

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/01081/FUL Chieveley Parish Council	18/07/2025 ¹	Demolition of industrial units and pigsty and construction of 4No. residential dwellings and parking provision. Buildings and Land to Rear Of Londis Stores High Street Church Lane Chieveley Newbury Chesterton Commercial Group

¹ Extension of time agreed with applicant until 23rd January 2026

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=SW72MYRD04Z00>

Recommendation Summary: PROVIDED THAT a Section 106 Agreement has been completed within 6 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).

Or, if the Section 106 legal agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in this report.

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

Reason for Committee Determination: Called to planning committee should the officer look to recommend approval

Committee Site Visit: 15th January 2026

Contact Officer Details

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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the demolition of industrial units and a pigsty and the construction of 4No. residential dwellings with parking provision.
- 1.3 The proposed development consists of two pairs of semi-detached dwellings, and each dwelling will consist of three bedrooms. The proposal will also deliver associated car parking, bicycle and bin storage with access from Church Lane.
- 1.4 This application follows the refusal of similar proposals under references 22/00106/FULD and 23/01577/FUL and the subsequent appeal reference APP/W0340/W/24/3349957 which was dismissed. It is important to note that the current application is identical to 23/01577/FULD, with the sole difference being a revised legal agreement to secure off-site nutrient neutrality.
- 1.5 The appeal decision (Appendix 1) has therefore been carefully considered by officers and the applicant. The dismissal was based exclusively on the Inspector's concerns that nutrient neutrality mitigation had not been properly secured due to wording issues in the Unilateral Undertaking. On all other matters, impact on the character of the area, private amenity space, setting of nearby listed buildings, and impact on the amenity of neighbouring properties, the Inspector found no harm. This appeal decision is a material consideration in assessing the current application.
- 1.6 The application site is located to the rear of the Londis Convenience Store, High Street, Chieveley approximately 50 metres south of the Church Lane/East Lane junction, to the west of High Street. The site is accessed via an existing private drive directly from Church Lane.
- 1.7 The western part of the site is within the Chieveley Conservation Area, and the North Wessex Downs National Landscape (formerly known as the North Wessex Downs Area of Outstanding Natural Beauty) sweeps over the site.
- 1.8 The site is located in a concealed location to the rear of the buildings along the High Street. The site is currently occupied by disused industrial buildings in a poor condition, which were formerly used as a bakery, and a pigsty.

2. Planning History

- 2.1 The previous application 23/01577/FUL was recommended for approval by officers, however Western Area Planning Committee overturned this recommendation and refused the application. The refusal reasons can be summarised as follows:
 - Cramped, overdevelopment resulting in harm to the Conservation Area
 - Lack of Private Amenity space
 - Loss of privacy through overlooking of windows.
- 2.2 This decision was appealed by the applicants and the Government appointed planning inspector determined the appeal under reference APP/W0340/W/24/3349957 (Appendix 1). The appeal was dismissed. It was dismissed on one reason with the inspectors planning balance concluding the following:

"Planning Balance and Conclusion

32. *I have concluded that the proposed development would not harm the character and appearance of the area nor the living conditions of neighbouring occupiers, and it would provide future occupiers with adequate living conditions. However, as it would be likely to have a significant effect on the integrity of the SAC, it conflicts with the Habitat Regulations. I attribute significant weight to the harm which would result. Such harm is not outweighed by the great weight I attribute to the enhancement of the CCA, and the moderate weight derived from the social and economic benefits of the appeal scheme.*

33. *Therefore, I conclude that the proposed development is contrary to the development plan as a whole and material considerations, including the provisions of the Framework, do not indicate that the proposed development should be determined other than in accordance with it.*

34. *For the reasons set out above, having had regard to all relevant matters raised, the appeal should be dismissed."*

- 2.3 In coming to the officer's recommendation of this application officers have given weight to this appeal decision which is a material consideration.
- 2.4 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
77/06482/ADD	Extension of existing shop into adjoining hall and living room	Approved 06/07/1977
87/29830/ADD	Change of use of warehouse to workshop	Approved 14/10/1987
22/00106/FULD	Demolition of Industrial Units and Pigsty, and Construction of 4no. Residential Dwellings and Parking Provision	Refused 29/11/2022
23/01577/FUL	Buildings and Land To Rear Of Londis Stores High Street Church Lane Chieveley Newbury. Appealed under reference APP/W0340/W/24/3349957	Refused 06.06.2024. Appeal Dismissed 02/05/2025

3. Legal and Procedural Matters

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

3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is **NOT considered “EIA development”** within the meaning of the Regulations. An Environmental Statement is not required.

3.3 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s Statement of Community Involvement. A site notice was displayed on 25.06.2025 at the entrance to the site on Church Lane, with a deadline for representations of 16.07.2025. A public notice was displayed in the Newbury Weekly News on 12.06.2025; with a deadline for representations of 26.06.2025. Notification letters were sent to 10 nearby neighbours.

3.4 During the Course of the application amended plans were submitted showing solar panels to the roof of the proposed dwellings. These drawings were consulted upon with key consultees and those who had made representations already on the application.

3.5 **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	3.6
New Homes Bonus	Yes	No	3.7
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

3.6 **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>

3.7 **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.

3.8 **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.

3.9 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.

3.10 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.

3.11 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.

3.12 **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.

3.13 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant) However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of additional new homes, and enhancements to the Conservation Area.

3.14 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.

3.15 **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. St Mary's Church is a Grade II* listed building situated to the north-west of the site, The Old House, is a Grade II listed building to the north-east of the site, Chieveley House a Grade II* listed building, and Outbuilding south of Chieveley House and Wall Gate and Piers at Chieveley House, are Grade II listed buildings are to the South- east of the application site. An assessment of the impact of the proposals is considered in section 6

3.16 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is partially within the Chieveley Conservation Area.

3.17 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

4. Consultation

Statutory and non-statutory consultation

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

Chieveley Parish Council:	The Parish Council objects to this application on the following grounds: There is already limited parking in Church Road and the High Street; these roads are frequently congested. Pedestrian safety, especially children using Church Road to walk to the nearby school
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	<p>Reduced/eliminated parking for Church users many of whom are elderly with mobility issues</p> <p>The development plans are not in keeping with Chieveley's Village Design Statement and Parish Plan</p> <p>The proposed design of the development would not enhance or better reveal the significance of the Conservation Area (National Planning Policy Framework, NPPF para 206). The built form presented appears bland and the flat roof elements are out of character with other buildings nearby. The Heritage, Planning, Design and Access Statement does not explain how the proposal would enhance the Conservation Area. The removal of existing buildings would be necessary for any re-development, so is not a notable achievement of the design.</p> <p>Specific concerns that also underline the poor design:</p> <p>No design, access or heritage statement accompanying the application and so there is no evidence presented as to how the relationship with adjacent buildings and the Conservation Area has been addressed, or how the Conservation Area will be enhanced. From what we can tell, however, insufficient weight has been given to the enhancement of the Conservation Area;</p> <p>Please also refer to previous concerns raised by Chieveley Parish Council on application ref. 23/01577/FUL in respect of flood risk, archaeology, noise, lighting and contaminated land;</p> <p>In 2021, the applicants undertook to replace dormer windows on the north-east corner with a roof light. That's not shown on the plans.</p> <p>The arboriculture assessment identifies impacts on the root zone of trees 1 and 2 in the neighbouring property. While mitigation measures are identified (piled foundations vs trenched foundation) there is no obvious conclusion that these measures would avoid harm to the trees.</p> <p>A Design and Access statement was submitted with the application but was not shown on the public documents. This was adjusted and the Parish Council were reconsulted. Their subsequent response is as follows</p> <p>Having reviewed the additional material submitted and notably the Heritage, Planning, Design and Access Statement, Chieveley Parish Council remains concerned that the poor design of the proposed development is out of character and does not adequately conserve or enhance the Chieveley Conservation Area.</p> <p>As quoted, the Inspector placed significant weight on enhancement in the appeal decision of 24 February 2025 (see paragraph 32). The Parish Council pointed out on the previous application that the nature of the enhancement only related to the removal of existing and former buildings: Appeal para. 18 - <i>"Through the removal of the derelict buildings on the site, the proposed development would, as a result, lead to an</i></p>
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	<p><i>enhancement of the character and appearance of the area, including the preservation of the CCA".</i> At that time West Berkshire Council was in agreement.</p> <p>Of the building design, and notably the materials proposed, the Inspector had clear reservations, which would need to be addressed by Condition: Appeal para. 17: "<i>Although the use of slate tiles and white render is not commonplace within the CCA, such materials are, nonetheless, present. In any event, had I been minded to allow this appeal, a condition requiring details of the materials to be submitted to and approved by the Council would have been imposed.</i>"</p> <p>Roofing materials are specifically referred to in the Village Design Statement:</p> <p><i>"Roofs - More than nine in every ten buildings in Chieveley have tiled roofs; relatively few have slate roofs ... Because the two largest buildings in the village - the surgery and the village hall - have slate roofs, one might get the impression that slate is more widely used than it is." Recommendations - "Roofs: the general presumption is that the material used for roofs of new developments will be clay tiles"</i></p> <p>[Note - both slate roofed buildings noted above are outside the Conservation Area.]</p> <p>The proposed development has been observed to be more like a Premier Inn than something to enhance the Conservation Area, this is in no small part due to the large expanse of slate proposed, which is out of character.</p> <p>The Parish Council continues to believe that a better-quality design of building would enhance the Conservation Area rather than simply relying on the removal of the existing dilapidated collection buildings for enhancement, which any redevelopment would do.</p> <p>The Parish Council further added that they had no objections to the proposed solar panels but maintained their object to the original design and the solar panels would not alter this view.</p>
WBC Highways:	<p>No objections subject to conditions.</p>
WBC Lead Local Flood Authority	<p>SUDS initial comments were as follows</p> <p>We note that the application is for residential units and that the existing surface water flood risk is 'low'. However, the updated EA mapping indicates that this will rise to 'medium' and 'high' during the lifetime of the development. The Flood Risk Assessment does not consider this long-term risk, nor any mitigation measures on the site.</p> <p>Further, the proposed drainage strategy is to infiltrate through the permeable paving; it is noted that this is at high level and it is not clarified whether this will extend deep enough to reach the chalk strata. We also note that the applicant has provisionally used FSR</p>

	<p>rainfall data whereas it is now a requirement to utilise FEH data. We therefore cannot recommend the application for approval until the above is addressed.</p> <p>Amended Documents were submitted during the course of the application and SUDS officers were reconsulted. They provided an updated response which raised no objections subject to a condition.</p>
WBC Ecology Officer	No objections subject to conditions and Planning Obligation to secure Nutrient Neutrality mitigation.
WBC Conservation Officer	No objections. Subject to conditions for Materials, architectural details, hard and soft surfaces and planting should be conditioned. I also recommend that the site be subject to a building recording condition as previously recommended by the Principal Archaeologist.
WBC Tree Officer	No objections subject to conditions
Natural England	<p>No objection subject to appropriate mitigation being secured</p> <p>Natural England considers that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> have an adverse effect on the integrity of The River Lambourn Special Area of Conservation <p>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:</p> <ul style="list-style-type: none"> A management and monitoring plan for the proposed woodland planting nutrient mitigation scheme. <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</p>
WBC Archaeology Officer	No objections subject to conditions
WBC Waste Management Officer	No response within the 21-day consultation period.
Thames Water Utilities	No response within the 21-day consultation period.
WBC Environment Team	No response within the 21-day consultation period.

WBC Environmental Health	No response within the 21-day consultation period.
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Public representations

4.2 Representations have been received from 15 contributors, 0 of which support, and 15 of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- The site and number of houses is not in keeping with Chieveley & National Landscape
- No outdoor storage areas for bikes and garden equipment
- Overdevelopment of a small plot, density too high
- A very urban design not in keeping with the village. The parking layout does not in keep with the character of the village.
- Additional traffic a risk to pedestrians, particularly children, school bus point, access to the church. The access lane has no pavements
- Insufficient garden space doesn't comply with SPD guidance.
- Lack of Landscaping
- Lack of parking, congestion in Church Lane and High Street
- No material changes from the previous application.
- Level of private amenity space is below required by WBC guidance.
- Ground levels should be restored to maintain privacy levels from plots 3 & 4, existing boundaries to be maintained.
- Unclear on boundary treatments
- No material change since the previous application was refused.
- Two houses, as originally suggested would be more appropriate
- Concern for shared boundaries and structures.
- No garages or driveway parking spaces.
- Displacement parking behind the shop leading to more parking on the High Street causing issues for the 'pinch point' on the high street.
- Drainage systems can't cope with additional flow, could make flooding in High Street worse
- Sewage capacity concerns
- Impact on neighbouring dwellings privacy.
- Strain on local services, by increasing the village population it will put more pressure on schools, GP services and public transport.
- Concern in regard to ecology
- Objection to the location of the bin store.
- Objection to the loss of the pigsty which does add to the aesthetic value of the area
- Objection to refuse trucks travelling up the access driveway.
- Parking should be provided for occupants of flats above the shop.
- Concern about asbestos hazards form buildings that need removing or altering.

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	<p>Strategic Policies</p> <ul style="list-style-type: none">• Policy SP1 The Spatial Strategy• Policy SP2 North Wessex Downs AONB• Policy SP3 Settlement Hierarchy• Policy SP5 Responding to Climate Change• Policy SP6 Flood Risk• Policy SP7 Design Quality• Policy SP8 Landscape Character• Policy SP9 Historic Environment• Policy SP10 Green Infrastructure• Policy SP11 Biodiversity & Geodiversity• Policy SP12 Approach to Housing Delivery• Policy SP15 Housing Type & Mix• Policy SP16 Affordable Housing• Policy SP19 Transport• Policy SP20 Infrastructure Requirements & Delivery <p>Development Management Policies</p> <ul style="list-style-type: none">• Policy DM3 Health & Wellbeing• Policy DM4 Building Sustainable Homes & Businesses• Policy DM5 Environmental Nuisance & Pollution Control• Policy DM6 Water Quality• Policy DM7 Water Resources & Waste Water• Policy DM9 Conservation Areas• Policy DM14 Assets of Archaeological Importance• Policy DM15 Trees, Woodland & Hedgerows• Policy DM30 Residential Amenity• Policy DM40 Public Open Space• Policy DM41 Digital Infrastructure• Policy DM42 Transport Infrastructure• Policy DM44 Parking• Policy DM45 Travel Planning

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)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)
- Chieveley: A Village Design Statement

6. Appraisal

Principle of development

6.1 The overarching spatial strategy for West Berkshire will deliver the spatial vision and strategic objectives for the district over the plan period and inform the preparation of neighbourhood plans (NDPs). The strategy:

- a. Directs development to areas of lower environmental value.
- b. Optimises the use of previously developed land; and
- c. Optimises the density of development to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment.

6.2 The development approach will be based on three spatial areas:

- Newbury and Thatcham
- Eastern Area
- North Wessex Downs National Landscape

6.3 Policy SP2 relates to development in the North Wessex Downs National Landscape. It states that the North Wessex Downs National Landscape will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Development will be required to respond positively to the local context, conserving and enhancing local distinctiveness, sense of place and setting of the National Landscape.

6.4 New homes will be located in accordance with policy SP1: Spatial Strategy, policy SP3: Settlement hierarchy. Chieveley is identified as a settlement in the hierarchy and new development is direct to it.

6.5 In this instance the proposed development is inside of the defined settlement boundary of Chieveley, on previously developed land. As such the principle of the proposed 4 dwellings accords with policies SP1, SP3, SP3, and SP12 in relation to the location of the proposed dwellings.

Character and appearance

6.6 Policy SP7 will require new development 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.

6.7 Policy SP8 relates to the Landscape Character of areas and is closely linked to SP7. Landscape led development which conserves and enhances the diversity and local distinctiveness of the landscape character of the district will be supported.

6.8 The natural, cultural, and perceptual components of the character of the landscape will be considered as a whole. Particular regard will be given to:

- a. Its valued features and qualities;
- b. The sensitivity and capacity of the area to change; and
- c. Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.9 Development should be demonstrably informed by and respond positively to the evaluation of the distinctive landscape character areas set out in the West Berkshire Landscape Character Assessment (2019) and other relevant landscape character assessments.

6.10 The application site is a brownfield area covered in small buildings identified as pig styes along with other small outbuildings and lean-tos. These are primarily covered in weatherboard with corrugated metal sheet for roofs with the exception of one building which is of brick construction and has two chimneys and a tiled roof. The Councils Principal Archaeologist suggested that this building might be a bothy on a previous application (23/01577/FUL).

6.11 The site lies within the Chieveley Conservation Area which centres around the historic core of the village which now lies at the southern end of the settlement. The historic development of the village is linear along the High Street and is a mixture of street fronting buildings and some set further back from the road. These tend to be set in larger plots than the street fronting buildings.

6.12 While the conservation area does not have many listed buildings, many of the other buildings are historic and are deemed to contribute to the significance of the conservation area. Immediately around the site, there are some modern buildings, though most of these are set back from the road and utilise traditional materials (red brick, tiled roofs, casement style windows) and also replicate the local vernacular with dormers, projecting gables and pitched roofs. Some of the historic buildings have painted/rendered elevations. This means that they are not visually dominant along the streetscape.

6.13 The existing site is not visible from the High Street, and minimally from its access off Church Lane.

6.14 The proposed development is located to the rear of the existing linear development along the High Street. The High Street allows limited views through gaps towards the proposed application site. It is notable that the appeal inspector recognised that the derelict condition, bulk and industrial appearance of the existing structures on the site, the areas of overgrown scrubland or brambles and the largely unmade hard surfaces contribute little to the significance of the Conservation area.

6.15 The Councils Conservation Officer notes that the form of the proposed buildings takes cues from the surrounding buildings with projecting gable ends, part painting/rendering and small dormers. The pairs of semi-detached houses are designed in a traditional manner with a pitched roof with hipped ends. These features are consistent with the residential properties within the area in terms of appearance, height and scale, and supported by the Chieveley Village Design Statement in the Conservation Officers view. The Council's Conservation Officer raises no objection to the application. Overall, the proposed dwellings will be smaller and slightly closer together than the majority of those within the village. However, the development will not be visually dominant and is unlikely to be visible from the public realm in the Conservation Officers view. As such it will not have a visual impact on the significance of the conservation area.

6.16 The case officer considers the design of the proposed dwellings to be acceptable, creating attractive dwellings with similar designs to those found elsewhere in the area.

6.17 No specific details of materials have been provided but it looks as though the roofs are to be slate. Materials can be conditioned but the Conservation Officers suggests some things should be noted here. Slate or other dark material is not appropriate for the roof given the dominance of tiles. The Chieveley Village Design statement notes that more than nine in every ten buildings in Chieveley have tiled roofs; relatively few have slate

roofs (and even fewer are thatched). Similarly, the windows should be timber casements, uPVC is not an acceptable material given the Conservation Area. The Conservation Officer has recommended the materials, architectural details, hard and soft surfaces and planting should be conditioned notwithstanding the details shown in the application drawings.

- 6.18 The Conservation Officer's views are supported by the appeal inspector's findings shown in paragraph 16 of the decision letter. The inspector concluded the proposed development would not have a domineering or cramp relation to either built form or grain of the area. The density is considered acceptable and utilises the application site efficiently whilst maintaining a high-quality design.
- 6.19 It is noted that the Parish Council raises concern in regard to the materials put forwards in the application. The appeal inspector noted in paragraph 17 that slate tiles and white render are not commonplace with the conservation area and had they been minded to have allowed the appeal would have conditioned a change to the materials. The case officer is content for a schedule of materials to be conditioned.
- 6.20 The North Wessex Downs National Landscape sweeps over the whole of the village. The site is well contained within the built form of the village. The design and layout of the proposed dwellings is considered acceptable respecting and enhancing the distinctive village character. As such the proposed development is considered to conserve and enhance the North Wessex Downs National Landscape. Furthermore it should be noted that the inspector, in paragraph 18 of the decision letter, noted the positive conclusions on the design and removal of derelict buildings would further the statutory purposes of the National Landscape as a nationally important area.
- 6.21 The Archaeologist has identified that the site may have some archaeological potential, as it is situated within the historic core of the village, which has Saxon origins, and there is the possibility of medieval or earlier below ground remains on the site. No field evaluation of the site has been carried out, and so it would be appropriate to secure through conditions a programme of archaeological supervision during the works. In addition, the pigsty may have been part of a group of buildings, which may contribute to the story of rural life and so a building recording condition is required, and this can be secured as part of any permission.
- 6.22 Given the Planning inspector's conclusions have material weight, officers do not support continuing to object to this application on the grounds of harm to the Conservation Area. Instead, they find that there would not be harm to the character and appearance of the area or conservation area and would further the requirements of the National Landscape. The proposed development is therefore considered to accord with policies SP7 and SP8 of the Development Plan.

Amenity

Impact on neighbouring amenity

- 6.23 According to Policy DM30, all development will be required to provide and/or maintain a high standard of amenity for existing and future users of land and buildings.
- 6.24 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.

6.25 The application has been submitted with shadowing diagrams indicating the shadows at different times of the day at different days of the year. This shows that overall, there will be very little difference to the shadowing of the surrounding dwellings and gardens, then is currently experienced, as a result of the current buildings on the site.

6.26 The case officer considers the dormer window on the north elevation of plot 1 will face towards an outbuilding of The Chase to the north, and this is sufficient to prevent harmful overlooking to the amenity areas of that house. The dormer window to the west of Plot 4 is not considered to give rise to overlooking that is sufficient to refuse the application.

6.27 The previous Council decision refused the application due to the impact on adjacent neighbouring amenity. Notably from plots 1 and 2 which are situated 10-12 metres away from the flats to the east of the application site. The proposed development submitted as part of this application is the same as described above. The appeal inspector considered the Council's views but noted the following:

"Given the height of these windows, when fully open views of the rooms served by the windows of the two flats located adjacent and above the convenience store would be possible. Therefore, existing occupiers of Bakers Flat and Southleigh Flat, would be likely to experience some loss of privacy when using the room served by these windows. However, the use of obscured glass in the aforementioned rooflights, secured via a suitably imposed condition, would prevent any loss of actual or perceived privacy."

6.28 Whilst the case officer acknowledges the decision made on 23/01577/FUL they consider this position was not agreed by the appeal inspector. The case officer is therefore content with the proposed development subject to a suitably worded condition requiring the rooflights to be obscure glazed and either fixed shut or the opening mechanism must be restricted so that it cannot open more than 1.7 metres above the internal floor level of the room they serve.

6.29 The inspector also noted that at first floor level, a window was proposed in the rear elevation of Plot 2, serving a bedroom. Although this would be positioned opposite the ground and first floor windows of the Bakers Flat, the floor plans for Plot 2 show this window to be fitted with obscure glazing. Any actual or perceived loss of privacy to the existing occupiers of the Bakers Flat would, therefore, be negligible. Again it is recommended that a suitably worded condition is attached requiring the rooflights to be obscure glazed and either fixed shut or the opening mechanism must be restricted so that it cannot open more than 1.7 metres above the internal floor level of the room they serve.

6.30 The inspector went on to note

"Furthermore, given the rear boundary of the site would be fenced at a far lower height than the existing industrial structures and the rear elevation of the proposed dwellings set back beyond that, the scale and quality of the outlook from these flats' windows would be increased and, as a consequence, improved. This would be beneficial to the living conditions of the existing occupiers of these flats."

6.31 Whilst the officer acknowledges the previous decision by the Council was to refuse the application on this issue this was tested at appeal and the Inspector concluded that subject to a suitably worded condition the proposed development would not harm adjacent amenity and would accord with the development plan.

6.32 Conditions can be imposed to secure the obscure glazing in perpetuity and to ensure adequate boundary treatments to ensure screening. The submitted plans indicate that the ground levels will be retained across the site, with only small variations as a result of the development.

6.33 The proposed development is therefore considered to comply with DM30 of the development plan in regard to its impacts to neighbouring amenity.

On-site Amenity for Future Occupiers

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

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

6.35 The proposed dwellings are well designed with all internal space being of an adequate size and natural light to all habitable rooms is provided. Subject to the implementation of the recommendations made in the submitted Noise Impact Assessment internal noise levels of rooms should acceptable. A condition is recommended to ensure the development is constructed in accordance with these details.

6.36 The length of the rear gardens is noted on the block plans as around 8 meters at their longest. The distance between the windows to the rear of Plot 1 and 2 and the neighbouring rear windows to the east are approx. 10-12 meters. The garden sizes are noted on the plans but do not meet the SPD 100 sqm guidance levels provided in the Quality Design SPD. The distances of the proposed development are not in accordance with DM30's required distances.

6.37 The previous application 23/01577/FUL was refused on these matters summaries as follows

- Plots 1 and 2 are situated 10-12 metres away from the flats to the east of the application site, the first-floor windows of the proposed dwellings will result in unacceptable levels of actual and perceived loss of privacy to the occupiers of those flats, which will be harmful to their living conditions.
- The proposed development fails to provide a sufficient amount of private amenity space to serve the future occupiers of the proposed development, resulting in inadequate living conditions

6.38 As considered earlier in the report the planning inspector found subject to a suitable worded condition the impact on neighbouring amenity would be acceptable at the distance shown on the block plan.

6.39 The inspector went on to note that the quantum of private amenity space was also acceptable as follows

“22. As shown on the Concept Block Plan, the garden areas of all the proposed dwellings are able to accommodate covered lockable bicycle sheds, wheelie bins, space for sitting outside and children’s play. Therefore, they would provide sufficient space to support the everyday needs of future occupiers of the proposed

development. The existing boundary features alongside Sowbury House and The Chase, together with the proposed fencing adjacent to the courtyard to the rear of Londis, would provide future occupiers with the level of privacy and security reasonably expected within a residential environment.

23. I conclude that the quantum and functionality of the proposed private outdoor space would provide future occupiers with adequate living conditions and accords with Policy CS14 of the Core Strategy and the Design SPD in this respect”

- 6.40 The garden areas, whilst below the SPD guidance are considered to be sufficient to meet the needs of the future occupiers. It is therefore officers' recommendation that continuing to refuse the application on this matter in consistency with 23/01577/FUL is unlikely to be successful at appeal.
- 6.41 However, to ensure that sufficient garden space is maintained to serve the needs of the occupiers in the future it is necessary to restrict permitted development rights for extensions and outbuildings, which may reduce the amount of useable garden space available to future resident.

Highways

- 6.42 According to Policy SP19, development that generates a transport impact will be required to (amongst others) mitigate any adverse impact on local transport networks. Vehicular parking requires that following construction 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.
- 6.43 It is proposed that 10 car parking spaces are provided including 8 electric vehicle charging points. The proposals also include the provision of 8 bicycle sheds. The location and layout of car and cycle parking is shown on submitted drawings are considered acceptable.
- 6.44 The Swept Path Analysis shown on submitted drawings demonstrates a refuse vehicle can enter and exit the site via Church Lane in forward gear. This is therefore acceptable.
- 6.45 Highways officers consider the proposal acceptable and raise no objections subject to conditions.

Flood Risk and Sustainable Drainage

- 6.46 According to Policy SP6, 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. The surface water strategy has been reviewed and considered by the LLFA. This policy is amplified by Policy DM7 which seeks to ensure a comprehensive and integrated approach to the conservation and management of water resources and ensure that development do not overload available facilities and create or exacerbate problems of flooding or pollution.

Flood Risk

- 6.47 The site is within flood zone 1 which has the lowest probability of flooding. It is noted by LLFA officers that the existing surface water flood risk is 'low'. However, the updated EA mapping indicates that this will rise to 'medium' and 'high' during the lifetime of the development. The Flood Risk Assessment (FRA) did not consider this

long-term risk. During the course of the application the FRA was updated to account for these comments and the LLFA officer raised no further objections in terms of flood risk.

- 6.48 The submitted report notes that based on mapping the risks associated with surface water flooding are low, with a maximum depth of flooding of 200mm anticipated in any area.
- 6.49 The layout plan shows that Plots 1 and 2 have a Finished Floor Level (FFL) of 123.80m above Ordnance Datum (AOD), with the FFL of Plots 3 and 4 being 124.00m AOD. The site survey shows the lowest existing ground levels in the southeast of the site to be below 123.2m AOD, and as such ponded surface water levels are unlikely to exceed approximately 123.4m AOD in the wet spot/low point to the south and east of the site under any circumstances.
- 6.50 The FFLs of both buildings will therefore provide 400mm or more freeboard against the anticipated ponded level in this area, thus the risk of surface water flooding reaching floor level and entering any building under any circumstances is considered to be low. The flood resilience measures noted in the submitted documents can be secured by the surface water condition.

Sustainable Drainage Measures

- 6.51 The LLFA officer's comment that the proposed drainage strategy is to infiltrate through the permeable paving; it is noted that this is at high level and it is not clarified whether this will extend deep enough to reach the chalk strata. Officers also noted that the applicant has provisionally used FSR rainfall data whereas it is now a requirement to utilise FEH data. In response to these comments the SUDS details were updated with further information as covered in the letter dated 05th August 2025.
- 6.52 The LLFA officer was content that subject to a condition the proposed development was acceptable in regard to flood risk and sustainable drainage.

Trees and Ecology

Trees

- 6.53 The proposed development has been reviewed by the tree officer, and the application is accompanied by a Tree Survey and Arboricultural Method Statement. T8 a cherry tree is shown to be removed from the site, this is identified as a lower value tree, and its removal is not considered to warrant refusal. The rest of the landscaping is retained and protected where possible. The details which have been submitted indicate that tree protection measures can be included in the development, which can be secured through conditions, to protect trees which are adjacent to the site. In addition, a condition requiring further landscaping proposals to be approved and implemented can be secured.

Ecology

- 6.54 The Ecology officer has raised no objections to the proposed development subject to conditions. The application documents do not show that the proposed development would impact protected species. Whilst the barns do present opportunities to potentially house protected species, surveys have been undertaken to the satisfaction of the Councils Ecology officer to rule out impacts. The proposed development does present opportunities for improvements to the biodiversity of West Berkshire securing Biodiversity net gains of 13.84%.

Nutrient Neutrality

6.55 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. A Habitats Regulations Assessment has been completed, which demonstrates that with mitigation measures alongside the works to the Chieveley Wastewater works, the proposed development will not have an adverse effect on the integrity of the River Lambourn SAC.

6.56 It is proposed to provide off-site mitigation in the form of 0.57 hectares of land situated to the south of Green Lane, Chieveley, which is currently arable land, which will be fallowed and a new woodland planted at a density of 100 trees per hectare. This mitigation can be secured through a planning obligation and has been considered to be acceptable as part of the Habitats Regulations Assessment by the Council's Ecologist. Natural England have been consulted and raise no objections subject to securing the stated mitigation. As part of the planning obligation monitoring schedules and fees will be stipulated in the agreement.

Land Contamination

6.57 A preliminary Desk Study sets out a basic risk assessment of the potential contamination on the site and indicates that there could be potential pollutant leakages that could pose a risk to the future occupiers and indicates that further exploratory instructive investigations should be carried out. Whilst the Environmental Health Officer has been consulted they have yet to respond on this application. They did respond to the previous application 23/01577/FUL stating they were content with this approach and requested a condition to secure a further investigation, and if any contamination is discovered to carry out further surveys, and submit a scheme of remediation for approval, with details of the subsequent implementation and verification, to be approved. Given the changes to the site since the previous application appear to be minimal a similar conclusion can be drawn for this application.

6.58 The potential for asbestos within the buildings to be demolished has been referred to. However, the control of asbestos within buildings is covered by separate legislation, and so is not part of the consideration of this application.

Responding to Climate Change

6.59 Policy SP5 requires the principles of climate change mitigation and adaptation to be embedded into new development, improving the resilience of land, buildings and existing and future communities to the opportunities and impacts arising from climate change. All development should contribute to West Berkshire becoming and staying carbon neutral by 2030.

6.60 Policy DM4 relates to Building Sustainable Homes and Businesses. It stipulates that new development of one or more new dwellings (C3 or C4 use class) should achieve net zero operational carbon emissions (regulated and unregulated energy) by implementing the energy hierarchy.

6.61 Proposals should demonstrate the application of the energy hierarchy through submission of an Energy Statement or a detailed energy section within the Sustainability Statement in accordance with policy SP5. This should identify how the

policies standards of construction are achieved to the greatest extent feasible and viable.

6.62 Residential Development should meet the following minimum construction standards related to a semi-detached dwelling

- Achieve 63% reduction in carbon emissions achieved by on-site measures, as compared to the baseline emission rate set by Building Regulations Part L 2021 (SAP 10.2). These regulated carbon emission targets are to be achieved before the addition of on-site renewable electricity generation (which should subsequently be considered in section 3 of this policy); and
- Equal to or less than the following targets, using the Building Regulations Part L SAP Fabric Energy Efficiency (FEE) metric:

End terrace: 32.9 kWh/m²/year FEE

6.63 The application is accompanied by separate Energy Statements for each plot and the associated SAP calculations supplied by the planning agents. Each document shows each of the 4 dwellings considerations and provides one final calculator of carbon off setting.

6.64 In regard to DM4's target reduction in carbon emissions of 63% the proposed development reduces energy demand through improvements to fabric of the building. These improvements are to windows, doors, insulations and the use of Air Source Heat Pumps.

Plot 1	64.7%
Plot 2	65.1%
Plot 3	64.5%
Plot 4	64.5%

6.65 As shown in the table the proposed dwellings meet the policy requirement of 63% reduction in CO₂ emissions for regulated energy compared to a baseline building regulation dwelling.

6.66 The FEE measurements for each dwelling are as follows:

- Plot 1 : 32.82kWh/m²/yr
- Plot 2: 31.93kWh/m²/yr
- Plot 3: 29.59kWh/m²/yr
- Plot 4: 29.59kWh/m²/yr

6.67 These measurements are all below the requirement of DM4 for semi-detached dwellings utilising less energy therefore being more efficient homes.

6.68 Policy DM4 then goes on to require development to achieve zero-carbon home status through the use of renewable energy systems. Part 3 of DM4 includes both regulated and unregulated energy consumption. The Energy statement shows that through the provision of solar panels on site the provision of renewable energy would reduce the dwellings carbon emissions to the extent shown in the below table.

	Existing baseline ADL+ Unregulated	Proposed remaining CO2/yr	Reduction of CO2/yr	Percentage reduction
Plot 1	1.108tCO2/yr	0.12tCO2/yr	0.988tCO2/yr	89%
Plot 2	1.108tCO2/yr	-0.04tCO2/yr	1.148 tCO2/yr	103%
Plot 3	1.108tCO2/yr	0.05tCO2/yr	1.058 tCO2/yr	95%
Plot 4	1.108tCO2/yr	0.05tCO2/yr	1.058 tCO2/yr	95%

6.69 As can be seen in the table only plot 2 achieves 100% reduction in co2 reduction meaning it is a zero-carbon home. The other dwellings miss this target. The total residual emission from regulated and unregulated sources amounts to 0.26 tons co2/yr. This would need to be offset through a contribution calculated through the carbon contribution calculator.

6.70 The Energy report has utilised the calculator and notes that the contribution to offset the remaining carbon emissions would be £3,339.00. A planning obligation would be required to secure payment of this obligation. The heads of terms sets out this requirement and subject to agreement of a planning obligation the proposed development meets DM4.

Other matters

Water Efficiency

6.71 Policy DM7 requires development to minimise water use by incorporating appropriate water efficiency and water recycling measures. It further requires new residential development, including replacement dwellings, to meet the Building Regulations optional higher water efficiency standard. Water efficiency measures could be secured via condition.

Digital Infrastructure

6.72 According to DM41, the Council will expect all new residential and employment generating premises commercial premises to be served by high-speed reliable gigabit-capable broadband, wherever possible in the form of fibre to the premises (FTTP), or any new or alternative technologies that may come forward during the lifetime of the Local Plan. Where it is not currently viable to deliver FTTP broadband, the fastest viable alternative connection should be provided, together with adequate ducting to allow FTTP connections to be made easily at a later date, without the additional costs of retrofitting. This can be secured by planning condition.

Health Impacts

6.73 The development is not a major development in terms of the DMPO's definition and given its modest number of dwellings is not considered to have a significant impact on health and wellbeing of the local population by the case officer. A health impact assessment is therefore not required in accordance with DM3. Any impacts arising from the proposed development will likely be resolved through the payment of community infrastructure levy (CIL).

Affordable housing

6.74 Policy SP19 stipulates affordable housing will only be required on sites above 5 or more dwellings in this area. The proposed development does not reach this level and as such affordable housing is not required.

Housing mix

6.75 Policy SP15 applies to proposals above the threshold of 10 dwellings. The proposed development therefore does not need to meet the housing mix table in the supporting text of SP15.

Public Open Space

6.76 Policy DM40 applies to proposals above the threshold of 10 dwellings. The proposed development therefore does not need to provide space or a contribution to open space.

7. Planning Balance and Conclusion

7.1.1 This application is proposing the erection of four dwellings on a brownfield site. The proposed dwellings would bring a social and economic benefit to West Berkshire. The proposal will provide short term economic benefits during the construction phase of the development, and additional population to the village which will utilise local amenity and bring money to the West Berkshire Economy. There are environmental benefits through the removal of derelict buildings which do not contribute the National Landscape of Conservation area. The proposed development is considered an acceptable form of design that is supported in principle by the development plan. The proposed development includes Biodiversity net gains, sufficient parking, and energy efficient homes. It can also secured mitigation to make the proposed development nutrient neutrality in regard to the impact to the River Lambourn SAC.

7.1.2 Whilst it is acknowledged that the previous application 23/01577/FUL was refused by the Local Planning Authority. The appeal decision APP/W0340/W/24/3349957 did not dismiss the appeal on any of the disputed grounds other than the lack of sufficient planning obligation. This can be drafted by Legal officers and secured as part of officer's recommendation.

7.1.3 As such the application is therefore recommended for APPROVAL.

8. Full Recommendation

8.1 PROVIDED THAT a Section 106 Agreement has been completed by within 6 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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

Conditions

1.	<p>Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan. Drawing number 21-24-250. Received 9th May 2025 Concept Bock Plan. Drawing number 21-24-251 Rev G. Received 1st December 2025. Plot 1 and 2 Floor Plans and Elevations. Drawing number 21-24-253 Rev A. Received 1st December 2025. Plot 3 and 4 Floor Plans and Elevations. Drawing number 21-24-254 Rev A. Received 1st December 2025. Preliminary Ecological Appraisal. Received 9th May 2025 Arboricultural Impact Assessment. Received 9th May 2025 Arboricultural Method Statement. Received 9th May 2025 Tree Protection Plan. Received 9th May 2025 Noise Impact Assessment. Technical Report: R9588-1 Rev 0. Date: 21st June 2022 Received 9th May 2025</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Schedule of materials No works above foundation level of the dwellings hereby approved shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure 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>Architectural details No works above foundation level of the dwellings hereby approved shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none">- window/door arches, lintels, reveals and surrounds- eaves and fascia- parapets, cornices and pediments- brick detailing and decorative features <p>Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To ensure that the materials are appropriate to the character of the Conservation Area and adjacent listed buildings. This condition is imposed in</p>

	accordance with the National Planning Policy Framework and Policies SP7, SP9, DM9 and DM10 of the West Berkshire Local Plan Review 2023-2041.
5.	<p>Hard landscaping</p> <p>The dwellings hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority.</p> <p>The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8 and SP10 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
6.	<p>Soft landscaping</p> <p>The dwellings hereby permitted shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations or first occupation of the new dwellings (whichever occurs first).</p> <p>Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8 and SP10 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
7.	<p>Programme of Archaeological Works</p> <p>No development (including any demolition and site clearance/preparation) shall take place until a project design for a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The project design shall include the methodology for undertaking the archaeological supervision, and provision should be made for the investigation and recording of any significant features, deposits and artefacts. Thereafter, the archaeological work shall take place in accordance with the approved project design, and a report shall be submitted to the Local Planning Authority within three months of the end of the programme (unless otherwise agreed in writing by the Local Planning Authority).</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP9, DM11 and DM14 of the Local Plan Review 2023-2041. A pre-commencement condition is necessary because the programme of archaeological works must take place before/during the development.</p>

	<p>A pre-condition is necessary because sufficiently detailed information does not accompany the application. These measures may require work/care to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
8.	<p>Archaeology Building Recording</p> <p>No development (including any demolition and site clearance/preparation) shall take place until a project design for a programme of building recording of the historic range has been submitted to and approved in writing by the Local Planning Authority. Thereafter, building recording shall take place in accordance with the approved project design, and a report shall be submitted to the Local Planning Authority within three months of the end of the programme (unless otherwise agreed in writing by the Local Planning Authority).</p> <p>Reason: To ensure that an adequate record is made of these buildings of architectural, artistic, historical or archaeological interest. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP9, DM11 and DM14 of the Local Plan Review 2023-2041. A pre-commencement condition is necessary because the programme of building recording must take place before/during the development.</p> <p>Such an approach is in line with paragraph 2018 of the 2024 National Planning Policy Framework. The level of recording necessary should be guided by the advice specified by Historic England in Understanding Historic Buildings: A guide to good recording practice (2016). Given the scale of works proposed I would advise that recording at level 2 (descriptive) would be appropriate in this instance, but if any archival material or local historical records are available that would help with the analysis.</p> <p>A pre-condition is necessary because sufficiently detailed information does not accompany the application. These measures may require work/care to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
9.	<p>Tree Protection during construction</p> <p>Prior to the commencement of any works including demolition all Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers Arbtech TPP 01 dated Nov 2023. The protective fencing shall be implemented and retained intact for the duration of the construction of development.</p> <p>Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.</p> <p>Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and West Berkshire Local Plan Review 2023-2041.</p>
10.	<p>Electric Charging Point</p> <p>No dwelling shall be occupied until electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of electric cars.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP5, SP19, DM42 and DM44 of the West Berkshire Local Plan Review 2023 – 2041.</p>
11.	Construction method statement

	<p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities (f) Measures to control the emission of dust and dirt during construction (g) A scheme for recycling/disposing of waste resulting from demolition and construction works (h) A site set-up plan during the works <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policy DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p> <p>A pre-condition is necessary because sufficiently detailed information does not accompany the application. These measures will be required to be in place prior to works commencing on any part of the development may and so it is necessary to approve these details before any development takes place.</p>
12.	<p>Hours of Construction Works</p> <p>No construction works shall take place outside the following hours:</p> <p>0730 hours to 1800 hours Mondays to Fridays. 0830 hours to 1300 hours Saturdays; and</p> <p>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>
13.	<p>Road construction</p> <p>No development shall take place until details of road construction have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until associated road construction has been constructed in accordance with the approved drawings. The road construction shall comply with the Local Highway Authority standards and shall thereafter be maintained by appropriate legal agreements when required.</p> <p>Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19 and DM42 of the West Berkshire Local Plan Review 2023 – 2041.</p> <p>A pre-condition is necessary because sufficiently detailed information does not accompany the application. These measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>

14.	<p>Parking/turning in accord with plans No dwelling shall be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policy DM44 of the West Berkshire Local Plan Review 2023 – 2041.</p>
15.	<p>Cycle parking No dwelling shall be occupied until the 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 development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework 2024 and Policies SP19, DM42 and DM44 of the West Berkshire Local Plan Review 2023 – 2041.</p>
16.	<p>Sustainable Drainage Methods No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <ul style="list-style-type: none"> a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with paragraph 182 of the NPPF, the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document (2018) with particular emphasis on Green SuDS and water re-use and approved strategy 3121-02 Rev A noting that if the deeper soakaway is used, it will need to be positioned a minimum of 10m from all buildings and 5m from all site boundaries. b) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site. Exceedance routes should be provided on plans with level information showing the path of water noting any potential issues and mitigation measures used to control overland flow. c) Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information must be provided. d) Provide details of flood resistance and resilience measures. Show the measures on a plan and describe what measures are designed to prevent water accessing the property and speed up recovery times. e) Include a detailed drainage strategy for surface water run-off within the site in accordance with submitted information. This should include details on the interactions between the proposed infrastructure and permeable paving to provide an accurate representation of the volume of storage provided. f) Include run-off calculations based on current rainfall data models, infiltration rates and storage capacity calculations for the proposed SuDS measures (as applicable) based on a 1 in 100-year storm +40% for climate change. Hydraulic connectivity should be demonstrated. f) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage

	<p>testing shall be undertaken in accordance with BRE365 methodology and at the level of the proposed infiltration devices.</p> <p>g) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development.</p> <p>h) Include construction drawings, cross-sections and specifications of all proposed SuDS and flood alleviation measures within the site</p> <p>i) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain.</p> <p>j) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises. If any element of the SuDS design is to be adopted by the local authority whole life costing information relevant to all SuDS must be provided.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework and associated Planning Practice Guidance, National Standards for SuDS, Policy SP6 of the Adopted Local Plan (2023-2041)</p> <p>A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p>
17.	<p>Construction Environmental Management Plan</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> a) Risk assessment of potentially damaging construction activities. b) Identification of biodiversity protection zones. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works.

	<p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</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.</p> <p>A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
18.	<p>Lighting design strategy for light sensitive biodiversity</p> <p>Prior to occupation, a lighting design strategy for biodiversity for 4No. residential dwellings and parking provision shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Bats and Badgers are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. 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>
19.	<p>Submission of a copy of the EPS licence</p> <p>The following works demolition of industrial units shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p> <p>a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or</p> <p>b) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. This strict protection condition helps to</p>

	<p>ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.</p>
20.	<p>Biodiversity measures No dwelling shall be occupied until 2x bat boxes and 2x swift boxes and the hedgehog highways related to that dwelling have been installed/constructed in accordance with details shown on a submitted plan.</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>
21.	<p>Biodiversity Gain Condition No development, demolition, earth moving shall take place until a Biodiversity Gain Plan has been submitted to and approved by the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Metric dated 16th of April 2025 prepared by Partners in Planning and Architecture Ltd and shall include:</p> <ul style="list-style-type: none"> a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; b) the pre-development biodiversity value of the onsite habitat; c) the post development biodiversity value of the onsite habitat; d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development; e) any biodiversity credits purchased for the development. <p>The approved Biodiversity Gain Plan shall be implemented in accordance with the approved details.</p> <p>Reason: To secure no net loss / net gain for biodiversity in accordance with NPPF Section 15 and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
22.	<p>Protection from external noise (prior approval) No dwelling shall be first occupied until mitigation measures to protect its occupants from externally generated noise have been provided in accordance with the details recommended in the submitted Noise Impact Assessment. Technical Report: R9588-1 Rev 0. Date: 21st June 2022 Received 9th May 2025</p> <p>Reason: To protect future occupiers of the development from excessive noise levels from the adjacent store and nearby roads, to ensure a good standard of amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
23.	<p>Digital Infrastructure No works above foundation level of the dwellings hereby approved shall take place until a digital infrastructure strategy statement has been submitted to and approved in writing by the Local Planning authority. Such a statement shall set out how the development hereby approved will be served by high-speed reliable gigabit-capable broadband, wherever possible in the form of fibre to the premises (FTTP), or any new or alternative technologies that may come forward Where the document</p>

	<p>describes how it is not currently viable to deliver FTTP broadband, the fastest viable alternative connection should be provided, together with adequate ducting to allow FTTP connections to be made easily at a later date, without the additional costs of retrofitting.</p> <p>Thereafter the development shall not be occupied until the submitted details have been provided in accordance with the approved details.</p> <p>Reason: To ensure that the site is provided with high-speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the National Planning Policy Framework and policy DM41 of the West Berkshire Local Plan Review 2023-2041.</p>
24.	<p>Sustainability and Building Construction Measures</p> <p>The development hereby permitted shall incorporate the sustainability measures set out in the following documents</p> <ul style="list-style-type: none"> • 10 017 Clearline Fusion - PV16-M10 Fusion Flashing Detail • 10 020 Clearline Fusion - PV16 Short Slope Detail • 21-24-251G-Proposed Block Plan-18-11-25 • 21-24-253A - Proposed Plans Elevations (Plots 1 & 2) 18-11-25 • 21-24-254A - Proposed Plans Elevations (Plots 3 & 4) 18-11-25 • 25-01081-FUL Rev 18-11-2025 Carbon_Offsetting_Calculator • 38084 SK1 Viridian Fusion PV Arrangement - The Old Bakery • 80051 Clearline fusion Data Sheet 445AG-M10 v1-1-EN • Full SAP Calculation Combined_Plot 1_PV and Rooflight 18.11.25 • Full SAP Calculation Combined_Plot 2_PV and Rooflight 18.11.25 • Full SAP Calculation Combined_Plot 3_PV and Rooflight 18.11.25 • Full SAP Calculation Combined_Plot 4_PV and Rooflight 18.11.25 • Plot 1 Policy DM4 Supporting Information received 18.12.2025 • Plot 2 Policy DM4 Supporting Information received 18.12.2025 • Plot 3 Policy DM4 Supporting Information received 18.12.2025 • Plot 4 Policy DM4 Supporting Information received 18.12.2025 • Sustainability Statement (All Plots) • Typology 1 Plot details (All Plots) received 18.12.2025 <p>No dwelling shall be occupied until all sustainability measures have been provided in full accordance with these approved details.</p> <p>Reason: To secure the sustainability measures that the development is contributing to the district's response to climate change in accordance with Policy SP5 and DM4 of the West Berkshire Local Plan Review 2023-2041.</p>
25.	<p>Maximum water consumption</p> <p>All new residential developments shall meet the Building Regulations optional higher water efficiency standard of 110 litres per person per day, using the 'Fittings Approach' as set out in table 2.2 of the Building Regulations part G2. No dwelling hereby permitted shall be occupied until this standard has been achieved for that dwelling. This standard shall be complied with for that dwelling and retained in perpetuity thereafter.</p> <p>Reason: To ensure development is designed to be water efficient and reduce water consumption in accordance with the National Planning Policy Framework and Policy DM7 of the West Berkshire Local Plan 2023-2041.</p>
26.	<p>Contaminated land (investigation and remediation)</p>

	<p>No development* shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the LPA. The above scheme shall:</p> <ul style="list-style-type: none"> (a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s). (b) Include a remediation scheme* which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. (c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA. (d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice. <p>Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme.</p> <p>If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the LPA. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. Thereafter, any remediation measures shall be carried out in accordance with the approved details.</p> <p>The development shall not be occupied* until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p> <p>(* Unless otherwise agreed in writing by the LPA)</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with the National Planning Policy Framework.</p> <p>A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase.</p>
27.	<p>Unexpected contamination</p> <p>If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a</p>

	<p>competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation) and conducted in accordance with current best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part II of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with the National Planning Policy Framework.</p>
28.	<p>Obscure glazing and restriction of opening of windows The windows (including rooflights) at first floor level in the East elevation shall be fitted with obscure glass and shall either be fixed shut or the opening mechanism must be restricted so that it cannot open more than 1.7 metres above the internal floor level of the room they serve before the dwellings hereby permitted are occupied.</p> <p>The obscure glazing and opening restrictions shall be permanently retained in that condition thereafter.</p> <p>Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
29.	<p>Permitted development restriction (windows/dormers) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at the dwellings hereby permitted without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
30.	<p>Permitted development restriction (extensions/outbuildings) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p>

	Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies SP8 and DM30 of the West Berkshire Local Plan Review 2023-2041, the Quality Design SPD.
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Heads of Terms for Section 106 Agreement

1.	Nutrient Neutrality Provision of off-site mitigation to make the development nutrient neutral in terms of its impact on the River Lambourn SAC. This provision will consist of the planting of 0.57 ha of woodland in advance of occupation of the dwellings and provisions and fees for the ongoing monitoring of this mitigation.
2.	Carbon Off setting The dwellings proposed as part of this application do not meet the required 100% reduction in co2 reduction target of DM4. The total residual emission from regulated and unregulated sources needs to be offset through a contribution calculated through the carbon contribution calculator. The submitted Energy report documents have calculated the contribution to offset the remaining carbon emissions to be £3,339.00. The planning obligation should secure payment of this fee prior to the first occupation of the dwellings hereby approved or by an agreed timescale to be negotiated.
3.	Council's Costs To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement or Unilateral Undertaking through an administration fee.

Refusal Reasons (in the event that the S106 Legal Agreement is not completed)

1.	Planning obligation – NNZ The application has failed to provide an appropriate planning obligation with respect to providing a satisfactory scheme of mitigation and so the proposal would result in a likely significant effect on the River Lambourn SAC which without appropriate mitigation measures could result in an adverse effect on the integrity of this Habitats Site. Therefore, without the submission of a satisfactory scheme of mitigation (i.e. one that can demonstrate the nutrient neutrality of the proposed development) the Council cannot consider approving this application as to do so would be contrary to Regulation 63 of the Habitats Regulations. Therefore, the development fails to accord with the Conservation of Habitats and Species Regulations 2017 (as amended), the Written Ministerial Statement of 20 July 2022, Policy SP11 of the West Berkshire Local Plan Review 2023-2041, and the National Planning Policy Framework.
2.	Planning obligation – Zero Carbon Homes The application has failed to provide an appropriate planning obligation with respect to providing a contribution towards making the proposed dwellings zero carbon

	homes in accordance with DM4. The total residual Emissions from regulated and unregulated sources has not been offset through a contribution calculated through the carbon contribution calculator.
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Informatives

1.	Decision Making 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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.
2.	Community Infrastructure Levy The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
3.	Biodiversity Net Gain 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: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. 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. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. 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. 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

	<p>The exemption that is considered to apply to this application is: Development below the de minimis threshold, meaning development which:</p> <ul style="list-style-type: none"> 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>IRREPLACEABLE HABITAT</p> <p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.</p> <p>The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.</p> <p>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</p> <p>If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan. <p>PHASED DEVELOPMENT</p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
4.	Damage to footways, cycleways and verges

	<p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.</p>
5.	<p>Damage to the carriageway 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>
6.	<p>Incidental works affecting the highway Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.</p>
7.	<p>Official Postal Address Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.</p>