<table>
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<tr>
<th>Item No</th>
<th>Application No. and Parish</th>
<th>Proposal, Location and Applicant</th>
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</thead>
<tbody>
<tr>
<td>(1)</td>
<td>05/00743/MINMAJ</td>
<td>Part - diversion of Bridleways 20 and 48 Chieveley, at Copyhold Farm Quarry, Curridge, Thatcham, Berkshire. R K Eggleton (Thatcham) Ltd</td>
</tr>
</tbody>
</table>

**Recommendation Summary:**
The Head of Planning and Trading Standards authorizes the advertisement of the public path diversion orders for Bridleways 20 and 48 Chieveley

**Ward Member(s):**
Hilary Cole

**Reason for Committee Determination:**
To enable the bridleways to be diverted in accordance with a grant of planning permission, thereby allowing quarry development to proceed

**Committee Site Visit:**
N/A

**Contact Officer Details**
- **Name:** Elaine Cox
- **Job Title:** Senior Rights of Way Officer
- **Tel No:** (01635) 519069
- **E-mail Address:** elcox@westberks.gov.uk
1. **Site History**

1.1 In July 2006, an application was received from R K Eggleton (Thatcham) Ltd., to divert part of two bridleways (Bridleways 20 and 48 Chieveley), to enable development to be carried out in accordance with planning permission, for mineral working and landfill restoration with inert materials, at Copyhold Farm Quarry, Chieveley.

2. **Publicity of Application**

2.1 Some consultations have already been carried out (see below). Should the committee authorize the advertisement of the proposed diversion orders, details of the proposals will appear in the Newbury Weekly News for one month, to allow the public to comment.

3. **Consultations and Representations**

3.1 The Ramblers’ Association (RA), British Horse Society (BHS) and West Berkshire’s planning department were all consulted on the initial proposal. Various requests were made by the RA and BHS, in relation to the alignment and physical provision of the new routes, and have been accommodated by the applicant in full agreement with the planning department.

4. **Policy Considerations**

Planning Policy Guidance Note 1 (PPG1) – ‘General Policy and Principals’
Public Rights of Way Circular 1/08: ‘Guidance for Local Authorities’

5. **Description of Development**

5.1 At present, Bridleways 20 and 48 cross the quarry area and run very close to the M4 motorway, with Bridleway 48 running directly adjacent to the M4. The proposed diversionary routes will replace the sections close to the M4 with new routes crossing the quarry area, as shown on the attached plan. They have already been provided for public use and have been available and used by the public for some time.

5.2 As part of the proposals for diversion, the applicant has already signed a maintenance agreement with the District Council, obliging him to undertake regular mowing and surface maintenance of the proposed new bridleway routes.

5.3 As part of the proposal, the applicant will in due course enter into an agreement with the District Council to create a new bridleway to run alongside the temporary quarry haul route. This bridleway will add approximately 600 meters to the bridleway network in the quarry area.
6. Consideration of the Proposal

6.1. The application for diversion was made under section 257 of the Town and Country Planning Act 1990. The grounds for the making of such orders are that diversion is necessary to enable development to be carried out in accordance with a grant of planning permission. Diversion of the parts of the two bridleways is necessary in order to allow mineral extraction to take place from the ground over which they run. The criterion for diversion has therefore been met by the grant of permission number 05/00743/MINMAJ.

7. Conclusion

7.1 It is considered that the proposed diversions would meet the legal criteria as set out under S. 157 of the Town and Country Planning Act 1990.

8. Full Recommendation

The Head of Planning and Trading Standards be authorized to advertise the Public Path Diversion Orders for Bridleways 20 and 48 Chieveley.

DC
<table>
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</thead>
<tbody>
<tr>
<td>(2)</td>
<td>08/02208/OUTMAJ Newbury Parish</td>
<td>24th February 2009</td>
<td>Erection of 14 flats. Land on east side of Oddfellows Road, Newbury. Renaissance Habitat.</td>
</tr>
</tbody>
</table>

**Recommendation Summary:** The Head of Planning and Trading Standards be authorised to GRANT planning permission subject to the completion of a s 106 agreement or Unilateral Undertaking.

**Ward Member(s):** Councillors Hunneman and McGarvey

**Reason for Committee determination:** Previous History.

**Committee Site Visit:** 29th January 2009

**Contact Officer Details**
- **Name:** Sue Etheridge
- **Job Title:** Senior Planning Officer
- **Tel No:** (01635) 519111
- **E-mail Address:**
Land to rear of 24 Bartholomew Street, Newbury

Map Centre Coordinates: 446945.57, 166964.39

Scale: 1:2500

One Inch = 63.5 Metres

<table>
<thead>
<tr>
<th>Organisation</th>
<th>West Berkshire Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department</td>
<td>Environment</td>
</tr>
<tr>
<td>Comments</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>26 January 2009</td>
</tr>
<tr>
<td>SLA Number</td>
<td>100015913</td>
</tr>
</tbody>
</table>
1. **Site History**

Application No. 05/02262/fuld 3 storey block of 9 flats. Approved January 2006
Application No. 07/02233/outmaj 3.5 storey block of 12 flats. Approved January 2008

2. **Publicity of Application**


3. **Consultations and Representations**

<table>
<thead>
<tr>
<th><strong>Town Council:</strong></th>
<th>No objections. If approved wish to see a contribution towards open spaces in Town Centre (Lock Island, Victoria Park)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Highways:</strong></td>
<td>No objections. Spaces equate to 0.85 spaces per unit which is acceptable within this Town Centre location. 18 cycle parking spaces proposed.</td>
</tr>
<tr>
<td><strong>Environment Agency</strong></td>
<td>No objections. Conditions requested in respect of Land Contamination (Historic maps indicate part of site previously used as brewery), piling foundations details, Surface drainage system, soakaway depths.</td>
</tr>
<tr>
<td><strong>Archaeologist</strong></td>
<td>Conditional permission - watching brief requested, if approved.</td>
</tr>
<tr>
<td><strong>The Newbury Society</strong></td>
<td>Welcomes the scheme – pleased to see integral cycle store and that top flats served by lift. Horizontal articulation on North elevation welcomed. This makes more or a statement of being a gateway between the canal side at West Mills and urban Westfields.</td>
</tr>
<tr>
<td><strong>Thames Water</strong></td>
<td>No objections. Detailed surface water drainage comments.</td>
</tr>
<tr>
<td><strong>Defence Estates</strong></td>
<td>No objections</td>
</tr>
<tr>
<td><strong>Tree Officer</strong></td>
<td>No objection. Condition to secure landscape scheme.</td>
</tr>
<tr>
<td><strong>Public Protection</strong></td>
<td>Main issues noise, dust, contaminated land, demolition and construction work. No objections subject to conditions in respect of hours of work limit, contaminated land assessment and remediation, dust suppression.</td>
</tr>
<tr>
<td><strong>Conservation Officer</strong></td>
<td>This current scheme is competent and will produce an attractive scheme which will enhance the Conservation Area. Very detailed and thorough comments provided (see main report). No objection conditions in respect of external materials and landscaping requested.</td>
</tr>
<tr>
<td><strong>Fire Service</strong></td>
<td>No additional hydrants required.</td>
</tr>
<tr>
<td><strong>Travel Officer</strong></td>
<td>No Objections. Location of cycle store close to entrance welcomed as this will encourage cycle use for local journeys. Detail of design to be secured by condition.</td>
</tr>
</tbody>
</table>
S106 Developer Contributions

- Education £6,851
- Highways £12,750
- Public Open Space £6,830
- Libraries £1,970
- Health Care £1,362
- Adult Social Care £5705

Correspondence: Two letters of support and 6 letters of concern/objection including a letter from the Campion House Residents Association to the south of the site. Concerns over appearance of building (contemporary design) failing to match architecture of existing buildings and homes in the vicinity and within Conservation Area. Too high and dense for plot, will not promote mix of age groups and social balance, insufficient parking, concern that access to office parking to rear should not be obstructed during construction. Difference in ground levels between the site and Campion House flats. Concern over lack of affordable housing provision.

4 Policy Considerations

PPS1: Delivering Sustainable Development
PPS3: Housing
Berkshire Structure Plan 2001 to 2016 Saved Policies 2008 -
H3 Location of Housing Development
H6 Residential Density and dwelling mix
DP4 Provision of Infrastructure, Services and Amenities
DP5 Quality of Urban and Suburban Areas.
West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007 -
OVS2 Core Policy
OVS3 Planning and Community Benefits
ENV33 Development in Conservation Areas
HSG1 the Identification of Settlements for Planning Purposes
Newbury Town Design Statement.
Circular 5/2005 and SPG4/04 as revised.

5. Description of Development

5.1 The application is in outline form with access, scale, external appearance and layout to be considered at this stage and landscaping to be considered as a reserved matter.

5.2 The scheme comprises the erection of a block of 14 flats (11 No. one bed and 3 No. two bed) on land immediately to the east of Oddfellows Road in the central part of the town. The site is currently a car park serving the rear of 26 Bartholomew Street. The vehicular access point will be off Oddfellows Road, with a car port on the southern edge of the scheme for 9 cars and a further 3 spaces to the North, located below the undercroft of the proposed building. A cycle store providing 18 spaces is also proposed in this undercroft area. A bin store is proposed within the car port to the south.
5.3 The building would be of contemporary form, 3.5 storeys high. The total height would be 12.2m from ground level (previous refusal was 14.6m). The main facing material proposed is a red/orange facing brick (visible on all elevations). The South elevation also proposes smooth coloured render at first and second floor level, this design form also wraps around to part of the East and West elevations. The top floor would be formed by dark grey zinc ‘standing seam’ cladding. Fenestration would be aluminium clad timber (dark grey), with horizontal timber cladding panels. Juliette balconies proposed to windows in both the North and South elevations would comprise glass balustrade with powder coated handrail. The design of the building and fenestration places emphasis on the horizontal, which reduces the overall massing of the built form. The foot print of the building is similar to that previously approved. It would be 12.5m wide – including overhang (facing Oddfellows Road and the rear of Bartholomew Street properties) and 24.8m deep – including overhang (Facing Campion House to the South and Newbury Building Society parking to the North).

5.4 On site at present are two extant consents (unimplemented) for smaller scale residential schemes of 9 and 12 flats – see site history. The site lies within the central core Conservation Area of the town.

6. Consideration of the Proposal

6.1 The main issues for consideration are:

- Principle of development (consideration under HSG1)
- Impact on Conservation Area (ENV33)
- Impact on character of area and amenity of adjoining properties (OVS2)
- Impact on Infrastructure, Services and amenities (OVS3)
- Other matters

The Principle of Development

6.1 The site lies within the settlement of Newbury where under Policy HSG1, there is a presumption for new residential development subject to current development plan policy criteria. The principle of development of this particular site has been accepted under two separate extant consents (see history).

6.2 HSG1 -criteria (i). This proposal represents a slightly larger scheme in terms of both density and scale, than those approved (particularly the 9 unit scheme). It is now considered that the reduction in overall height from the previous refusal (removing an entire floor) and greater attention to external appearance detail, cited as previous refusal reasons has resulted in the proposed building having a better relationship in terms of both scale and form to the surrounding buildings. The reduction in height to 12.2m from ground level (previously 14.6m proposed) will mean that when viewed against Campion House (10m to the South) it would be neither overbearing nor overly dominant. The proposed height is now lower than the extant 2007 permission. Concern has been expressed regarding the fact that the Campion House parking area is approximately 1m lower than the ground level of the proposed scheme.

6.3 It is not considered that this difference in levels would harm the amenity of the users of that parking area. The previous refusal also included potential overlooking of the
flats to the South at Campion House. The closest windows with habitable rooms at Campion House are over 50m away. There are some secondary windows serving non-habitable areas in the closest elevation (10m from the new building). Neither the siting of the building, its scale nor fenestration would cause demonstrable harm to the amenity of the occupiers of these areas.

6.4 Criteria (ii) The area involved comprises an area of car parking and unkempt landscaping area. Neither of these uses provide a positive contribution to the character of the Conservation Area nor surrounding area. It is considered that the re-development of the site will make good use of brown field land and provides an opportunity to enhance the Conservation Area (see below). It is considered that the building, whilst obviously more physically imposing than the surface car park, will have no detrimental impact upon any “special” features of amenity, since they currently do not exist on site.

6.5 Criteria (iii) the scale of the scheme and its potential impact on adjoining amenity including car parking and access must be considered. A number of objections have been received from the residents of the flats to the south of the application site. At present there are open views to the north and north-east which occupants currently enjoy. These will be diminished by the scheme however the extant consents (if implemented) would have had a similar impact. The level of separation between the buildings remains good with a distance of 10.2m, as such the building would be neither overbearing nor unduly dominant. Furthermore, this is assisted by the aspect of the new building to the north of the Campion House flats where sunlight and daylight will be at a minimum. It is considered that the increased physical impact of this new scheme over and above the extant permissions is not considered so harmful as to merit refusal, on the basis of impact upon surrounding amenity. Concern has also been expressed regarding adequacy of off street parking provision. The Highway Officer is satisfied with the 12 spaces proposed given the town centre location. Furthermore secure covered cycle parking provision very close to the main entrance to the flats will encourage local journeys to be taken by bike.

6.6 Criteria (iv) notes the need to remove eyesores etc. from the site in question however this is not relevant here.

6.7 Criteria (v) seeks to ensure that infill development or re-development does not materially damage the special character and amenity of an established residential area or settlement. Whilst the site does lie within a Conservation Area, this part comprising variously designed flatted developments and the rear of primarily office/commercial buildings in Bartholomew Street is not particularly attractive. It is considered that this new scheme does provide the opportunity to re-develop the site with a well conceived contemporary design which reflects characteristics of existing buildings within the locality. The merits of the scheme for the Conservation area are considered below.

6.8 The application is supported by a street scene of Oddfellows Road, which shows how the site will be viewed against the visual backdrop of the taller buildings facing Bartholomew Street.

Impact on the Conservation Area
6.9 The current proposal has been considered by the Conservation Officer. The submitted scheme follows careful consideration of the previous reasons for refusal and relationship with adjoining properties and the Conservation Area. The current scheme has been reduced to 3.5 storeys and reflects architectural features from both Campion House to the South and Office buildings to the East. The Conservation Officer has made the following comments:

‘This design is competent and will produce an attractive scheme which will enhance the conservation area...The scheme has a distinctive, contemporary character and exhibits architectural quality. It is an appropriate response to the site, in particular to the scale and massing of neighbouring buildings, which are diverse in terms of both style and architectural quality. Orange-red bricks are employed and a steeply-pitched roof has been incorporated. The scale and pitch of the pitched roof and brick element below relates well to elements of the adjacent Campion House. The penthouse accommodation has been designed as a visually-lightweight element which will reduce the apparent bulk of the scheme. The proposed building has been broken down into various elements which help to break up the scale of the development and which result in a harmonious balance of vertical and horizontal elements. The strong horizontal lines of adjacent developments have evidently influenced the scheme design. At three storeys high plus a penthouse, the scheme is one storey lower that the scheme previously submitted (which was 4 storeys high plus a penthouse) and is notably lower than the height of nearby buildings in Bartholomew Street. There is an extant consent for a scheme of 3 storeys plus rooms in the roof on this site and the proposed scheme is no taller than the approved scheme. The layout is appropriate to the site: car and cycle parking and facilities for refuse storage are well-integrated into the scheme. Raised brick planters reinforce the edge of the street and make a positive contribution to the streetscape.’

6.10 It is considered therefore that this current proposal provides a high quality solution to this site within the Conservation Area which will relate well to other buildings within the locality and positively enhance the character and appearance of the area.

**Developer contributions**

6.11 The applicants have been invited to enter into a legal agreement under s106 of the 1990 Act, in order that the scheme comply with the advice in the Council’s SPG4/04 and Circular 5/2005, and policies DP4 and OVS3 in the Development Plan. This is intended to mitigate the impact the new residents will have upon local services, infrastructure and facilities. The contributions are as follows:-

- **Education** - £6,851
- **Highways** - £12,750
- **Libraries** - £1970
- **PCT** - £1362
- **POS** - £6,830
- **Adult Social Care** - £5,705

6.12 It is understood the applicants are willing to enter into such an agreement before the 13 week date of the 24th February 2009. It is also understood that this is expected to be by way of a Unilateral Planning Obligation.

6.13 A Contribution toward affordable Housing has not been sought as the number of units proposed (14) is below the required threshold. It is not considered that the
density of development on the site could be increased without introducing an additional floor to the building. An additional storey would result in a building out of character and scale with the locality, more dominant and overbearing to Campion House and failing to enhance the Conservation Area. The current balance and architectural form of this proposal will be of benefit to the Conservation Area and have a good harmonious relationship with existing buildings.

Other Matters

6.14 Historic Maps indicate that the site may have been part of an old brewery. As such there is some concern that the land may be contaminated which could have implications for both Public Protection and the Environment Agency. Conditions to secure a Contaminated Land Assessment and necessary mitigation is suggested. Given the location of the site close to residential properties a Restriction of Construction Hours condition is suggested. Given the fact that the access to the site is shared with existing parking to the East, a Construction Management Plan should be secured by condition to ensure access to other premises are not affected.

7 Conclusion

7.1 It is now considered that the current scheme has successfully addressed previous concerns regarding impact on adjoining properties and the Conservation Area. The contemporary design utilising a variety of both traditional and more modern materials will relate well to existing buildings whilst introducing a harmonious balance of more modern design techniques. The scheme has support from the Conservation Officer, Town Council and Newbury Society. It is considered that the creation of an attractive and contemporary designed scheme will positively enhance the Conservation Area. The increase in density to 14 flats (12 already approved) makes extremely efficient use of urban land. Finally, the construction of a building which will be well advanced in terms of its carbon footprint as the drawings indicate.

7.2 Given the above, the application is recommended for approval.

8. Full Recommendation

The Head of Planning and Trading Standards be authorised to GRANT planning permission subject to the completion of the s106 planning obligation [or unilateral obligation] before the 24th February 2009.

Should the obligation be not completed before that date the application be refused for the following reason.

“Notwithstanding the favourable resolution of the Planning Committee dated the 4th February 2009, the applicant has failed to enter into a s106 planning obligation to mitigate the impact of the new residents upon the Districts infrastructure, services, and facilities. Accordingly the application is contrary to policies OVS3 and DP4 in the Development plan, the advice in Circular 5/2005, and the Council’s SPG4/04. The application is thus unacceptable on this basis.

1. The development permitted shall be begun on or before whichever is the later of the following dates:
(a) three years from the date of this decision, or
(b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 (saved policies 2008) and OVS2 of the West Berkshire District Local Plan 1991 - 2006 (saved policies 2007) should it not be started within a reasonable time.

2. Application for approval of the reserved matters [the landscaping] shall be made to the Local Planning Authority before the expiration of three (3) years from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 (saved policies 2008) and Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 (saved policies 2007) should it not be started within a reasonable time.

3. Prior to the commencement of development details of floor levels in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.


4. No development shall take place until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of bricks, natural/reconstituted stone, roof coverings, external paint/stain finishes, glass, hard surfacing materials used externally. Thereafter the materials used in the development shall be in accordance with the approved samples.


5. Prior to the commencement of development full details of provision for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority before development commences. Thereafter refuse shall be stored in accordance with these approved details.


6. Prior to the commencement of development or other operations, a detailed scheme of landscaping for the site shall be submitted to and approved in writing by the Local
Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy EN1 of the Berkshire Structure Plan 2001 – 2016 (saved policies 2008) and policies OVS2 (a & b) and OVS 3 (b) of the West Berkshire District Local Plan 1991 – 2006 (saved policies 2007).

7. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.


8. Prior to the development being brought into use the vehicle parking and/or turning space shall be provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies DP5 and T4 of the Berkshire Structure Plan 2001-2016 (saved policies 2008) and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (saved policies 2007).

9. Prior to the commencement of development a Construction Management Plan shall be submitted and agreed in writing by the local planning authority. The plan shall include provision for parking, turning and storage on site together with delivery hours and additional contractors parking arrangements and arrangement to ensure that access to parking to the east of the site remains unhindered throughout the construction period. The details agreed shall be complied with in full, unless prior written agreement to vary the plan has been received from the Planning Authority.

Reason: In accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006 (saved policies 2007) to ensure the development is provided with adequate arrangements during the construction period, in order to minimise the incidence of off site parking in the locality which could cause danger to other road users or long term inconvenience to local businesses and residents.
10. Full details of the proposed cycle parking, which shall be secure and covered, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Prior to the development being brought into use the cycle parking shall be provided in accordance with these approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policy OVS3 of the West Berkshire District Local Plan 1991-2006.

11. Prior to the commencement of development (other than investigative work) approved by this permission, two copies of a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning authority. The contaminated land assessment shall include; a desk study, details of investigative works and sampling, risk assessment and remediation strategy.

(a) The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study.

(b) A suitability qualified Consultant shall be appointed to investigate the nature and extent of any contamination, if any, in, on or under all parts of the land to which this permission refers. All investigative works and sampling on site, together with the results of analysis must be submitted to the Local Planning Authority (and the Environment Agency as appropriate).

(c) If a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to the following: wildlife, livestock and ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons.

Reason: in order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land, in accord with policy OVS2 of the local plan 1991 to 2006 [Saved Policies 2007]

12. Approved remediation works shall be carried out in full on site. If during any works any significant underground structures or contamination is discovered which has not previously been identified then the additional contamination shall be fully assessed. No further remediation works shall take place until a report detailing the nature and extent of the previously unidentified structures and contamination and the proposed remedial action plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan.

Reason: in order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land, in accord with policy OVS2 of the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007]

13. On completion of all remediation works this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the
development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice; consignment notes demonstrating the removal of contaminated materials; certification to show that new material brought to the site is uncontaminated; and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority and Environment Agency.

Reason: in order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land, in accord with policy OVS2 of the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007].

14. Before development commences the applicants shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of the amenities of neighbouring occupiers, in accord with policy OVS2 of the local plan 1991 to 2006 [Saved Policies 2007]

15. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To ensure that any archaeological features or finds identified are adequately investigated and recorded in accord with policy ENV38 of the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007].

16. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the local planning authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: In accordance with PPS25 as the site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

17. The hours of work in respect of piling and other activities involving noisy and heavy machinery for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

7.30am to 6.00pm on Mondays to Fridays No heavy machinery or piling work shall be carried out on Saturdays, Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers, in accord with policy OVS2 of the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007]

18. The construction of the Surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before development is commenced.

Reason: To prevent pollution of the water environment. In accordance with policy OVS2 of
the West Berkshire District Local Plan 1991 to 2006 (saved policies 2007).

19. No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 2 metres in depth below existing ground level. Furthermore No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater. In accordance with policy OVS2 of the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007]

20. Prior to the commencement of development details of the external lighting to be used in the areas around the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no building shall be occupied until the external lighting has been installed in accordance with the approved details.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 [Saved Policies 2007]

21. Prior to the commencement of development a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the sound insulation of the dwellings against all sources of external noise and the approved scheme shall be implemented before the development is first occupied.

Reason: to protect local amenity in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007]

22. Prior to the commencement of development a full Code for Sustainable Homes or equivalent assessment demonstrating that the development will attain Code 3* rating shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. Prior to the first occupation of the dwelling(s) hereby approved, a post construction review, carried out by a licensed assessor, shall be submitted to and approved in writing by the Local Planning Authority.


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<tr>
<td>(3)</td>
<td>08/02303/FUL</td>
<td>04/02/2009</td>
<td>Proposed four bed detached replacement dwelling&lt;br&gt;Flint Cottage, Ash Close, Brightwalton&lt;br&gt;Dr Keith Richards (OBE)</td>
</tr>
</tbody>
</table>

**Recommendation Summary:** The Head of Planning and Trading Standards be authorised to GRANT conditional planning permission

**Ward Member(s):** Cllr. George Chandler

**Reason for Committee determination:** More than ten letters of objection and call in by Councillor Chandler due to back garden development and impact on neighbours

**Committee Site Visit:** 29th January 2009

**Contact Officer Details**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Helen Pritchard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Title:</td>
<td>Senior Planning Officer</td>
</tr>
<tr>
<td>Tel No:</td>
<td>(01635) 519111</td>
</tr>
<tr>
<td>E-mail Address:</td>
<td><a href="mailto:hpritchard@westberks.gov.uk">hpritchard@westberks.gov.uk</a></td>
</tr>
</tbody>
</table>
Flint Cottage, Ash Close, Brightwalton

Map Centre Coordinates: 442867.99, 179163.15

Scale: 1:2500

One inch = 63.5 Metres

<table>
<thead>
<tr>
<th>Organisation</th>
<th>West Berkshire Council</th>
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<tr>
<td>Department</td>
<td>Environment</td>
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<tr>
<td>Comments</td>
<td></td>
</tr>
<tr>
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<td>26 January 2009</td>
</tr>
<tr>
<td>SLA Number</td>
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</tr>
</tbody>
</table>
1. Site History

114598 Convert existing shed to garage
Approved 24/02/81

146515 Rebuild detached garage with store room above (two storey)
Approved 06/06/95

08/01465/FUL Replacement four bed detached dwelling
Withdrawn 03/09/08

2. Publicity of Application

Site notice displayed at front boundary of site. Expired 19/01/09

Advertised in Newbury Weekly News. Expiry for response 15/01/09

3. Consultations and Representations

Parish Council: Support subject to extensive comments objecting to siting, height, size larger than previous application, root spread of trees, plot size different to previous application, inadequate publicity of application.

Highways: No objection

Rights of Way: No objection

Environmental Health: No objection

Ramblers’ Association: No comment received

Tree Officer: No objection

Conservation Officer Redevelopment at front of site preferable. Proposed scheme acceptable subject to conditions.
Correspondence:

One letter of support received

13 representations received from 12 objectors citing;

- Loss of privacy
- Impact on outlook
- Out of keeping with character of conservation area
- Imposing outlook from Bricklewood
- Out of keeping with area’s building line
- Dominant roof with low eaves
- Loss of light to Bricklewood’s garden
- Plot boundary incorrectly shown
- Overlooking to 16 Ash Close
- Tree root impact on drains
- Use of public right of way for access
- Loss of light due to new oak trees
- Building over settlement boundary
- Future over development of site
- Increase in footprint
- Accommodation in garage
- No reinstatement of historical pair of dwellings
- No permission to demolish old house
- Not thatched
- Overlooking from side velux windows low in roof

4. Policy Considerations

National Planning Statements
Planning Policy Statement 1 “Delivering Sustainable Development” (PPS1)
Planning Policy Statement 3 “Housing” (PPS3)
Planning Policy Guidance Note 15 “Development and the Historic Environment” (PPG15)

Berkshire Structure Plan 2001-2016 Saved Policies 2008 (BSP)
DP1 “Spatial Strategy”, DP5 “Quality of Urban and Suburban Areas”, EN1 “Landscape”, T4 “Travel Impacts”

West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP)

Supplementary Planning Document (SPD)
“Quality Design – West Berkshire” June 2006
5. **Description of Development**

5.1 The application proposes the construction of a four bedroom dwelling on an existing residential plot within the settlement boundary of Brightwalton. The application site is also in the Conservation Area and within the North Wessex Downs Area of Outstanding Natural Beauty.

5.2 The original dwelling on the site was a semi-detached cottage sited at the northern boundary adjacent to the highway. A fire destroyed the pair of dwellings. Following the fire the remaining part of the dwelling was demolished. Conservation Area Consent was not required for the demolition as the property was extensively fire damaged. The previously attached dwelling partially remains in ruin on the site and it is understood that this dwelling will be redeveloped although no planning application has yet been submitted so details of the development cannot currently be confirmed.

5.3 The new dwelling proposed at Flint Cottage is a detached one-and-a-half storey dwelling with low eaves and first floor rooms in the roof space. It is sited further back into the site than the original dwelling. The scheme proposes to retain the existing garage on the site, which is located near the vehicle access from Ash Close. This existing vehicle access at the northern boundary of the site is proposed to be retained for use as the only vehicle access to the site, with a drive and turning space laid out on the northern part of the plot. The scheme also proposes an extensive landscaping scheme involving the retention of most existing trees and shrubs, repositioning of some existing trees and the planting of some new trees and shrubs.

5.4 A previous application for a new dwelling on the site was withdrawn prior to determination (08/01465/FUL) as it was considered to be too bulky in appearance and to be out of keeping with the character of the Conservation Area.

6. **Consideration of the Proposal**

**Principle of Development**

6.1 The application for one dwelling on an existing residential plot in the settlement boundary is acceptable in accordance with the principles set out in PPS1, PPS3, policy DP1 of the BSP and policy OVS1 of the WBDLP.

6.2 The footprint of the proposed dwelling is completely within the settlement boundary of Brightwalton, which does not match the boundary of the application site but cuts across the southern and south-western side of the plot. This has been carefully measured and checked on the proposals map for the WBDLP.

**Impact on the Conservation Area**

6.3 Brightwalton’s Conservation Area is divided into two halves. The application site and the adjoining neighbour No. 46, are located within the eastern half of the Conservation Area, which contains dwellings of varied age, size and character. The siting of the dwellings in the Conservation Area does not follow a uniform layout.
Dwellings are sited various distances from the highway and there is no uniform orientation of dwellings within their plots.

6.4 The character of the Area leading from the application site along the road to the east is that of a country lane. Dwellings generally have modest proportions and varied character and are sited in an informal cluster, on spacious plots with plentiful mature landscaping, both within and at the boundaries of plots.

6.5 The proposed dwelling is considered to conform to the characteristics of the Conservation Area as described above. The proposed siting further south on the plot than the original dwelling is considered to be in keeping with the varied layout of dwellings at the eastern side of Ash Close where dwellings are predominantly sited some distance from the highway, namely Bricklewood, The Lawns and No. 53.

6.6 The footprint of the proposed dwelling is long and narrow in form which is considered to be in keeping with the footprint of developments in the surrounding Area. Furthermore the footprint as proposed is considered to overcome one of the concerns raised with the previous application (08/01465/FUL), which proposed a dwelling with a wide rectangular footprint that was considered to be dominant in relation to the longer narrower footprints of the surrounding dwellings in the Conservation Area.

6.7 The features of the proposed dwelling such as its low eaves and small dormers, and its fenestration, are considered to integrate sympathetically with the vernacular of the surrounding dwellings in the Area. The materials to be used for the proposed dwelling would be subject to condition to be approved by the Local Planning Authority and it is noted that the Conservation Officer recommends that stone headers not be used above the windows and that brick would be more sympathetic to the surrounding development.

6.8 Therefore the impact of the proposal on the character of the Conservation Area is therefore considered to be acceptable in accordance with the objectives of PPG15 and policies OVS2 and ENV33 of the WBDLP.

Wider Visual Impact

6.9 The proposed dwelling will have a visual impact from within the settlement and on the wider countryside which is within an AONB. The proposed siting changes the layout of development compared to that of the original dwelling, which faced directly onto the highway along the northern boundary of the plot.

6.10 The siting of the new proposed dwelling is considered to be acceptable as it is in keeping with the pattern of other dwellings in the settlement to the south of the highway, in particular Bricklewood, The Lawns and Nos. 3 - 6 Saxons Acre. Some of the representations received refer to the planning history of Bricklewood and Saxons Acre to make the point that these dwellings were approved due to the specific circumstances of the sites, which are different to that being considered at Flint Cottage (such as Bricklewood being developed on a former commercial site that was previously developed).
6.11 However, regardless of the circumstances that lead to the development of the abovementioned dwellings, the current proposal is considered both in terms of the current development plan policies and in relation to the existing characteristics of the local area, without prejudice as to why other local dwellings were considered to be acceptable.

6.12 A large part of the concern that has been raised through objection letters is that the building line along the frontage of the site will not be re-established due to the proposed siting of the dwelling at the southern end of the plot. While it is acknowledged that there is a strong pattern of development to the north and south of the highway in the very centre of Brightwalton created by pairs of semi-detached dwellings facing the front boundaries of their plots, this pattern is only concentrated in the centre of the settlement and changes distinctly at both the eastern and western edges, which are both designated as Conservation Areas. Therefore the new layout of the site as a result of the proposed development is considered to be acceptable as it is in keeping with the pattern and form of development as it evolves moving along the highway through the village heading east.

6.13 Furthermore the layout of the proposed development with a detached dwelling on a spacious plot and extensive green landscaping is considered to be in keeping with many of the existing detached properties in the surrounding area.

6.14 Another key point of concern noted from the objections received, in relation to the proposed site layout, is that of precedence in terms of development towards the rear of the plots. There is concern that to allow this proposal would invite applications for additional residential development to the rear of existing dwellings along Ash Close, where many plots have spacious, long rear gardens.

6.15 Should such applications be received in the future they will be considered on a site by site basis on their own merits. However, the existing undeveloped land to the south of Killybegs, Isbury, Northwood, and Old Trees is not within the settlement boundary which therefore precludes this location from residential development in accordance with the current development plan. Furthermore the proposal is for one dwelling on the plot, therefore if allowed will not be creating a precedent for two-tier development leading away from the highway.

6.16 In summary the wider visual impact is considered to be acceptable as the development will integrate well with the characteristics of the surrounding environment. The design of the dwelling is considered to be attractive and appropriate to the rural vernacular of the existing established development in the locality. Some concern has been raised through objections that the dwelling is too large. The proposed dwelling is larger than the original dwelling. However, it is noted that dwelling sizes vary throughout the settlement and the dwelling proposed is not considered to be overly large relative to surrounding neighbours.

6.17 The previously submitted application (08/01465/FUL) was considered to be too bulky and the size of the current proposal is considered to be substantially more appropriate to the character of the area in terms of its bulk due to its long narrow footprint and low eaves with dormer windows.
6.18 The impact on the character of the area and the wider setting in an AONB is therefore considered to be acceptable in accordance with the requirements of PPS1, policies EN1 and DP5 of the BSP, and policies OVS2 and ENV1 of the WBDLP.

Impact on Trees/Landscaping

6.19 Extensive details have been submitted for the proposed landscaping at the site with the scheme comprising the following:

- retention of all hedges,
- removal of an apple tree near the eastern boundary, a pear tree in the centre and a pine tree at the southern boundary,
- retention and relocation of two silver birch and a plum tree, all to go by the western boundary, planting of two new oaks to the western boundary,
- pruning of large apple tree on eastern boundary (one branch)
- infilling of any gaps in the hedge with beech.

The proposal aims to retain and enhance the existing mature garden and to introduce additional screening and softening of the proposed development. None of the trees on site are subject to a preservation order.

6.19 The Council’s Tree Officer is satisfied that the landscape and tree proposals are acceptable subject to conditions requiring tree protection measures, implementation of a landscaping scheme, tree retention as proposed, and an arboricultural method statement to cover details of root protection in relation to services from the development to the cesspit, the access layout and construction and landscaping implementation such as the laying out of paths.

6.20 The design and access statement refers to some proposed 2 metre high close boarded fence although the exact details of its location have not been submitted with the proposals. A planning condition is proposed to require the final treatment of boundary enclosures to be agreed by the Local Planning Authority.

6.21 The proposed landscaping scheme is considered to enhance the existing landscaping at the site and the proposals are considered to be appropriate to native planting, which will integrate well within the setting of the Conservation Area, where plots characteristically have well landscaped gardens. The additional planting proposed is considered to be acceptable as a means of softening the proposed new development’s visual impact in its wider setting in the AONB and is considered to comply with the objectives of policies EN1 of the BSP and OVS2 and ENV33 of the WBDLP.

Highways Impact

6.22 The application proposes use of the existing vehicular access at the northern boundary of the site and does not propose any other access into the site. No other access is being considered and the Highways Service has raised no objection to the proposal on the basis that the parking and turning as shown on the submitted plans be implemented, which will be subject to a planning condition. Therefore the highways impact is considered to be acceptable in accordance with policy T4 of the BSP and TRANS1 of the WBDLP.
Impact on Public Right of Way

6.23 Footpath 17 runs adjacent to the western boundary of the site. No objection has been raised from the Public Rights of Way Officer. The additional landscaping proposed will soften the appearance of the proposed development when viewed from the footpath and it is noted that no vehicle access to the site is proposed via the public right of way. The impact on the footpath is therefore considered to be acceptable in accordance with policy OVS2 of the WBDLP.

Impact on Neighbours

6.24 The impact of the proposed development on the immediately surrounding neighbours is considered in turn:

No. 46 Ash Close (previously attached cottage) – The proposed new dwelling is sited some 18 metres away from the rear garden boundary of No. 46 and some 30 plus metres from the remaining dwelling. This distance is greater than the minimum acceptable distance in terms of window to window relationships and the internal floor plans show that there will be no first floor habitable rooms facing No. 46, with the exception of a dormer for bedroom one, which is a distance of some 27 metres from the neighbour’s rear garden boundary. The separation distance and internal layout of the dwelling are collectively considered to ensure that there is no significant loss of privacy to No. 46, either from within their dwelling or in their rear garden space. The retention of a reasonable degree of privacy in the rear garden space of No. 46 is considered to be of great importance due to the relationship of their comparatively small plot with surrounding neighbours. The landscaping scheme also proposes a good level of screening in terms of trees and planting between the proposed dwelling and No. 46.

6.25 Killybegs – The proposed new dwelling will be visible from Killybegs due to the proposed siting to the south of the plot. The western elevation of the proposed dwelling will be sited some 14 metres from the neighbour’s eastern garden boundary. Due to the distances between the proposed dwelling and the neighbour’s boundary and taking account of the extensive landscaping proposed, the development is not considered to have an imposing visual impact from the rear garden space of Killybegs. Furthermore the trees and landscaping scheme are not considered to cause unacceptable overshadowing to Killybegs due to the orientation of the site. Killybeg’s daylight from the south and west will not be impacted by the proposal. In terms of window relationships, amended plans have been submitted raising the height of the first floor rooflights facing west to 2 metres above floor level. This is considered to ensure that no overlooking arises from first floor rooms to the west and will safeguard the privacy of Killybeg’s rear garden space.

6.26 Bricklewood – There are no first floor windows in the east elevation of the proposed dwelling facing towards Bricklewood, with the exception of one rooflight at 2 metres above floor level which is some 12 metres from the shared boundary. A planning condition is proposed to restrict addition of windows on the east elevation in order to safeguard the privacy of Bricklewood’s occupants.

6.27 The greatest concern raised in relation to the impact on Bricklewood relates to the siting of the proposed dwelling to the south of the plot some 2 metres from the shared boundary with Bricklewood. The proposed dwelling will be visible from
Bricklewood above ground floor level. The eastern wall above ground floor level will therefore be the most prominent part of the new dwelling when viewed from Bricklewood, which is not considered to be unacceptable imposing due to the design and dimensions of the proposed dwelling. Effectively the visible part of the proposed eastern elevation will be the first floor, which comprises the roof and has a width of 6 metres, narrowing to a width of 1.5 metres at the tip. Therefore this side wall is not considered to cause unacceptable loss of light to Bricklewood’s garden or to have an unacceptably imposing visual impact. The height of the existing apple tree to be retained at the eastern boundary is greater than that of the proposed dwelling.

6.28 In summary the impact on all surrounding neighbours is considered to be acceptable due to the siting and design of the proposed dwelling in terms of its dimensions, appearance and internal layout. The landscaping scheme is also considered to improve the impact on neighbours and the scheme is considered to take account of the requirements of policy OVS2 of the WBDLP and the “Quality Design – West Berkshire” SPD.

The Code for Sustainable Homes

6.29 A pre-assessment estimator has been received showing that the proposed development can obtain at least level 3 of the Code for Sustainable Homes, which is acceptable in accordance with the requirements of part 4 of the Council’s SPD “Quality Design – West Berkshire”. The final details and implementation of sustainable features, as proposed in the pre-assessment, will be subject to planning condition.

7. Conclusion

7.1 The proposed new dwelling is considered to be an acceptable redevelopment of the site which will integrate sympathetically with the surrounding development in the conservation area and in the wider setting of the AONB. The design is considered to take account of previous objections to 08/01465/FUL in terms of bulk and appearance and the scheme is considered to be considerate to the amenity of surrounding neighbours.

7.2 The proposal adheres to current development plan policy requirements and is considered to be acceptable for conditional approval.

8. Full Recommendation

The Head of Planning and Trading Standards be authorised to APPROVE permission subject to the following conditions:

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 Saved Policies
2008 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007 should it not be started within a reasonable time.

2. No development shall take place until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of bricks, natural/reconstituted stone, roof coverings, external paint/stain finishes, glass, hard surfacing materials used externally. Thereafter the materials used in the development shall be in accordance with the approved samples.


3. The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.


4. No development (other than investigative work,) approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority. Two copies of a contaminated land assessment shall be submitted to the Local Planning Authority, these must include; a desk study, details of investigative works and sampling, risk assessment and remediation strategy.

Applicant to survey for contaminated land.

(a) The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study.

(b) A suitably qualified Consultant shall be appointed to investigate the nature and extent of any contamination, if any, in, on or under all parts of the land to which this permission refers. All investigative works and sampling on site, together with the results of analysis must be submitted to the LPA (and the Environment Agency as appropriate).

(c) If a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to the following: wildlife, livestock and ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons.

Approved remediation works shall be carried out in full on site. If during any works any significant underground structures or contamination is discovered which has not previously been identified then the additional contamination shall be fully assessed. No further remediation works shall take place until a report, detailing the nature and extent of the previously unidentified structures and contamination and the proposed remedial action plan has been submitted to and approved in writing by the Local Planning Authority.
Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation plan.

On completion of all remediation works this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority in writing. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice, consignment notes demonstrating the removal of contaminated material, certification to show that new material brought to the site is uncontaminated and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the LPA and EA.

Reason: In order to protect the amenities of existing or proposed occupants of the application site or adjacent land in accordance with OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

5. The dwelling hereby approved shall not be occupied until the vehicle parking and turning space be 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.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies DP5 and T4 of the Berkshire Structure Plan 2001-2016 Saved Policies 2008 and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

6. No development (including site clearance and any other preparatory works) shall commence until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figure 2 of B.S.5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy OVS 2b of West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

7. No development shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;
a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason; To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy EN1 of the Berkshire Structure Plan 2001 - 2016 Saved Policies 2008 and policies OVS2 (a & b) and OVS 3 (b) of the West Berkshire District Local Plan 1991 - 2006.

8. No development shall take place until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 - 2016 Saved Policies 2008 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

9. No trees, shrubs or hedges shown as being retained in the approved scheme of landscaping shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the Local Planning Authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that die, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives consent for any subsequent variation.

Reason; To ensure the retention of selected trees at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 - 2016 Saved Policies 2008 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

10. No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 - 2016 Saved Policies 2008 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

11. All of the existing trees/shrubs and hedging forming the boundary of the site adjacent to the Public Right of Way shall be retained.

12. Prior to the commencement of bricklaying and brickwork generally on site, a sample area of facing brickwork (which may, when approved, be retained as part of the works) covering a minimum area of 1 m² (unless otherwise agreed in writing by the Local Planning Authority) shall be constructed and shall be approved in writing by the Local Planning Authority. Thereafter the approved sample shall remain available for inspection on site for the duration of the work and until, if required, its removal is authorised by the Local Planning Authority in writing. New brickwork generally shall match this sample in terms of bricks (size, colour and texture), mortar (mix, colour and texture), joint profile and bond to the satisfaction of the Local Planning Authority.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the Listed Building and to accord with Policy EN4 of the Berkshire Structure Plan 2001-2016 Saved Policies 2008 and the guidance contained within PPG15.

14. No development shall take place until details of the type and location of any new drainage pipework and accessories, rainwater goods, boiler flues, extract vent grilles, meter cupboards etc. visible external to the building, including soil vent pipe terminations, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the work does not detract from the special architectural or historic interest of the building(s) and to accord with Policy EN4 of the Berkshire Structure Plan 2001-2016 Saved Policies 2008 and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

15. No development shall take place until details of the type of any rooflights to be installed in the building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the work does not detract from the special architectural or historic interest of the building(s) and to accord with Policy EN4 of the Berkshire Structure Plan 2001-2016 Saved Policies 2008 and the guidance contained within PPG15.

16. No development shall take place until details, at a scale of 1:20 and 1:2, unless otherwise agreed in writing by the Local Planning Authority, of all new windows and external doors including materials and finishes, the location of components within structural openings, and any modifications to existing structural openings have been submitted to and approved in writing by the Local Planning Authority. Components shall be installed in strict accordance with the approved details.

Reason: To ensure that works do not detract from the special architectural or historic interest of the building and to accord with Policy EN4 of the Berkshire Structure Plan 2001-2016 Saved Policies 2008 and the guidance contained within PPG15.

17. No development shall take place until full details of the dormer construction and the solar panels have been submitted to and approved in writing by the Local Planning Authority:
Reason: To ensure that works do not detract from the special architectural or historic interest of the building and to accord with Policy EN4 of the Berkshire Structure Plan 2001-2016 Saved Policies 2008 and the guidance contained within PPG15.

18. No development shall take place until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with policy DP5 of the Berkshire Structure Plan 2001 - 2016 Saved Policies 2008 and policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

19. No development shall take place until a full Code for Sustainable Homes or equivalent assessment demonstrating that the development will attain Code 3* rating has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. Prior to the first occupation of the dwelling hereby approved, a post construction review, carried out by a licensed assessor, shall be submitted to and approved in writing by the Local Planning Authority.


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<tr>
<th>Item No</th>
<th>Application No. and Parish</th>
<th>8/13 Week Date</th>
<th>Proposal, Location and Applicant</th>
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<tr>
<td>(4)</td>
<td>08/02008/OUTD Chieveley</td>
<td>15th December 2008</td>
<td>Erection of a detached dwelling and the forming of a new access. Land At Torne Trask, Downend, Chieveley Newbury, Berkshire Mrs Ruth Taylor</td>
</tr>
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</table>

**Recommendation Summary:** The Head of Planning and Trading Standards be authorised to GRANT planning permission.

**Ward Member(s):** Councillor Hilary Cole

**Reason for Committee determination:** In excess of ten letters of objection 
Member call in – level of public interest.

**Committee Site Visit:** 29th January 2009

**Contact Officer Details**
- **Name:** Steven Herbert
- **Job Title:** Senior Planning Officer
- **Tel No:** (01635) 519111
- **E-mail Address:** sherbert@westberks.gov.uk
08/02008/OUTD

Land at Torne Trask, Downend Chieveley

Map Centre Coordinates: 447827.18, 175088.83

Scale: 1:2500

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1. Site History

Nothing relevant to this application.

2. Publicity of Application

Site notice: Expired 13/11/2008
Neighbour notification: expiry on 11/11/2008

3. Consultations and Representations

Parish Council: No objection subject to conditions.

Highways: Awaiting comment on corrected plans.

Environment Agency: This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

Thames Water No objections.

Tree Officer No objections subject to conditions.

PROW No objection and recommend a condition.

S106 requests:

- Highway £4,000
- Education £11,886
- Open Space £2300
- Libraries £320
- Adult Social Care £722

Correspondence:

18 letters received:

Concerns regarding:-

- Parking and access;
- Harm to the rural character of the area and harm to the Area of Outstanding Natural Beauty.
- It would set a precedent for future dwellings along Morphetts Lane.
- Loss of trees, screening and hedgerows.
4. **Policy Considerations**

Chieveley Village Design Statement
Quality Design – West Berkshire Part 4 ‘Sustainable Design Techniques’.

5. **Description of Development**

5.1 Outline permission is sought for the erection of a detached dwelling and the formation of a new access. Means of access is a consideration of the application.

5.2 The site lies adjacent to a Morphetts Lane. This lane serves a number of detached dwellings which are set in generous plots. The area around the lane has a rural character and typified by trees and hedges. The lane itself has grass verges either side of it.

5.3 The site is currently located in the garden of Torne Trask which is a detached bungalow. The site is surrounded by hedges and trees, which afford the site with a lot of privacy.

6. **Consideration of the Proposal**

6.1 The main issues raised by the proposal are:
- The principle of development;
- Impact on highway safety and convenience.
- Impact on the AONB;
- Impact on residential amenity;

**THE PRINCIPLE OF THE DEVELOPMENT**

6.2 Policy HSG.1 of the West Berkshire Local Plan 1991 - 2006Saved Policies 2007 permits new housing within the boundaries of certain settlements. Chieveley is amongst those named settlements which are permitted to accommodate new housing. The proposed development falls within the settlement boundary of Chieveley. The proposed new housing would need to meet certain criteria before being permitted and be in accordance with other relevant policies contained within the Local Plan. These criteria and other issues are discussed below.

**THE IMPACT ON THE LANDSCAPE AND GENERAL AMENITY OF THE AREA**

6.3 The application site lies within the North Wessex Downs Area of Outstanding Natural Beauty and the primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area.
6.4 The Chieveley Village Design Statement makes two recommendations that are pertinent to this application:

- ‘The siting, design and layout of new developments should continue to conserve and enhance the integration of the village within its downland setting in the AONB’.

- Any future development should conserve existing trees, shrubs and hedgerows within and around proposed sites and supplement them with further planting of native trees and shrubs of local provenance…’

6.5 The site is set within a relatively secluded plot and development of the land is unlikely to be visible from distant vantage points. Whilst the size of the plot might be smaller than many other plots along Morphetts Lane, its plot size is comparable to many dwellings along Downend. The application is for a single dwelling on the plot and detached housing is a characteristic of this part of Chieveley. As such, the scale of the development is considered acceptable.

6.6 The arboricultural report submitted with the application recommends the felling of trees on the site irrespective of any development. The Tree Officer considers that the proposed development will not adversely impact on any trees worthy of retention and recommends that conditions are imposed relating to a landscaping scheme and tree protection measures. A Tree Preservation Order (TPO) has been imposed on the Birch and Norway Maple which are situated along the boundary of Arlington House. It is considered that a landscaping scheme along with the imposition of the TPO would enable a dwelling to be built on the plot and maintain the existing amenity and character of the neighbourhood.

6.7 There is no evidence to suggest that the plot contains any protected species. It is considered that a condition imposing a landscaping scheme with the development would mitigate any loss of wildlife habitat as a result of this development.

RESIDENTIAL AMENITY

6.8 Policy OVS2 seeks to safeguard the amenities of adjoining land uses. Due to the fact that the application is at outline stage it is not possible to consider details of design; this would be a consideration with a reserved matters application. It is considered that, because the plot is relatively secluded and because of the distances from the neighbouring dwellings, it would appear feasible for a dwelling to be built on the site without harming neighbour amenity.

HIGHWAYS

6.9 Policy OVS2 seeks to ensure that new development complies with highway standards. The Highways Officer has requested additional information which has now been received. The final recommendation of the Highway Officer will be reported in the Committee Update.
DEVELOPER CONTRIBUTIONS

6.10 Relevant bodies have been consulted and many have highlighted deficiencies in the current provision for bus services, public open space, library services and secondary school places. In addition, there are deficiencies in the current standard of highway safety and deficiencies in pedestrian/cycle/bus stop provision. The proposed development would impose additional burdens on these amenities/facilities. It is recommended that a developer contribution is required to address these matters.

7. Conclusion

7.1 The application has been assessed against National Planning Guidance and Local Plan policy. The proposed dwelling is not considered to conflict with local policy and on-balance the proposal would conserve the natural beauty of the Area of Outstanding Natural Beauty and the character of the locality. The proposal is considered to safeguard highway safety and amenity and not harm the residential amenity of the inhabitants of nearby dwellings.

8. Full Recommendation

8.1 That the Head of Planning and Trading Standards be authorised to GRANT planning permission subject to the completion of a S.106 legal agreement in respect of contributions for transport, education, open space, libraries, and adult social care.

8.2 The grant of planning permission shall be subject to the following conditions and once a legal agreement has been completed within 1 month from the Western Area Committee Meeting.

1. Applications for the approval of reserved matters shall be submitted within three years of the granting of this outline planning permission. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the last of the reserved matters and shall be carried out in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 Saved Policies (2008) and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies (2007) should it not be started within a reasonable time.

2. No development shall take place until full details of the siting, design, external appearance and landscaping of the site, the 'reserved matters', have been submitted to the Local Planning Authority, not later than the expiration of 3 years beginning with the date of this permission, and have been approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.
Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters in accordance with Policies DP1, DP5 and H3 of the Berkshire Structure Plan 2001-2016 Saved Policies (2008) and Policies HSG1 and OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies (2007).

3. Prior to the commencement of development a full Code for Sustainable Homes or equivalent assessment demonstrating that the development will attain Code 3* rating shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. Prior to the first occupation of the dwelling(s) hereby approved, a post construction review, carried out by a licensed assessor, shall be submitted to and approved in writing by the Local Planning Authority.


4. Prior to the commencement of development, samples of the materials to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.


5. Prior to the commencement of development or other operations, a detailed scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason; To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy EN1 of the Berkshire Structure Plan 2001 – 2016 Saved Policies (2008) and policies OVS2 (a & b) of the West Berkshire District Local Plan 1991 – 2006 Saved Policies (2007).
6. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figure 2 of B.S.5837:2005.


7. Prior to the commencement of development or other operations on site, details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.


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<th>Application No. and Parish</th>
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<td>08/02026/FULD Chieveley</td>
<td>25/12/09</td>
<td>New dwelling and replacement garage to Radmore, Freshfields Lane, Chieveley. M J Homes Ltd</td>
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**Recommendation Summary:** The Head of Planning and Trading Standards be authorised to GRANT planning permission.

**Ward Member(s):** Councillor Hilary Cole

**Reason for Committee determination:** Member call in – in-fill development in garden of existing bungalow.

**Committee Site Visit:** 29th January 2009

**Contact Officer Details**

- **Name:** Steven Herbert
- **Job Title:** Senior Planning Officer
- **Tel No:** (01635) 519111
- **E-mail Address:** sherbert@westberks.gov.uk
Radmore, Freshfields Lane, Chieveley

Map Centre Coordinates: 447556.46, 174771.63

Scale: 1:2500

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One inch = 63.5 Metres

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1. Site History

Nothing relevant

2. Publicity of Application

Neighbour notification: expiry on 29 October 2008.

3. Consultations and Representations

Parish Council: Object: out of keeping with its surroundings, scale and character.

Highways: No objections subject to conditions.

Environment Agency: This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

Tree Officer No objection to the proposed development – there are no trees to be impacted on.

Thames Water No Objection

Environmental Protection The site is identified as a brownfield site with no information on previous use of the land. A contaminated land assessment is therefore required to identify any ground contamination from natural sources or from human activities.

S106 requests:

- Highway £3000
- Education £6792
- Public Open Space £1869
- Libraries £260
- Healthcare £180
- Adult Social Care £642

Correspondence: 11 letters received:

2 letters of support because the development is within the village and in-keeping with neighbouring properties.

9 letters of objection with concerns relating to:

- The development would appear cramped and does not have the correct orientation.
- Insufficient parking and turning, particularly with the lane being in a poor state of repair.
- The development would create additional traffic.
4. **Policy Considerations**

Chieveley Village Design Statement
Quality Design – West Berkshire Part 4 ‘Sustainable Design Techniques’.

5. **Description of Development**

5.1 Permission is sought to erect a new dwelling and to build a replacement garage. The site lies between two dwellings, namely Radmore and Gable End. Radmore had a detached garage which has subsequently been demolished. The proposed garage would be attached to Radmore.

6. **Consideration of the Proposal**

6.1 The main issues raised by the proposal are:
- The principle of development;
- Impact on highway safety and convenience;
- The impact on the landscape and general amenity of the area;
- Impact on residential amenity.

**THE PRINCIPLE OF THE DEVELOPMENT**

6.2 Policy HSG.1 of the West Berkshire Local Plan 1991 - 2006 Saved Policies 2007 permits new housing within the boundaries of certain settlements. Chieveley is amongst those named settlements which are permitted to accommodate new housing. The proposed development falls within the settlement boundary of Chieveley. The proposed new housing would need to meet certain criteria before being permitted and be in accordance with other relevant policies contained within the Local Plan. These criteria and other issues are discussed below.

**HIGHWAY SAFETY AND CONVENIENCE**

6.3 Policy OVS2 seeks to ensure that new development complies with highway standards. The Highways Officer has not raised any objections to the proposal. It is considered that the addition of the proposed dwelling would not substantially increase traffic movements along Freshfields Lane. The proposal has made sufficient parking and turning provision. As such, the proposed development would accord with policy OVS.2 of the WBDLP and safeguard highway safety and convenience.
THE IMPACT ON THE LANDSCAPE AND GENERAL AMENITY OF THE AREA

6.4 The application site lies within the North Wessex Downs Area of Outstanding Natural Beauty and the primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area.

6.5 The Chieveley Village Design Statement makes two recommendations that are pertinent to this application:

- ‘The siting, design and layout of new developments should continue to conserve and enhance the integration of the village within its downland setting in the AONB’.

- Any future development should conserve existing trees, shrubs and hedgerows within and around proposed sites and supplement them with further planting of native trees and shrubs of local provenance…’

The Village Design Statement also recommends the types of materials, enclosures, windows, garaging etc which are characteristic for Chieveley.

6.6 The proposal lies on the edge of the village and does not currently benefit from screening from trees and hedging. However, the proposed dwelling would form part of an existing line of houses and as such would not be prominent from wider views in the landscape. It is considered that the proposal would not harm the character of the AONB.

6.7 Freshfields Lane can be characterised by detached houses which are constructed from brick and tile. However, the styles of houses along Freshfields Lane are varied in terms of design and scale. There is a mixture of bungalows, chalet bungalows and a two-storey house and a mixture of roof styles. It is considered that the design of the proposed chalet bungalow is consistent with the character of the lane. The proposed dwelling is considered sufficiently spaced to avoid it appearing cramped. Overall, the development considered to safeguard the wider landscape and the general amenity of the surrounding area.

RESIDENTIAL AMENITY

6.8 Policy OVS2 seeks to safeguard the amenities of adjoining land uses.

6.9 The proposed garage is considered modest in scale and would house a single vehicle. There would be an intervening fence between the garage and the proposed dwelling. It is considered that the proposed garage would not be detrimental to the amenity of the occupants of the proposed house.

6.10 The proposed house is considered to safeguard an acceptable standard of residential amenity.

6.11 To the north of the site, the proposed dwelling would face open fields and as such would not harm residential amenity.
6.12 To the east of the site is an existing bungalow called Radmore. The application proposes that this bungalow would have an attached garage running along the boundary with the proposed dwelling. The proposed dwelling has first floor windows which would face the side of Radmore. This is not considered problematic in terms of overlooking as the proposed side window would serve a bathroom and a shower room, as well as facing a tiled roof and blank wall. The ground floor windows would face a fence and beyond which is a blank wall. The proposed dwelling’s rear building line projects further than Radmore, however this is not considered harmful in terms of loss of light.

6.13 To the south of the site is Freshfields Lane and beyond which a 3m tall hedge and dwellings (Pointers Close). The proposed house does not project further forward than the existing houses along Freshfield’s Lane and as such it is considered there would be no additional harm in terms of overlooking. Whilst the occupants of Pointers Close might lose private views as a result of the proposed development, this is not a material planning consideration.

6.14 To the west of the site is a bungalow called Gable End. The proposed house would have a single roof light facing Gable End. This rooflight would serve a stairwell which is a non-habitable room. The rooflight would face the side roof of Gable End. As such, the proposal would not result in significant harm from overlooking. The proposed dwelling’s rear building line projects further than Gable End, however this is not considered harmful in terms of loss of light.

6.15 Overall, the proposed dwelling and garage are considered to safeguard residential amenity.

DEVELOPER CONTRIBUTIONS

6.16 Relevant bodies have been consulted and many have highlighted deficiencies in the current provision for bus services, public open space, library services, GP practice places and school places. In addition, there are deficiencies in the current standard of highway safety and deficiencies in pedestrian/cycle/bus stop provision. The proposed development would impose additional burden on these amenities/facilities. It is recommended that a developer contribution is required to address these matters.

7. Conclusion

7.1 The application has been assessed against National Planning Guidance and Local Plan policy. The proposed development is not considered to conflict with local policy, it would assimilate well with the existing properties along Freshfields Lane, it would maintain highway safety and convenience, it would not harm residential amenity nor the rural character of the AONB.
8. Full Recommendation

8.1 That the Head of Planning and Trading Standards be authorised to grant planning permission subject to the completion of a S.106 legal agreement in respect of contributions for transport, education, libraries, public open space, healthcare and adult social care. The grant of planning permission shall be subject to the following conditions, once a legal agreement has been completed;

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 saved policies (2008) and Policy OVS2 of the West Berkshire District Local Plan 1991-2006 saved policies (2007) should it not be started within a reasonable time.

2. Prior to the commencement of development (other than investigative work) approved by this permission, two copies of a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved by the Local Planning authority. The contaminated land assessment shall include: a desk study, details of investigative works and sampling, risk assessment and remediation. Applicant to survey for contaminated land.

(a) The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study.

(b) A suitably qualified Consultant shall be appointed to investigate the nature and extent of any contamination, if any, in, on or under all parts of the land to which this permission refers. All investigative works and sampling on site, together with the results of analysis must be submitted to the LPA (and the Environment Agency as appropriate).

(c) If a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to the following: wildlife, livestock and ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons.

Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policy DP5 of the Berkshire Structure Plan 2001 – 2016 saved policies (2007) and policy OVS.5 of the West Berkshire Local Plan 1991-2006 saved policies (2007).

3. Approved remediation works shall be carried out in full on site. If during any works any significant underground structures or contamination is discovered which has not previously been identified then the additional contamination shall be fully assessed. No further remediation works shall take place until a report has been submitted to and approved by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan.
Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policy DP5 of the Berkshire Structure Plan 2001 – 2016 saved policies (2007) and policy OVS.5 of the West Berkshire Local Plan 1991-2006 saved policies (2007).

4. On completion of all remediation works this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice, consignment notes demonstrating the removal of contaminated material, certification to show that new material brought to the site is uncontaminated and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority and Environment Agency.

Reason: in order to protect the amenities of existing or proposed occupants/users of the application site or adjacent land in accordance with policy DP5 of the Berkshire Structure Plan 2001 – 2016 saved policies (2007) and policy OVS.5 of the West Berkshire Local Plan 1991-2006 saved policies (2007)

5. Prior to the commencement of development a full Code for Sustainable Homes or equivalent assessment demonstrating that the development will attain Code 3* rating shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. Prior to the first occupation of the dwelling(s) hereby approved, a post construction review, carried out by a licensed assessor, shall be submitted to and approved in writing by the Local Planning Authority.


6. Prior to the commencement of development, samples of the materials to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.


7. Prior to the commencement of development, details of the surfacing arrangements for the vehicular access(es) to the highway shall be submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that
bonded material is used across the entire width of the access(es) for a distance of 15 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety in accordance with Policy T4 of the Berkshire Structure Plan 2001-2016 saved policies (2008) and Policy OVS 2 of the West Berkshire District Local Plan 1991-2006 saved policies (2007)

8. Prior to the development being brought into use the vehicle parking and/or turning space shall be provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies DP5 and T5 of the Berkshire Structure Plan 2001-2016 saved policies (2008) and Policy OVS.2 of the West Berkshire District Local Plan 1991-2006 saved policies (2007).

9. Irrespective of the provisions of the current Town and Country Planning (General Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in the side elevations without the prior approval in writing of the Local Planning Authority.


DC
Item No Application No. and Parish 8/13 Week Date Proposal, Location and Applicant

(6) 08/02182/FUL 2nd February 2009 Erection of one dwelling and garage. Land at rear of 48 Queens Road, Newbury Mr Ray Childs

Recommendation Summary: The Head of Planning and Trading Standards be authorised to GRANT planning permission.

Ward Member(s): Councillors Hunneman and McGarvey.

Reason for Committee determination: Called in by Councillor Hunneman due to concerns about previous refusal of similar proposal in 2004, and concerns over a lack of private amenity space for the proposed dwelling and the loss of amenity space for No. 48 Queens Road, Newbury.

Committee Site Visit: 29th January 2009

Contact Officer Details
Name: Robert Webb
Job Title: Senior Planning Officer
Tel No: (01635) 519111
E-mail Address: rwebb@westberks.gov.uk
08/02182/FULD

Land At Rear Of 48 Queens Road, Newbury

Map Centre Coordinates: 447686.84, 166660.63

Scale: 1:1250

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1. Site History

156159 - Demolition of garage- replace with two bed and breakfast units built to be accessible to wheelchair use. Approved 23.04.98.

04/02756/FULD - Creation of separate dwelling and boundary. Refused 29.03.2005

08/00176/FULD - To convert existing bed and breakfast accommodation [48 Queens Road] into a residential dwelling (Class C3). Approved 11.04.08

08/00179/HOUSE - To convert existing bed and breakfast accommodation into residential apartments. Refused 29.04.2008. Appeal dismissed

2. Publicity of Application


3. Consultations and Representations

| Town Council:               | No objections |
| Highways:                  | TBC           |
| Environment Agency:        | No comments   |
| Ministry of Defence:       | No objections |
| Thames Water:              | No objections |
| Public Open Space:         | £268 requested towards open space |
| Primary Care Trust:        | £90 requested towards healthcare |
| Library Service:           | £130 requested towards libraries |
| Education:                 | £0 requested  |
| Adult Social Care:         | £386 requested towards Adult Social Care |
| Transport:                 | £1000 requested towards transport |

Correspondence: 1 letter of objection received: Concerns regarding boundary treatment, potential overlooking, lack of consultation by applicant, loss of garden space to No. 48, previous application refused.

1 letter received stating no objections providing no increase in size of the building, no overlooking, and rear access is made secure.
4. **Policy Considerations.**

Planning Policy Statement 1, Planning Policy Statement 3  
Berkshire Structure Plan 2001-2016 (Saved Policies 2008) - Policies DP5, and H3  
West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) – Policies OVS2, OVS3, OVS.9, HSG.1  
Quality Design – West Berkshire SPD  

5. **Description of Development**

5.1 The proposal is for the conversion of an existing single storey detached bed and breakfast building into a one bedroom residential dwelling. The building lies within the rear garden of No. 48 Queens Road, Newbury and has an access onto Livingstone Road. The site lies within the settlement boundary of Newbury as designated by the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). No other planning designations apply.

5.2 No. 48 was previously a guest house and the building that is the subject of this application provided additional accommodation. No. 48 has now been converted to a residential dwelling.

5.3 The current bed and breakfast building has two separate units and the proposal is to rearrange the internal layout to provide a sitting room, kitchen, bathroom and bedroom. One parking space is provided, in the existing parking area at the front of the building. There will be no material changes to the external appearance of the building and it is proposed that the size will remain exactly the same. The only changes comprise the removal of a door in the south elevation and the removal of one door on the west elevation. In addition a roof window is proposed on the east elevation. A small area is proposed at the side of the building for the storage of cycles and bins.

6. **Consideration of the Proposal**

6.1 The main issues to be considered are:

- The principle of the development
- The planning history of the site
- The impact on neighbouring occupiers
- The level of amenity space provided
- Highways considerations

**Principle of development**

6.2 The site lies within the settlement boundary of Newbury, as designated by the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). No other planning applications apply therefore, in accordance with Policy HSG.1 of the Local Plan, there is a presumption in favour of new residential development, providing the proposal accords with all other relevant policies of the plan.
The planning history of the site

6.3 The building to which the application refers was permitted in 1998 (ref. 156159). At this time No. 48 Queens Road was a guest house and the building was allowed in order to provide additional bed and breakfast accommodation. In 2004 an application was made to convert the building to residential use (ref. 04/02756/FULD). This was refused due to concerns that the development would result in the loss of parking for the bed and breakfast business. A further refusal reason was that the combination of the limited amenity space for the dwelling and the proximity between the building and the house would lead to an unsatisfactory environment.

6.4 In 2008 a change of use application was approved for the conversion of No. 48 to a residential house (ref. 08/00176/FULD). This was approved. A further application was made in 2008 for the redevelopment of the single storey building into a two storey building to accommodate two apartments (ref. 08/00179/HOUSE). This was refused due to concerns about the overbearing nature of the two storeys on the neighbouring occupiers and the loss of light that would be caused. It was also refused because of the lack of private amenity space proposed for the dwelling. An appeal was lodged against this refusal which was dismissed by the Planning Inspector following an informal hearing.

The impact on neighbouring occupiers

6.5 No external changes are proposed to the building apart from the addition of some windows and the removal of two doors. Therefore there will be no increased impact on neighbours in terms of built form. The windows facing neighbouring properties on the east elevation will be obscure glazed, as existing. There will be no overlooking of neighbouring properties. For these reasons it is considered that no material harm will be caused to neighbours by the proposal.

The level of amenity space provided

6.6 The original plans submitted showed the loss of some of the rear garden to No. 48 to provide a parking space for the proposed dwelling. Following concerns that this would lead to a substandard sized garden, an amended plan has been submitted which removes this space and shows off road parking to the front of the proposed dwelling, as is the existing situation. A small area of the garden of No. 48 will be given over to the proposed dwelling for the storage of bins and cycles. This will be no greater than 1 metre wide, and the loss of this small area is considered negligible.

6.7 No private amenity space is provided for the proposed dwelling; however the development proposed is not a family dwelling and is located in a sustainable location within 1 km of Newbury town centre and within 250 metres of the open space at Stroud Green. The lack of amenity space is therefore considered acceptable.

Highways considerations

6.8 As described in paragraph 6.4 a similar application was refused due to the loss of parking. However at that time No. 48 was a bed and breakfast establishment, which typically would generate more parking pressure than a residential dwelling. The recent change of use to residential has reduced the parking requirements of the main building (which has space for three cars at the front) therefore the loss of the rear parking space is considered acceptable.
6.9 At the time of writing Highways were considering the amended parking layout and their response will be included in the update.

Other matters

6.10 A developer contribution of £1,874 has been paid by the applicant to mitigate the impact of the development on local infrastructure, in accordance with Supplementary Planning Guidance 04/4. A Code for Sustainable Homes assessment is not required because the scheme does not involve a new build.

7. Conclusion

7.1 In principle, the proposal for a new residential unit in this location is in accordance with the provisions of national and local planning policies, including Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). The fact that there will be no increase to the size of the building and no overlooking means no material harm to neighbouring occupiers will be caused. The scheme has been amended to ensure no significant loss of private amenity space to the dwelling at No. 48 Queens Road. The proposal is therefore considered to accord with all relevant planning policies and considerations.

8. Full Recommendation

The Head of Planning and Trading Standards be authorised to GRANT planning permission subject to the following conditions:

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 (Saved Policies 2008) and Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007) should it not be started within a reasonable time.

2. Prior to the commencement of building or other operations on site, a scheme of fencing and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority and no building(s) shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with policy DP5 of the Berkshire Structure Plan 2001 – 2016 (Saved Policies 2008) and policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007).
3. The windows in the east elevation shall be fitted with fixed, obscure glazing. The fixed obscure glazing shall thereafter be retained in position in perpetuity. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in the east elevation without the prior permission in writing of the Local Planning Authority.


DC
### APPEAL DECISIONS WESTERN AREA-COMMITTEE

<table>
<thead>
<tr>
<th>Parish and Application No</th>
<th>Location and Appellant</th>
<th>Proposal</th>
<th>Officer Recommendation</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>WESTERN 08/00202</td>
<td>53 Northbrook Street, Newbury Mr A Prasutanond</td>
<td>Canopy and cladding to façade of building</td>
<td>Delegated Refusal</td>
<td>Dismissed 25.11.08</td>
</tr>
<tr>
<td>NEWBURY 07/02666</td>
<td>Hillview House, West Street, Newbury Bewley Homes Plc</td>
<td>Erection of 42 residential units with associated access and parking following demolition of existing office block</td>
<td>Refusal</td>
<td>Allowed 15.12.08</td>
</tr>
<tr>
<td>LAMBOURN 08/00967</td>
<td>Northfields, Wantage Road, Lambourn Mr D Poole</td>
<td>9 affordable houses with local occupancy restriction</td>
<td>Delegated Refusal</td>
<td>Dismissed 16.12.08</td>
</tr>
<tr>
<td>GREENHAM 08/00349</td>
<td>Land off Communications Road, New Greenham Park Prologis (Greenham Park) Ltd</td>
<td>Demolition of existing buildings, construction of 43,917 sqm in 4 buildings for storage and distribution (Class B8), including one ancillary office, demonstration building, and 3,413 sqm in one building for flexible light industry (B1c) / general industry (B2) / storage and distribution (B8), with associated landscape, parking and access arrangements</td>
<td>Approval</td>
<td>Allowed 30.12.08</td>
</tr>
</tbody>
</table>
Plans and drawings relevant to reports submitted to
Western Area Planning Committee
4 February 2009 at 6.30pm

at the Council Chamber, Council Offices,
Market Street, Newbury

[to be read in conjunction with the main agenda]

Please note:

- All drawings are copied at A4 and consequently are not scalable
- Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection
- All drawings are available to view at www.ukplanning.co.uk
- The application files will be available for half an hour before the meeting
EAST ELEVATION

WEST ELEVATION

NORTH ELEVATION

TYPICAL CROSS SECTION

'RADMORE', FRESHFIELDS LANE, CHEVLEY, BERKSHIRE.