

- Any significant overlooking of land and buildings that results in a harmful loss of privacy;
- Development resulting in an undue sense of enclosure, overbearing impact, or a harmful loss of outlook; and
- Noise, dust, fumes and odours.

6.22 The proposal has been assessed against the above metrics. It is considered that, given the nature of the proposal, and sparsity of neighbouring dwellings, there are limited negative impacts relating to neighbouring amenity.

6.23 It is therefore considered that the proposal accords with Policies DM28 and DM30 of the West Berkshire Core Strategy with regards to amenity.

Residential amenity (site occupants)

6.24 According to Policy DM30, all new residential development will be expected to include the provision of the following:

- Functional amenity space of a quality and size to meet the needs of the occupants;
- Internal accommodation of an adequate size and layout relative to the intensity of occupation envisaged;
- Natural light in all habitable rooms of the proposed development;
- A garden size which is at least a minimum of 10.5 metres in depth, where possible; and
- A minimum distance of 21 metres between directly facing windows, serving habitable rooms.

6.25 Given the nature of the proposal, these elements are not considered to apply.

Highway matters

6.26 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks.

6.27 From a highways standpoint, Policy DM28 outlines that an extension will be permitted where, following construction of the extension, sufficient space is available for on-site vehicular parking in accordance with policy DM44 in a way that does not detract from the character and appearance of the area.

6.28 According to the NPPF, in assessing specific applications for development, it should be ensured that (amongst others) safe and suitable access to the site can be achieved for all users, the design of parking areas and other transport elements reflects national guidance. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

- 6.29 The Highways Authority have raised no objection to the proposed development. Therefore, the parking for the extended dwelling is considered to comply with policies DM28 and DM44.

Trees and Ecology

- 6.30 From an environmental standpoint, Policy DM28 outlines that an extension will be permitted where the proposal complies with the following criteria:
- It 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; and
 - The proposal conserves and enhances biodiversity, in accordance with policy SP11.
- 6.31 Given the nature of the proposal, it is considered that there is little impact in terms of trees and ecology, and the proposal accords with policy DM28 in this respect.
- 6.32 Householder development is exempt from mandatory Biodiversity Net Gain.

Archaeology

- 6.33 The Archaeologist was consulted, commenting that Gardener's Cottage was constructed in the late 19th century as part of the designed landscape of Buckhold, with local architect Alfred Waterhouse involved in the country house and estate buildings, likely including the adjacent walled garden. Although the former park itself isn't designated, it is mentioned in the listing for St Andrew's School, and does retain historic and architectural interest overall.
- 6.34 The cottage as shown in 1899 was a modest building, but it was extended in 1996. A modern garage was also constructed. The Archaeologist considers the current proposal for further extension to be primarily a Conservation matter in terms of the impact on heritage assets. The applicants have submitted a Heritage Statement which does provide some useful information although the author did not consult the HER. It is not considered that there would be a major impact to any below ground archaeology.

Climate change

- 6.35 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.
- 6.36 Although no Sustainability Statement has been provided, it is noted that the application was submitted before the adoption of the West Berkshire Local Plan Review 2023-2041. The Council is in the process of preparing a model Sustainability Statement to be used for householder applications. During this transitional period, the Case Officer considers it is justified to disapply this policy in the decision making context.

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 In this instance, the proposed extension would result in a disproportionate addition to a modest Grade II listed estate cottage, causing a medium level of less than substantial harm to its significance and setting. The identified level of harm is not outweighed by the negligible public benefits.
- 7.3 The development also fails to conserve or enhance the character and distinctiveness of the North Wessex Downs National Landscape. Its scale and cumulative impact conflict with the landscape-led approach that underpins the district's spatial planning policy.
- 7.4 In this particular case, a previous appeal decision (Appendix A) for a similar in principle scheme where, despite the extension now being sited in a different location, the same level of harm to the heritage asset and landscape remains, offers a further degree of weight in the overall planning balance.
- 7.5 For the reasons given above, it is considered that there is a strong reason for refusing the proposed development. Overall, the proposal conflicts with the provisions of the National Planning Policy Framework when read as a whole, as well as Policies SP7, SP8, SP9, DM10 and DM28 of the West Berkshire Local Plan Review 2023-2041.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reason

1.	<p>Harm to Listed Building</p> <p>The proposed extension, by virtue of its scale, massing and cumulative impact with existing additions, would result in a disproportionate and unsympathetic alteration to the modest historic form of the Grade II listed building, a former estate cottage. It would harm the building's significance and setting, failing to preserve its special architectural and historic interest.</p> <p>As a result, the proposal is contrary to the provisions of the NPPF, as well as Policies SP7, SP8, SP9, DM10 and DM28 of the West Berkshire Local Plan Review 2023–2041.</p>
2.	<p>Harm to Character of the Area / National Landscape</p> <p>The proposed development, by reason of its scale, form and cumulative impact, would fail to conserve or enhance the local distinctiveness or character of the area. The extension would result in a building of significantly greater scale than the original dwelling, which does not reflect the historic estate character or respond positively to its sensitive setting within the North Wessex Downs National Landscape.</p>

	<p>The proposal therefore fails to comply with the statutory duty to further the purposes of Protected Landscapes, particularly the conservation and enhancement of natural beauty and special qualities, as set out in the Government's 2024 guidance; 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes.'</p> <p>As a result, the proposal is contrary to the provisions of the NPPF, as well as Policies SP7, SP8, SP9 and DM28 of the West Berkshire Local Plan Review 2023–2041.</p>
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Informatives

1.	<p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve 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 because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies. 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

<p>(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.</p> <p>4. The permission which has been granted is for development which is exempt being:</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>* "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.</p> <p>APPLICABLE EXEMPTION</p>

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

IRREPLACEABLE HABITAT

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

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

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

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

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

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

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

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

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).

3.	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.
4.	The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.