



Appeal Decision

Site visit made on 21 December 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/W0340/W/22/3302257

Lake House, Hayward Green Farm, West Woodhay, Newbury RG20 0BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C Brown, Lucy Developments Ltd, against West Berkshire District Council.
 - The application Ref 21/01843/HOUSE is dated 8 July 2021.
 - The application sought planning permission for '*Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage*' without complying with a condition attached to planning permission Ref 18/01441/HOUSE, dated 5 July 2019.
 - The condition in dispute is No 3 which states that: "*The development hereby permitted shall be carried out in accordance with the approved drawings:*"
 - Drawing title "*Site Location Plan*". Drawing number 6038/PLO1 Rev. B.. Date received 14 May 2019.
 - Drawing title "*Site Block Plan as Proposed*". Drawing number 6038/PLO3 Rev D. Dated received 14th May 2019.
 - Drawing title "*Existing and Proposed Site Section*". Drawing number 6038/PLO4 Rev C. Date received 14th May 2019.
 - Drawing title "*Proposed West Pavilion- Staff, Home Officer & Garage*". Drawing number 6038/13B. Date received 14th May 2019.
 - Drawing title "*Existing East Pavilion Proposed Alterations for Staff Apartment*". Drawing number 6038/05A. Date received 14th May 2019.
 - Drawing title "*Existing East Pavilion Proposed Alterations for Staff Apartment, Roof Alterations*". Drawing number 6038/06A. Date received 13th June 2018.
 - Drawing title "*Proposed Floor Plans*". Drawing number 6038/PL12 Rev. D. Date stamped 14 May 2019.
 - Drawing title "*Proposed Basement Garage and Link Plan*". Drawing number 5643/PL08 Rev D. Date received 14th May 2019.
 - Drawing title "*Proposed Roof Alteration*". Drawing number 6038/06a. Date received 14th May 2019.
 - Document title "*Design & access statement*". Document reference 6038 04s. Date received 14th May 2019.
 - Drawing title "*Proposed drainage strategy plan*". Drawing number 6683 - 501a. Date received 14th May 2019.
 - Document title "*Surface Water Drainage Strategy - issue 3 (with appendices) (small)* 6683. Date received 14th May 2019.
 - Drawing title "*Landscape and Planting Plan*". Drawing number uh-283-100. Date received 14th May 2019."
 - The reason given for the condition is: "*For the avoidance of doubt and in the interest of proper planning*".
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Decision

1. The appeal is allowed and planning permission is granted for 'demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage' at Lake House, Hayward Green Farm, West Woodhay, Newbury, RG20 0BJ, without complying with Condition 3 previously attached to planning permission 18/01441/HOUSE, dated 5 July 2019, subject to the conditions in the attached schedule.

Application for costs

2. The appellant has made an application for costs against the Council, which is the subject of a separate decision.

Preliminary Matters

3. The appeal relates to the failure of the Council to give notice of its decision on an application for planning permission. However, the Council has provided a statement setting out the reasons why it would have refused planning permission. My main issues, as set out below, reflect the principle matters of contention that have been identified in the Council's report.
4. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Consequently, the proposal has been considered in the context of statutory duties set out within Section 85 of the Countryside and Rights of Way Act 2000 and is dealt with later in my decision.
5. The Council has highlighted that it has produced an emerging draft of the Local Plan Review (LPR), however, it has indicated that additional work on the LPR was required before it reached Regulation 19 stage. I have not been provided with details of whether this has been complete or whether the LPR has advanced to consultation under Regulation 19. The Council has though provided relevant draft emerging policies. In any case, the LPR remains at an early stage of preparation. As such, there is a high degree of uncertainty as to whether the plan will be submitted in the same form, or indeed whether or not the relevant policies will be subject to future modification. Accordingly, I have afforded very limited weight to the emerging policies of the LPR.

Background and Main Issues

6. Planning permission was granted in July 2019 for retrospective alterations to an existing eastern pavilion at the site, as well as the erection of a new western pavilion that included a basement level garage. The appellant is now seeking to alter the design of the approved eastern and western pavilions, as well as increasing the size of the proposed basement, through varying a condition on that permission which specified the approved plans.
7. The existing extant permission (ref: 18/01441/HOUSE) is a material consideration in this case, but I have come to my decision based on the circumstances of the site and the details of the scheme before me.
8. The main issues are the effect of the development on:
 - The character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty (AONB);

- The remoteness, tranquillity and dark night skies of the AONB;
- Biodiversity; and
- Surface Water Flood Risk

Reasons

Character and Appearance

9. The proposed alterations to the pavilions would not involve an increase in the scale or mass of the buildings above ground level, from the previously approved scheme (ref: 18/01441/HOUSE). The alterations to the fenestration arrangements to the existing east pavilion appear appropriate in their proportions and style. Furthermore, the proposed works would involve the west pavilion replicating the appearance of the east pavilion. This would provide a sense of cohesion, while both buildings would be of a high-quality design and finished in appropriate materials. Their proportions would also balance well with one another and against the main dwelling house.
10. The proposed basement would be extensive in size. Despite this, it would remain subservient in nature to the existing property due to its proposed functions and subterranean nature. Its proposed scale would also not be appreciable from public vantage points.
11. Despite the range of facilities that the basement would provide, these would remain ancillary to the existing dwellinghouse, such that the likely level of activity at the site would remain consistent with a large family home.
12. The proposed development would provide additional garage capacity. However, this would not necessarily result in an increased level of vehicle movements to and from the site. Additionally, the size of the appeal site is such that it is already capable of storing many vehicles, albeit externally within its grounds. As such, I do not consider the proposed development would significantly intensify the existing use of the property.
13. Despite the lack of a landscape and visual impact assessment to accompany the appeal proposals, I am satisfied that the proposed design of the development would be appropriate to the site context. Accordingly, it would also preserve the natural beauty of the AONB. The appeal proposal is therefore in accordance with Policies C3 and C6 of the Housing Site Allocation Development Plan Document (adopted 2017) (HSA) and Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (adopted 2012) (Core Strategy). Together, amongst other matters these policies require development to be of a high standard of design that conserve and enhance local distinctiveness, sense of place and landscape character, including the strong sense of remoteness and tranquillity and dark night skies of the AONB.
14. The proposal is also deemed to satisfy the requirements of the National Planning Policy Framework in respect of promoting high-quality design and conserving and enhancing the landscape and scenic beauty in AONBs. Similarly, the proposal accords with the aims of the North Wessex Downs AONB Management Plan 2014 – 2019 Supplementary Planning Guidance (AONB Management Plan) and the House Extensions Supplementary Planning Guidance (adopted 2004) (SPG).

Remoteness, tranquillity, and dark night skies of the North Wessex Downs AONB

15. It was clear on my site visit (which was undertaken around evening sunset) that the surrounding area has a quiet and tranquil feel due to its secluded countryside setting. The generally limited nature of development within the surrounding area, together with a lack of street lighting, also contributes to low levels of light pollution and adds to the sense of tranquillity and remoteness. Hence, the recognition of the special dark night sky qualities within the AONB Management Plan.
16. The proposal would involve a greater extent of glazing than the previously approved scheme at the site through the addition of alternative windows and glazed door arrangements to the existing east pavilion, as well as corresponding elevational changes to the proposed west pavilion. The Council has indicated that these alterations were previously dismissed at appeal¹. However, the previous Inspector's view was reached due to an absence of any technical information regarding the impact of light spill at the site.
17. The current proposal is accompanied by a lighting impact assessment (LIA) that has been completed by a suitably competent expert. The LIA includes modelling of the proposed development to show post-development lighting levels against the current levels at the site. The LIA has been assessed on a worst-case scenario, whereby no window coverings were considered in the modelling calculations for the proposed development. Additionally, a range of further industry precautionary measures have been utilised to allow the assessment to consider the maximum adverse scenario of the proposals.
18. The LIA indicates that areas within close proximity of the main dwelling and east pavilion (approx. 20m horizontally) are currently within an Environmental Zone Class (EVC) of E2 ('low district brightness'). This is the equivalent of a sparsely inhabited rural area. The remainder of the appeal site and immediate surrounding area were found to currently be within an EVC of E1 ('Dark'). This equates to relatively uninhabited rural areas, National Parks, AONBs etc.
19. Whilst post-development, there would be an uplift in lighting levels at the site, the LIA suggests that this would be negligible in its impact. Lighting levels at the site, although above natural background levels, would remain low. Additionally, the appeal site would maintain an EVC of E2 near the buildings on site (within c.20m), with an EVC of 1 maintained beyond. Furthermore, likely mitigation measures such as the use of curtain/blinds on windows are likely to further reduce the proposal's impacts.
20. Concerns have been expressed that the baseline position set out in the LIA is based upon the fenestration arrangements of the existing east pavilion, which do not benefit from planning permission. I recognise that the amount of fenestration within the existing east pavilion is greater than that for which permission has previously been granted. As such, there are limitations to the baseline position established within the LIA. Even so, I am not persuaded that the difference would be so significant as to fundamentally change the lighting characteristics of the site.
21. Notably, the existing main dwellinghouse is substantial in size and contains numerous large windows to each elevation. Indeed, the LIA indicates that the

¹ Appeal Reference: APP/W0340/W/20/3265904

main house is the primary source for the existing baseline condition of the site. Additionally, there appears to be various existing external lighting components across the appeal site, including to the main dwellinghouse and landscaped areas, that would further influence the lighting characteristics of the site.

22. I also understand that the proposed alterations to the fenestration of the pavilions (from that previously approved) could in any case be complete under permitted development rights (PDR). It may not be desirable to the appellant to have to fully implement the previously approved development, before undertaking such alterations. Nevertheless, in this specific instance, I do not rule out the potential for such works to subsequently be complete via PDR. As such, it is also a fallback position to which I also give modest weight.
23. Overall, I am satisfied that the proposed development would preserve the sense of remoteness, tranquillity, and dark night skies of the North Wessex Downs AONB. It therefore complies with Core Strategy Policies ADPP5, CS14 and CS19 as well as Policies C3 and C6 of the HAS. The proposal would also meet the overarching expectations of the Framework, the AONB Management Plan, and the North Wessex Downs AONB Position Statement 'Dark Skies & Artificial Light' (2021) in respect of preserving and enhancing the scenic beauty and special characteristics of the AONB.

Biodiversity

24. The appeal site lies approximately 100m from a designated Local Wildlife Site and ancient woodland. I also understand that it is within a designated Biodiversity Opportunity Area and an amber zone for Great Crested Newts². Concerns have been expressed by the Council regarding the impacts of the proposal on biodiversity due to the increased size of the basement resulting in greater excavation works and also due to increased light spill from the proposed development.
25. A Preliminary Ecological Appraisal (PEA) was submitted alongside the application for the extant permission at the site. I understand that the PEA identified no further protected species surveys at the site were required. The findings of the previous PEA appear to have been accepted by the Council, with the previous scheme having been deemed acceptable. This was subject to the incorporation of mitigation measures outlined within the PEA, including the provision of a barn owl box and procedures to prevent the disturbance of potential nesting birds.
26. An updated PEA has not been provided for the current appeal proposal. However, the same development plan policies remain in place in respect of ecology matters. It also does not appear that any concerns were raised to the current scheme by the Council's ecology officer on biodiversity grounds. While there were seemingly no requests from the local planning authority (LPA) for an updated PEA of the site or for further ecology information to be submitted during the application process.
27. The proposal would increase artificial lighting at the site, albeit based on the evidence before me the uplift in lighting levels has been demonstrated to be largely negligible. As such, lighting associated with the proposed development is not deemed to cause harm to biodiversity. Furthermore, conditions could be

² As identified by the NatureSpace Partnership

attached to the grant of a permission to restrict the use of external lighting, as well as continue to seek the mitigation measures outlined in the previously approved PEA at the site, including the potential need to undertake an updated PEA. The appellant has indicated a willingness to accept such conditions.

28. The proposal would involve a larger excavation for the basement than that previously approved. Nevertheless, on the evidence before me, I am not persuaded that this would have a materially greater impact on biodiversity than the works involved for the extant basement development. In addition, a condition could also be attached to the grant of any permission to require approval of how spoil from the development proposals would be managed. Again, the appellant has indicated a willingness to adhere to a relevant condition.
29. I therefore find that the proposed development would not cause harm to biodiversity. Consequently, the proposal complies with Core Strategy Policy CS17. The policy seeks to conserve and enhance biodiversity and geodiversity assets across the authority area. Likewise, it would comply with the aims of the Framework in respect of protecting biodiversity.

Surface Water Flood Risk

30. A hydrological report and surface water drainage strategy have been submitted alongside the application, which have been prepared by suitably qualified professionals. The submitted hydrological report indicates that ground levels within the appeal site have a gentle west to east slope. Groundwater therefore flows in an easterly direction, towards nearby drainage ditches that form a tributary of the nearby River Enbourne.
31. A geological survey of the site, including borehole investigations, confirms that a chalk aquifer underlines the site at depths of between 50-66m below ground level. Albeit previous site investigations also demonstrate that bands of sand and clay, of fluctuating properties, are present at various depths to approximately 15.5m below ground level. It is further acknowledged within the report that the local area is known to suffer from high groundwater issues, typically associated with the interface between permeable sand and impermeable clay deposits.
32. The site is served by existing drainage infrastructure. This involves an attenuation pond, to the east of the existing eastern pavilion, that collects ground water from existing hard-surfaced areas via shallow land drains and drainage pipes. Water from the pond further discharges into a drainage ditch to the east, but its flow is restricted to the equivalent greenfield run-off rates via a Hydrobreak flow control. I understand that this drainage arrangement was approved in connection with the previous development of the site.
33. The proposed drainage strategy includes the use of free draining backfill to be installed surrounding the outer basement wall. This would allow groundwater to continue to discharge around the basement in an easterly direction. In addition, landscaping areas to the basement roof are proposed to allow ground water capture and continued flow in its current direction. These measures are intended to mimic the natural drainage regime, with no formal drainage to remove ground water from the site, or overland run-off above the basement, being proposed.

34. The hydrological report concludes that the proposed development can be suitably accommodated without depleting or increasing flood risks within the site or locality. I am mindful that the Local Lead Flood Authority (LLFA) is satisfied with the conclusions of the hydrological report and did not object to the proposed drainage strategy, subject to the imposition of a relevant drainage condition. The appellant has indicated a willingness to accept such a condition should planning permission be granted.
35. Despite this, the Council and third parties, have expressed concerns regarding the potential impacts of the development on groundwater and flood risk outside of the application site, particularly upstream. However, the LLFA has outlined that the proposed development is unlikely to lead to further unduly rapid draining of groundwater upstream of the basement development.
36. Accordingly, based on the evidence before me, I am content that the proposal would not lead to an increased risk of surface water flooding. The proposed development therefore complies with Core Strategy Policy CS16. The policy seeks to prevent development that would increase the risk of flooding, including where it would have detrimental impacts on the flow of surface water or obstruct the run-off of water due to high levels of ground water. Additionally, it would meet the aims of the Framework in respect of managing flood risk.

Other Matters

37. Concerns have been raised that the proposed development conflicts with the operative part of the original planning permission. In particular, it is suggested that the proposed basement conflicts with the original description of development due to its scale, linkage with the existing east pavilion, as well as the facilities it would host.
38. In the *Finney Judgement*³ the Courts established that an application under Section 73 of the Town and Country Planning Act 1990 (as amended) (TCPA) may not be used to obtain a permission that would require a variation to the terms of the 'operative' part of the planning permission, that is, the description of the development for which the original permission was granted. Furthermore, if amending a condition would result in a conflict between it and the description of development, then that amendment is beyond the powers under Section 73 and therefore cannot be made.
39. Unlike the *Finney* case, I do not consider the proposed development would conflict with the operative permission. The current proposal continues to create a single basement. Despite the extended size of the basement and that it would also be accessible from the east pavilion, it remains a basement to the west pavilion as detailed within the original description of development. The basement would also continue to provide a garage that would be accessible from the west pavilion.
40. I appreciate that the original description of development refers only to a garage at basement level, whereas the current proposal would introduce additional leisure facilities and storage space. However, the original description of development does not preclude wider facilities being provided alongside a garage at basement level. Indeed, the original permission also included a plant

³ *John Leslie Finney v Welsh Ministers, Carmarthenshire County Council, Energiekontor (UK) Limited*. Court of Appeal (Civil Division) [2019] EWCA Civ 1868, 2019 WL 05699117.

room within the permitted basement, despite not being specified within the description. Overall, I consider that the original description of development is not so prescriptive that the current proposals would conflict with the operative permission.

41. It has also been suggested that the scale of the proposal is such that it should not constitute a minor material amendment (MMA). There is no statutory definition of a MMA. The Planning Practice Guidance (PPG) does though explain what they might constitute. The PPG also sets out that Section 73 applications can only be used to make MMAs if there is a condition on the original permission that lists the approved plans which can be varied. The Council has not raised concern regarding the appellant's approach of using a Section 73 application to seek permission for the scope of the proposed works. From the evidence before me, I have no reason to reach an alternative view.
42. It has been put to me by a third party that the proposal should be considered against Paragraph 177 of the Framework. Namely, that permission should be refused for 'major development' within AONBs other than in exceptional circumstances and subject to specific justifications. However, Footnote 60 of the Framework is clear that for the purpose of Paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker. It therefore does not follow that the proposal is 'major development' in the context of the AONB just because it meets the definition of major development that is outlined under the TCPA.
43. In this instance, I am satisfied that the proposal is not major development for the purposes of paragraphs 176 and 177 of the Framework. This is due to the overall scale and nature of the proposals and the limited impacts that it would have upon the special characteristics of the AONB.
44. I have therefore not been provided with any policy justification as to why the appellant would be required to demonstrate a need for the proposed development. Likewise, no development plan policies have been put before me that indicate a requirement to provide carbon offsetting measures for the proposal.
45. Concerns have also been raised that the proposal would be tantamount to the creation of a new commercial business. However, the appeal scheme does not seek to change the use of the site from that of a dwellinghouse (Use Class C3). Should a change of use occur at the site then a further planning permission(s) would be required. It would also be within the LPAs gift to seek to remedy any breaches of planning permission at the site.
46. Reference has been made to the presence of a National Grid Pipeline near the proposed development. I understand that National Grid was consulted during the application and that concerns regarding the proximity of its apparatus can be suitably addressed via a condition, as detailed further below.
47. Both the appellant and third parties have expressed discontent regarding the Council's handling of the application. However, the appeal has been dealt with on its own merits.

Conditions

48. Allowing the appeal grants a new planning permission. The Planning Practice Guidance (PPG) advises that decision notices for the grant of planning

- permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
49. The Council has provided suggested conditions should the appeal be allowed, which the appellant has commented upon. I understand the suggested conditions largely replicate those attached to the previously implemented permission (21/01843/HOUS). I have reviewed the suggested conditions and attached those which I consider would meet the requirements of paragraph 56 of the Framework and the advice within the PPG. Where necessary, minor amendments have also been made to align with the advice of the PPG.
50. As the previously approved development has already commenced it is not necessary to impose a time limit condition on the commencement of development.
51. Conditions relating to the approved plans and use of materials are necessary in the interest of clarity, certainty and to ensure an appropriate form of development. A condition requiring the development to be used for purposes ancillary to the existing residential dwelling are necessary to prevent the development being used as a separate dwelling/commercial operation and to comply with the terms of the application.
52. Conditions relating to landscaping, restrictions on the installation of external lighting and details of how spoils arising from the development are to be removed are each reasonable and necessary. These are required in the interests of the character and appearance of the site and surrounding area, including its designation as an AONB and dark nights sky status.
53. An ecology mitigation condition is needed in the interests of biodiversity. However, the Council's proposed wording has been amended to remove mitigation measures associated with a barn that has already been removed from the site. A condition requiring that further details of sustainable drainage measures are agreed in writing by the LPA prior to any further development takes place is necessary. This is to prevent an increase in flood risk and to protect water quality.
54. Restrictions on the hours of demolition and construction works is reasonable in the interest of neighbouring residential amenity. An independent engineering assessment to confirm that works can safely be undertaken without impacting on a gas pipeline that crosses the site is also required. The condition is needed for gas safety and to protect third party apparatus.
55. The Council has also sought a condition that would require a deed of variation to a previous Section 106 legal agreement be engrossed prior to the use of the development hereby approved. The variation to the legal agreement would seek to govern the appeal dwelling's residential curtilage. However, I do not consider such a condition has been demonstrated to be reasonable or necessary. Permission (ref: 18/01441/HOUS) that is being varied was not subject to a condition or legal agreement that governed the dwelling's curtilage arrangements. Furthermore, from the evidence before me, it is unclear as to whether the development that the previous legal agreement (from 2005) related to was ever implemented. Based on the information before me I am therefore not convinced that the previous legal agreement either took effect or that its obligations remain binding following subsequent re-development of the

site. Accordingly, no robust justification has been provided to include the Council's proposed condition.

Conclusion

56. For the reasons given above, I conclude that the appeal should be allowed. I shall therefore grant a new planning permission with original Condition 3 removed and subject to the additional conditions set out in the schedule below.

Lewis Condé

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the approved drawings and documents:
 - Site Location Plan, Drawing number 6038/PLO1 Rev. D received on 14th May 2019.
 - Block Plan as Proposed, Drawing number 6038/PL04 Rev A received on 12th July 2021.
 - East Pavilion Floor Plans & Elevations As Proposed". Drawing number 6038/PL07 Rev A received on 12th July 2021.
 - West Pavilion Floor Plans & Elevations As Proposed, Drawing number 6038/PL06 Rev A received on 12th July 2021.
 - West Pavilion & East Pavilion Basement Floor Plans As Proposed, Drawing number 6038/PL05 Rev A received on 12th July 2021.
 - Site Section A-A Comparison, Drawing number 6038/PL12 Rev A received on 12th July 2021.
 - Site Section B-B Comparison, Drawing number 6038/PL13 Rev A received on 12th July 2021.
 - Proposed Drainage Strategy Plan, Drawing number 668/501 Rev G received on 16th February 2022.
 - Landscape and Planting Plan, Drawing number uh-283-100 received on 14th May 2019.
 - Hydrogeological Report and Surface Water Drainage Strategy dated October 2021 [issue 9] received on 3rd November 2021.
 - Lighting Impact Assessment" (reference: DOC-16-17011-5A-20220214-SMK-LH-LIA- 04) dated February 2022 and received on 17th February 2022.
2. The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.
3. The outbuildings (pavilions) and basement hereby approved shall not be used at any time other than for purposes as domestic ancillary use to the residential use of the dwelling known as Lake House (formerly Hayward Green Farm). No part of the development shall be used as a separate dwelling unit and no separate curtilage shall be created.
4. Prior to occupation of the pavilion the landscaping scheme shall be implemented in full in accordance with Drawing titled "Landscape and Planting Plan", drawing number uh-283-100 received on 14th May 2019. Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.
5. No external lighting shall be installed within the application site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that lighting levels are not increased upon that which has been established within the Lighting

Impact Assessment submitted and received on 17th February 2022. No additional external lighting shall be installed within the application site upon that which has already been granted permission except in accordance with the above strategy.

6. No further development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:
 - (a) Show where any spoil to remain on the site will be deposited;
 - (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
 - (c) Include measures to remove all spoil from the site (that is not to be deposited), including the number of HGV movements and dust mitigation measures;
 - (d) Include timescales for the depositing/removal of spoil. All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.
7. No further development shall take place until a barn owl box is installed on a tree at the edge of the woodland to provide a new nesting opportunity for species, in line with the mitigation measures described in the Preliminary Ecological Appraisal by Ecology by Design. Once installed the barn owl box shall thereafter be maintained.

Should the approved development not commence within 2 years of the Ecology by Design Report, then a re-survey will be required to be complete with the findings and any required mitigation measures to be submitted to the Local Planning Authority for approval in writing. This is due to the potential for the ecological interest of the site to change.

8. No further development shall take place until details of sustainable drainage measures to manage surface water and ground water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:
 - a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
 - b) Include and be informed by the ground investigation survey submitted on 3 November 2021 titled 'Hydrogeological Report and Surface Water Drainage Strategy' dated October 2021 [issue 9];
 - c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
 - d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change and a suitable outfall location;

- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater including an estimate of required silt buster capacity and temporary swale volume;
- f) Include details of how water will be retained and re-used within the site for activities such as watering gardens or swimming pool;
- g) Include a summary of the possible impact on the local hydrogeological regime including sub-surface flow paths and groundwater levels in the context of the development and the local catchment area, together with an explanation of how the proposal mitigates that impact;
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the before the basement hereby permitted is first occupied. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

- 9. No further demolition or construction works shall take place outside the following hours: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; nor at any time on Sundays or Bank Holidays.
- 10. No further development shall commence until an Independent Engineering Assessment to confirm the proposed development and method of construction will have no impact on the gas pipeline, has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Grid. Thereafter the approved Assessment shall be implemented and adhered to throughout the entire construction period.