

Notice of Meeting

Eastern Area Planning Committee

Wednesday, 5th August, 2015 at 6.30pm
in Calcot Centre, Highview (off Royal Avenue), Calcot

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 28 July 2015

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: planapps@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Stephen Chard / Charlene Myers / Rob Alexander on (01635) 519462 / 519695 / 5194 Email: schard@westberks.gov.uk / cmyers@westberks.gov.uk / ralexander@westberks.gov.uk



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(continued)

To: Councillors Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Quentin Webb and Emma Webster

Substitutes: Councillors Rob Denton-Powell, Lee Dillon, Manohar Gopal, Tony Linden, Mollie Lock and Richard Somner

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
2. **Minutes** 5 - 24
To approve as a correct record the Minutes of the meeting of this Committee held on 15 July 2015.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
 - (1) **Application No. & Parish: 15/00974/COMIND - Level Crossing, Ufton Lane, Ufton Nervet, Reading** 25 - 66

Proposal:	Erection of new overbridge to replace the level crossing, including raised embankments to carry a two way single carriageway road and footway on the north and south approaches to the bridge forming a new section of Ufton Lane, with associated drainage and planting
Location:	Level Crossing, Ufton Lane, Ufton Nervet, Reading
Applicant:	Network Rail
Recommendation:	To DELEGATE to the Head of Planning and Countryside to GRANT PLANNING PERMISSION subject to conditions



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- (2) **Application No. & Parish:15/00620/FUL - Bucklebury Farm Park, Bucklebury, Reading, RG7 6RR** 67 - 82

Proposal:	Section 73A - Variation of condition (1) The Leisure use for public access hereby authorised is to be limited to the months of March to October inclusive of planning permission 149980. To remove restriction on months of operation
Location:	Bucklebury Farm Park, Bucklebury, Reading, RG7 6RR
Applicant:	Bucklebury Farm
Recommendation:	To DELEGATE to the Head of Planning and Countryside to GRANT PLANNING PERMISSION subject to the schedule of conditions (Section 8.1).

- (3) **Application No. & Parish:15/00968/OUTD - Land At Quint, Rectory Road, Padworth Common** 83 - 94

Proposal:	Outline Application for a new four bedroom detached house in part of the garden at 'Quint'. Matters to be considered: Access, Layout and Scale
Location:	Land At Quint, Rectory Road, Padworth Common
Applicant:	Christina Jenkins
Recommendation:	To DELEGATE to the Head of Planning and Countryside to REFUSE planning permission for the reasons set out in section 8.1.

Items for Information

5. **Appeal Decisions relating to Eastern Area Planning** 95 - 96
Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
(b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and

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relevant Supplementary Planning Guidance and Documents.

- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact
Moira Fraser on telephone (01635) 519045.



DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 15 JULY 2015

Councillors Present: Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Quentin Webb and Emma Webster

Also Present: Robert Alexander (Policy Officer), Gareth Dowding (Senior Engineer), Bob Dray (Senior Planning Officer), Joe Dray (Principal Officer - Environmental Quality), Jeanette Guy (Senior Environmental Health Officer), Liz Patient (Solicitor) and David Pearson (Team Leader - Development Control)

Apologies for inability to attend the meeting:

Councillor(s) Absent:

PART I

13. Minutes

The Minutes of the meeting held on 24 June 2015 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

Item 1 (Trijonet, Bere Court Road, Pangbourne) Page 8 of the Agenda, the final bullet point, should be changed from "...The single access to the site on a narrow road as well as its close proximity to Pangbourne Hill was a concern, and a tightly enforced condition was required to manage this."

To read:

"...the single access to the site on a narrow road, **which could only be accessed by Pangbourne Hill**, would require a tightly enforced condition to manage"

14. Declarations of Interest

Councillors Emma Webster, Alan Macro, Tim Metcalfe, Keith Chopping and Peter Argyle declared an interest in Agenda Item 4(3), but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

15. Schedule of Planning Applications

(1) Application No. & Parish: 14/03036/COMIND Blacks Lake, Paices Hill, Aldermaston, Reading, RG7 4PG

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 14/03036/COMIND in respect of a part retrospective application for continued use of land for race meetings and permanent retention of laid out track, buildings and structures. Bob Dray outlined the report and the update report. Councillor Graham Pask asked if Members of the Committee had any points they would like clarified before hearing from those wishing to speak on the matter.

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Councillor Graham Bridgman enquired about the spacing of 14 days racing a year and whether this would mean frequency becoming too much during certain times of the year. Bob Dray responded that imposing a condition that required 3 weeks between events was considered; however, it was felt that, on balance, this did not meet the six tests used to examine whether conditions on planning applications were sound, because it would unreasonably restrict the use of the site.

Councillor Richard Crumly joined the meeting at 6:50pm

Councillor Crumly was advised not to take part in the debate or vote on Item 4(1) as he had missed the presentation by the Planning Officer.

In accordance with the Council's Constitution, Mr D Shirt, Parish Council Representative, Mr Nicholas Bundy, Objector, Mr Malcolm C Roberts, Applicant and Councillor Dominic Boek, Ward Member, addressed the Committee.

Councillor Graham Pask asked Members to give their approval on the changing of the speaking order due to Mr Shirt not being in attendance, due to suspected traffic congestion. All Members agreed.

Mr Nicholas Bundy, Objector, in addressing the Committee raised the following points:

- This was a major application over three hectares
- Meetings typically took place on a Sunday and Bank Holiday and the noise impact did affect nearby properties.
- Central Government policy stated that local green space should be kept.
- There was a question whether the site would benefit a stronger local economy or if it was just a benefit to the operator.
- The unauthorised residential use was excluded from the application; however it would still be a problem if the application was approved.
- Mr Bundy urged Members to refuse the development and use of the site due to noise, traffic and environmental issues.

Councillor Graham Bridgman enquired whether Mr Bundy had made a complaint in regards to noise on the site. Mr Bundy responded that he personally had not, as he was not a resident near the site, he was speaking on behalf of nearby residents.

Mr David Shirt, Parish Council Representative, in addressing the Committee raised the following points:

- He felt that inadequate attention had been paid to the Parish Council's objections in the Planning Officer's report.
- If Members were to approve the application, there should be a noise relevant condition, one that stipulates the maximum noise level appropriate for motor sport.
- The applicant continued to hold race meetings and used the site for unauthorised residential use.
- The 31 supporters were all from outside West Berkshire, whereas the 6 objectors were from Aldermaston.
- With regard to cumulative traffic, paragraph 6.7.3 referred to application 00/00644/FUL but failed to mention the approved planning application for Mineral Extraction at Lower Farm, Wasing.
- The National Planning Policy Framework (NPPF) favoured sustainable development, unless adverse impacts outweighed the benefits; it was felt in this instance that the adverse impacts were suffered by parishioners which outweighed the benefits.

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Councillor Tim Metcalfe queried where the residential site was, as he could not see it at the site visit. Mr Shirt explained that it was on the right hand side of the banger racing track. Bob Dray informed Members that it was outside the location plan (red line) and therefore was not relevant to the application.

Councillor Bridgman asked whether Mr Shirt accepted that, had a break of five years not occurred, then the application would not have required to return to the planning process. Mr Shirt responded positively.

Mr Malcolm C Roberts, applicant, in addressing the Committee raised the following points:

- The Planning Application in 1993 was for 20 racing days a year and was approved; however Condition Two stipulated that it should only take place on 14 days a year.
- An email exchange with an enforcement officer in November 2010 said that the repair and refurbishment of the track was acceptable, as was the erection of a concrete sound barrier.
- Sustainable businesses, such as this one, should be assisted in growing.
- The Planning Officer acknowledged that the site was acceptable in planning terms.
- There were 157 similar tracks around the country that had racing from one to seven days a week – a site that was familiar with the Planning Officer was in Newcastle which had residential properties situated 50 metres away.
- The Environmental Health Officer raised no objections and made a noise recommendation based on the Motor Cycle Sport Code of Practice.
- There was a 4x4 club that were able to practice 28 days a year, and the noise would not be much different from the race track.

Councillor Alan Macro queried how many cars were on the race track at any one time. Mr Roberts responded that the maximum would be 25, however on average there were 13 to 15.

Councillor Emma Webster enquired what the applicant thought an acceptable level of noise was for residents. Mr Roberts admitted that he was unable to answer the question as people might be sensitive to different noises. Mr Roberts did acknowledge that they would abide by the results of a noise survey.

Councillor Webster sought clarification that the conditions put on the application would be adhered to, as previous ones had not been. Mr Roberts said that he would keep to any conditions put on the application and explained that he had not been at the site when previous conditions had been broken. Councillor Webster further asked for certainty that no racing would take place until the conditions - that were required to be complied to before racing took place - had been met. Mr Roberts informed the Committee that racing stopped as soon as it was found he did not have the planning permission and that all required conditions would be met before racing commenced again.

Councillor Keith Chopping enquired how many races would take place on a day and how long they lasted. Mr Roberts explained that a race could last up to 7 minutes, but typically lasted 3 to 4 minutes and there could be up to 20 races a day; starting at 12noon and finishing between 5pm and 6pm. Mr Roberts further mentioned that racing rarely started before noon as all vehicles had to undergo safety checks.

Councillor Bridgman referred to Mr Roberts' response in relation to stopping racing once he found that planning permission no longer existed. Councillor Bridgman brought Mr Roberts' attention to the 2014 racing schedule that showed 21 races. Mr Roberts informed the Committee that he had asked the Council if the races could continue as

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they had already been scheduled and would result in a loss of income. The Council responded favourably.

Councillor Quentin Webb queried why Mr Roberts had generated a schedule with 21 race events on, despite being aware of planning permission for only 14. Mr Roberts explained that the racing schedule was over two racing years.

Councillor Alan Law asked whether 14 days racing would be viable seeing as the application was for 20. Mr Roberts did not believe that it would be viable; however it would cover the costs.

Councillor Dominic Boek, speaking as Ward Member, in addressing the Committee, raised the following points:

- There were a number of reasonable arguments for and against the proposal.
- Those against focussed on the amenity and impact it would have.
- The facility was not used by the local community, but by those travelling from afar.
- Impact was the effect of the noise on a Sunday. Councillor Boek admitted to living two miles away and was able to hear the noise.
- Traffic on the A330 was noticeable, the constant noise from banger racing certainly would be.

Councillor Pamela Bale drew attention to page 19 of the report, in particular, in relation to the contribution to the local economy and asked Councillor Boek whether he thought this was the case. Councillor Boek opined that there was income to be made on the site by locals and there was a possibility for local amenities to benefit from the races. Councillor Bale further asked whether any local people were directly employed by the site. Councillor Boek admitted he was unsure, but believed it to be mainly friends and family.

The Chairman asked Bob Dray to clarify a number of points raised by the speakers before allowing Members to debate and ask questions to officers.

Bob Dray raised the following points in relation to those that had been made by the speakers:

- Representations from outside West Berkshire were still considered to be valid representations.
- With respect to the cumulative impacts with approved gravel extraction at Wasing, page 3 of the update report showed the increase in traffic movements as being minimal and the only conflict would appear on Saturday Mornings.
- The 4x4 trials in the local area were allowed under permitted development rights which permit a temporary use for up to 28 days in any given year before an application was required.

Councillor Alan Law asked whether Conditions 10 and 11 could be made stronger as they appeared unclear. Bob Dray responded that if Members were minded to approve the application the conditions would be tightened to reflect this.

Councillor Marigold Jaques enquired whether permission could be granted on a temporary basis so its impact could be monitored. Mr Dray responded that such conditions were possible, but the Planning Practice Guidance advised against temporary consents in most situations, and in this case the activities had already been taking place. Councillor Alan Macro asked whether the development of Country Park was taken into consideration as a material change and if it would affect any conditions. Mr Dray explained that the country park had been taken into account and that it was a case of balancing the merits of the proposal against any such impacts. Given that the activities would be subject to greater control, it was considered that the balance was acceptable.

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Councillor Bridgman queried how the enforcement would take place to ensure that there was a limit to the number of days per year that racing took place. David Pearson explained that the Council would be reliant upon residents to inform the Council if any planning conditions had been breached.

Mr Pearson elaborated on a point made earlier in relation to the amount of events that had taken place in 2014. Mr Pearson explained that after the enforcement appeal in 2014 the applicant approached the planning service and explained events had been booked and asked for a dispensation. Planning granted the dispensation and when that ran out, as far as officers were aware, racing stopped.

Councillor Macro referred to the mention of the Operational Management Plan and asked how enforceable it was. Bob Dray responded that management plans such as these were frequently used when conditions were placed on planning permissions. If a breach was identified the Council's enforcement officers would be able to use a Breach of Condition notice. Environmental Health officers would also be able to consider complaints under statutory nuisance legislation.

Jeanette Guy, Senior Environmental Health Officer (EHO) brought Members' attention to the question asked on acceptable noise. Ms Guy explained that it was inevitable that noise would be heard which would lead to an impact on neighbouring properties, however this would be affected by wind direction, crowds and other factors. She further informed the Committee that no formal complaints had been received with regard to noise nuisance emanating from the site.

Councillor Quentin Webb enquired what a formal complaint was. The EHO responded that a formal complaint was classified as any contact with the Council, via telephone, email, online etc. Councillor Macro wondered whether the lack of complaints was due to the events taking place on weekends and the Council offices being closed.

Councillor Macro questioned how far away 25 vehicles at 95 decibels could be heard. The EHO explained that over distance noise was reduced, as well as the fact that the cars would be at different points in the track which would effect the amplification of noise from vehicles. Joe Dray commented that 95 decibels x 25 cars was not how it added up and that in real terms it might only add an extra 3 to 5 decibels at the track.

Councillor Webster asked at what level the music system was being played at and whether there could be a condition that restricted announcements to emergencies only when the races were not taking place. David Pearson said that if Members were so minded they could include conditions prohibiting amplified music on site. He mentioned though that what was deemed a statutory nuisance had a higher threshold than what were considered unacceptable in general planning 'amenity' terms. Planning inspectors had at times refused something which omitted noise as low as clay pigeon shooting.

Councillor Law believed the application to be interesting and overall balanced. Councillor Law further mentioned that a lot of the permission was to take place outside the meeting, such as the operational plan and the professional officers would take hold of this. Councillor Law recommended approval for 14 days racing to take place, subject to Condition 10 and 11 being tightened up to ensure that races only take place on a maximum of 14 individual days per year.

Councillor Tim Metcalfe seconded the proposal.

Councillor Bridgman explained that he would not have a problem approving the application at the 20 days requested by the applicant.

Councillor Macro expressed his unease at the application due to Country Park being close by and felt it would hinder peoples' enjoyment of the Park.

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Councillor Bale asked whether the Operational Management Plan had to be in place before any racing could take place. Bob Dray responded that this was correct.

David Pearson mentioned that if Members wanted to, they could include a condition that racing was not to take place over consecutive weekends. The Chairman asked Councillor Law, as the proposer whether this was acceptable to him, Councillor Law thought it was a good condition and asked that it be included ; however Councillor Law explained he would not be proposing 20 days as Councillor Bridgman suggested.

The Chair in summarising, informed Members they were voting on whether to grant planning permission for 14 days of racing a year, subject to the conditions in the report – with condition 10 and 11 being tightened – and the extra condition of no racing on consecutive weekends.

RESOLVED that The Head of Planning and Countryside be authorised to **GRANT** planning permission subject to the following conditions:

Conditions

1. Limits of Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), the site shall not be used for any purpose except for motor car racing, practice sessions and incidental activities. The use hereby permitted shall not take place outside the red line shown on the 1:2500 Location Plan.

Reason: Any other use may not be acceptable on the site, in the interests of promoting sustainable development, neighbouring amenity, and highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following plans: Location Plan, Site Plan & Block Plan, Marshall Cabins x 2 (MCR/005/AR), Toilet Block B (MCR/006/AR), Toilet Block A x2 (MCR/007/AR), Race Control (MCR/008/AR), and Snackvan (MCR/009/AR).

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Operational Management Plan

No racing events or practice sessions shall take place until an Operational Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall cover all operations taking place on site in connection with the approved use, including but not necessarily limited to:

- (a) Details of the types (formulas) of racing cars to use the site, silencer details, and any other vehicle parameters or noise mitigation measures specific to individual types of vehicle;
- (b) Procedures for noise testing of vehicles;
- (c) The number of vehicles in operation simultaneously

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- (d) The operation of public address systems or other acoustic amplification equipment;
- (e) The location and maintenance of noise barriers;
- (f) Communication with the public about events;
- (g) Procedures to prevent any contamination of the site (e.g. from waste oils);
- (h) Procedures for responding to an incident at AWE Aldermaston (in accordance with the AWE Emergency Plan).

The site shall not be used for the permitted use except in complete accordance with the approved Operational Management Plan.

Reason: To protect neighbouring amenity. A pre-condition is required because an Operational Management Plan has not been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. AWE Emergency Plan

No development shall take place until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall detail the measures to be implemented at the premises in the event of an incident at AWE Aldermaston.

The Emergency Plan shall be kept up-to-date by the site operator. The Plan may be amended at any time by way of a written submission to the Local Planning Authority pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; and the amended plan shall be submitted to the Local Planning Authority within 1 month of notice being given.

No racing events or practice sessions shall take place except in complete accordance with the latest approved Emergency Plan.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston, and to ensure that the development hereby permitted does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy (2006-2026).

5. Site Entrance Plan

No racing events or practice sessions shall take place until a drawing showing accurate, scaled, details of the site entrance, together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The drawing shall show the width of the entrance and be overlain with visibility splays in both directions along Paices Hill. The site entrance shall be provided in accordance with the approved drawing and the timetable for implementation. Thereafter, the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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Reason: To ensure that the site entrance is suitable and safe, in the interests of highway safety. A pre-condition is required because the entrance detailed on the submitted site plan provides insufficient accuracy. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

6. Landscaping

No racing events or practice sessions shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall incorporate any changes to the frontage of the site onto the A340 required as a result of providing visibility splays at the vehicular access. The landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations to the site access. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: A comprehensive landscaping scheme is necessary to ensure site access improvements do not have an adverse visual impact along the A340. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

7. Parking Plan

No racing events or practice sessions shall take place until a parking plan has been submitted to and approved in writing by the Local Planning Authority. Parking spaces should measure 2.4 x 4.8 metres, and at least 6 metres must be provided for intervening aisles. No racing events or practice sessions shall take place until the parking spaces have been provided in accordance with the approved plan. The parking spaces shall thereafter be kept available for parking during race events.

Reason: To ensure that the site is provided with sufficient parking arrangements, in the interests of highway safety. A pre-condition is required because the parking detailed on the submitted site plan provides insufficient accuracy. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Sustainable Drainage

No racing events or practice sessions shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

(a) Incorporate sustainable drainage principles to deal with surface water run-off from the areas of hard-standing within the application site;

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- (b) Incorporate an attenuation scheme to ensure that pollutants are not discharged into surface waters (this could be a conventional oil interceptor added in line, or alternatively some form of sustainable drainage system that caters for oil interception or attenuation);
- (c) Include a timetable for the implementation and provision of such measures.

The surface water drainage shall thereafter be provided and retained in accordance with the approved details and timetable.

Reason: To ensure that surface water will be managed in a sustainable manner, and to ensure that pollutants are not discharged into surface waters. A pre-condition is required because insufficient details have been submitted with this application. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design – Part 4 Sustainable Design Techniques (June 2006).

9. Ecological Management Plan

No racing events or practice sessions shall take place until an ecological management plan for the adjacent ponds and trees (including implementation timetable as appropriate) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved ecological management plan shall be implemented in full.

Reason: To ensure the protection and enhancement of the adjacent pond and trees. A pre-condition is required because insufficient details have been submitted with this application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

10. Racing Event Restrictions

Racing events shall only take place on Saturdays, Sundays or Bank Holidays, no racing events shall take place on weekdays (except Bank Holidays). No more than 14 racing events shall take place in any given year. Individual racing events shall each last no more than a single day, and shall not be held on consecutive days or weeks. No racing shall take place outside the hours of 10am to 6pm. No competitors, spectators or other visitors to the event shall be on site before 8am or after 8pm.

Reason: To protect neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. Practice Session Restrictions

Practice sessions shall only take place on Mondays to Fridays, no practice sessions shall take place on Saturdays, Sundays or Bank Holidays. During practice sessions, no more than 1 vehicle shall use the track at any one time. No practice session shall take place outside the hours of 8am to 5pm. No public address system, or other amplified acoustic equipment, shall be used during practice sessions.

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Reason: To protect neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informatives:

1. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Sought to make development acceptable through the use of planning conditions, which would otherwise be unacceptable.
- d) Responded to the applicants' representations on the reasonableness of proposed planning conditions.

2. Consent to enter land

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order use the site, construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

3. Discharging of pollutants

It is an offence under the Environmental Permitting Regulations 2010 to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

4. Emergency Plan advice

For queries relating to the content of the site-specific Emergency Plan, please contact the Civil Contingencies Team, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 519111, Email: emergencyplanning@westberks.gov.uk. Please quote the application reference.

(2) Application No. & Parish: 15/00356/HOUSE 1 Bethesda Street, Upper Basildon

This item was deferred following further consultation.

(3) Application No. & Parish: 15/00807/FULC Wickcroft Farm, Pangbourne Road, Theale, RG7 5EA

The meeting adjourned at 8:07pm and restarted at 8:12pm

Councillor Emma Webster declared a personal interest in Agenda Item 4(3) by virtue of the fact that she had frequently shopped at the Farm Shop. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

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Councillor Alan Macro declared a personal interest in Agenda Item 4(3) by virtue of the fact that he had been present at Theale Parish Council when they had discussed the application and had bought produce from the Shop in the past. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tim Metcalfe declared a personal interest in Agenda Item 4(3) by virtue of the fact that he had once employed Mrs J Field's (a supporter of the application) husband. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Keith Chopping and Peter Argyle declared a personal interest in Agenda Item 4(3) by virtue of the fact that they had frequently shopped at the Farm Shop. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 15/00807/FULC in respect of a re-use and adaptation of existing redundant agricultural buildings to a shop, associated dry storage and cold storage of produce and ancillary goods and materials, cafe to include WC, the provision of parking a new footpath linking Wickcroft Farm to Englefield Road. David Pearson outlined the report and the update report. Mr Pearson mentioned that should Members be minded to approve the report he would have to inform the Development Control Manager and that it might have to be referred up to the District Planning Committee. Councillor Graham Pask asked if Members of the Committee had any points they would like clarified before hearing from those wishing to speak on the matter.

Councillor Alan Macro commented that the application appeared similar to one that went to District Planning Committee in regards to a Farm Shop at Hungerford. David Pearson responded that he was aware of the Hungerford application, but commented that this was a fundamental change that was being sought.

Councillor Peter Argyle sought clarification on whether it was possible to condition the shop on what it sold. Mr Pearson responded that it was possible, however it would be seen as difficult to enforce as the Council did not have the resources to be checking. David Pearson also mentioned that the difficulty with this application is that under permitted development rights the shop might change to have a different use (A1-B1) and therefore, under different owners it could change to have a different business. The Chairman enquired whether removing permitted development on the site would allow these to stop taking place. Mr Pearson responded that it was, however it was challengeable and might be difficult to defend.

Mrs Jo Fielder and Mr Edward Crookes, supporters of the application, in addressing the Committee raised the following points:

- Mrs Fielder was the founder of the Farm Shop and set it up to educate Members of the public on food and locally sourced produce.
- The shop had a positive effect on the local economy, as well as growing considerably itself.
- The shop was linked to the farm as the Farmer and Wife were Directors of the shop, it was also linked to Englefield Estate.
- By not allowing the expansion, it would threaten the business by stifling growth.

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- Mr Crookes felt if the application was approved it would assist the thriving economy.
- There was a concern that planning officers had negatively interpreted policy.
- NPPF paragraph 28 supports over looking local plans in a support of the economy.
- Policy CS10 of West Berkshire Council's local plan stated that support would be given to those developments looking to diversify the rural economy.

Councillor Emma Webster queried whether it was true that no produce is supplied by the farm due to the demise of the dairy operation. Mrs Field responded that this was correct.

Mr Tom Newey, applicant, in addressing the Committee raised the following points:

- There were a number of merits to the application.
- The Farm Shop was named Farm Shop of the Year last year and was continuing to grow and develop as a business.
- Growth of the business meant more space was required.
- Conservation and Archaeology officers supported the application.
- The development would allow the installation of a butchery which would bridge the link with Wickcroft Farm again.
- The money made was invested back into the local economy. About 70% of produce is bought within a 30 mile radius of the shop.
- In all it was seen as a modest proposal, in accordance with national planning policy and supported by Englefield and Theale Parish Council and appearing in the latter's plan.

Councillor Keith Chopping enquired whether the applicant would be happy for a condition to be made that would stop the farm shop becoming a Sainsburys or a Coop further down the line. Mr Newey was happy to work with Officers to make a condition that worked for both the Council and himself.

Councillor Quentin Webb noted that the growth in area size was quite considerable and questioned whether this was to hold a bigger stock or a wider range of produce. Mr Newey responded that it was for both reasons and the store would have a delicatessen and a large butchery.

Councillor Graham Bridgman enquired why the application was not brought to Planning Officers sooner due to the condition in the previous application being broken when the shop stopped stocking 50% of goods produced from the Farm. Mr Newey explained that the condition was broken four years ago due to the "Kill and Cut" service being withdrawn and he had been engaged with the Council in discussions for the past four years. Councillor Bridgman followed up with asking, if Members were to approve the application whether a formal agreement would be made with the farm to supply meat for the butchery. Mr Newey said the shop would have capacity to do the work if a butchery was approved.

Councillor Pamela Bale commented that it was not a Farm Shop, but a new shop and would be more beneficial in a local village. Mr Newey accepted Councillor Bale's point but explained that public perception of a Farm Shop was not just the sale of farm goods. Councillor Bale further asked why the shop was opening in a rural location. Mr Newey responded that the buildings were already there and he saw it as a good use to preserve these buildings.

Councillor Macro asked whether the applicant would be happy to do an annual return to Council on where their produce was sourced from. Mr Newey said he would be more than happy to do this and that he already had all the information recorded.

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Councillor Webster explored whether there were any training programmes for people looking for employment. Mr Newey said that they would be supportive of this as their Shop Manager was a 21 year old who had been developed through the business.

Councillor Richard Crumly enquired what the comparison between this site and the one at Hungerford was in size and produce. Mr Newey said that they were similar, but this site did not have a fish mongers nor was there any aspiration to have a play area for children.

Councillor Keith Chopping, speaking as Ward Member, in addressing the Committee raised the following points:

- 12 years ago the original application for a Farm Shop came to the committee and Members went against Officer's recommendation. The result had seen the shop grow from strength to strength.
- The only objection was from Officers.
- The shop serves people from Englefield and Theale Parishes.
- It is an idyllic proposal and an excellent use of buildings.

David Pearson reiterated Officers recommendation for refusal by outlining that the proposal was not for a Farm Shop, but rather a new application for a shop on a farm. He explained that it was a new retail business that had no specific reason to be on the site.

Councillor Chopping countered David Pearson's recommendation by explaining that it was a great location and there were no butchers or greengrocers in Theale or Englefield and this would serve both communities equally well.

Councillor Alan Law commented that he could not see this as a new shop in the countryside, which would be contrary to policy, rather he saw it as an evolution of an existing shop with the butchery providing the farm shop link with the farm.

Councillor Alan Macro did not believe the shop would have any impact on the shops in Theale as Theale did not have a greengrocers or a butchers. Councillor Macro further added that the shop was already popular with residents of Theale.

Councillor Pamela Bale opined that the Parish Council in Pangbourne would have objected if it had been consulted as it was felt this shop had potential to take business out of Pangbourne.

Councillor Keith Chopping recommended approval, subject to conditions set out by the Officers. Councillor Emma Webster seconded the approval.

RESOLVED that The Head of Planning and Countryside be authorised to **GRANT** planning permission subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved drawing numbers:
745.12.1-P/001Y, 745.12.1-P/003V, 745.12.1-P/005P, 745.12.1-P/006Q,
745.12.1-P/004Q, 745.12.1-P/008Q, 745.12.1-P/009A, 745.12.1-S/011V,
745.12.1-S/012W, FMH-059L001D-Sheet 1 and FMH-059L001D-Sheet 2,
received on 24 March 2015.

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Reason: For the avoidance of doubt and in the interest of proper planning.

3. The use of the premises hereby permitted is to be restricted to the following hours:

09:00 to 18:00 Mondays to Saturdays;
10:00 to 16:00 Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

4. Notwithstanding the provisions for shops and cafes of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development which would otherwise be permitted by Schedule 2, Part 3 or Part 7 of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policies ENV24 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006).

5. No development shall take place until details of the external lighting to be used in the areas around the building hereby permitted for conversion have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the use hereby permitted is commenced. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition.

Reason: The wider area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

6. No development shall take place until samples, and an accompanying schedule, of the materials to be used in the restoration of the external surfaces of the building and hard surfaced areas hereby permitted, 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 materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies ENV19 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Supplementary Planning Document Quality Design (June 2006).

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7. Existing roof tiles from the main roof, which need to be removed as part of the restoration, shall be reused in the proposed works. Where the use of reclaimed roof tiles are required to be used where insufficient numbers of salvageable roof tiles are available, no development shall take place until a sample of reclaimed roof tiles has been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8. No development shall take place until details of the rooflights to be installed in the building have been submitted to and approved in writing by the Local Planning Authority. Rooflights are to be conservation type, fitted flush with or below the roof covering. The rooflights shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9. No demolition or clearance works shall take place to the barn until the applicant has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that an adequate record is made of these buildings of architectural, historical or archaeological interest. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

10. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is 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 or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

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Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV19 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Supplementary Planning Document Quality Design (June 2006).

11. Prior to any works commencing on site, (including roof stripping or removal of weather boarding) an ecological enhancement plan for bats and breeding birds (as described in Appendix 5 of the Wickcroft Farm Scoping and Bat Survey report by europaeus land management services and dated Ver. 1.0, 25-9-12 and referred to in the Protected Species (Bats) Survey Report by the same company and dated Ver. 1.0,23-2-15) will be submitted to the Local planning Authority for approval. Such approved enhancement measures will be implemented in full and shall be maintained thereafter.

Reason: To ensure the protection of Bats and Birds, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

12. No development or other operations shall commence on site until a scheme of works or such other steps as may be necessary to minimise the effects of odour and noise from the preparation of food associated with the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

13. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
 - (a) The parking of vehicles of site operatives and visitors
 - (b) Loading and unloading of plant and materials
 - (c) Storage of plant and materials used in constructing the development
 - (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
 - (e) Wheel washing facilities
 - (f) Measures to control the emission of dust and dirt during construction
 - (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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14. The development shall not be brought into use until the visibility splays at the access have been provided in accordance with the approved drawing. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of one metre above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

15. No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The development shall not be brought into use until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. 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 with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. No development shall take place until details of a Delivery Management Plan have been submitted to and approved in writing by the Local Planning Authority. Thereafter the Delivery Management Plan shall be adhered to and retained for the purposes of deliveries to the store at all times.

Reason: To ensure that there is adequate and safe manoeuvring and parking space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan.

17. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To promote cycling by providing convenient and safe bicycle storage and to ensure that there is adequate and safe cycle parking and storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. The new shop shall not commence trading until all trading from the existing shop has ceased. Once trading has ceased the existing shop shall not be used for any other purpose other than agriculture unless permission has been granted in respect of a planning application.

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Reason: To prevent overdevelopment of the site and the and creation of a separate planning unit at Wickcroft Farm (in addition to that approved) would be unacceptable in the interests of ensuring a sustainable pattern of development. As well as to ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS10, CS11, CS13 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

19. The development shall not be brought into use until the proposed footpath has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To promote walking and cycling by providing an off road route from Theale to the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

This decision has been taken having regard to the policies and proposals in the West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 2001-2016 (BSP), the Waste Local Plan for Berkshire 1998-2006, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

INFORMATIVE:

1. The applicant's attention is drawn to the fact that any conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met.
3. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the **Customer Call Centre** on: 01635 519111
4. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be

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a development which improves the economic, social and environmental conditions of the area.

5. To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
 - a. In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
 - b. Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (out side the canopy drip line) and down hill of the trees if on a slope, to avoid contamination of the soil.
 - c. To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
 - d. If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil
 - e. If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
 - f. If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.
6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

17. **Appeal Decisions relating to Eastern Area Planning**

Members noted the outcome of appeal decisions relating to the Eastern Area.

18. **Site Visits**

Members noted that the next Site Visits would take place on Tuesday 28th July at 9:30am.

(The meeting commenced at 6.35 pm and closed at 9.40 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	13 Week Date	Proposal, Location and Applicant
(1)	15/00974/COMIND Ufton Nervet	27 th July 2015	Erection of new overbridge to replace the level crossing, including raised embankments to carry a two way single carriageway road and footway on the north and south approaches to the bridge forming a new section of Ufton Lane, with associated drainage and planting. Level Crossing, Ufton Lane, Ufton Nervet, Reading Network Rail

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/00974/COMIND>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member(s): Councillor Graham Bridgman
Councillor Mollie Lock

Reason for Committee Determination: Call-in from Councillor Geoff Mayes

Committee Site Visit: 28th July 2015

Contact Officer Details

Name: Bob Dray
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: BDray@westberks.gov.uk

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the erection of a new bridge over the railway to replace the existing level crossing on Ufton Lane, Ufton Nervet. The proposed development includes raised embankments to carry a two way single carriageway road and footway on the northern and southern approaches to the bridge, and thus forming a new section of Ufton Lane. Associated drainage and landscaping is also proposed.
- 1.2 The application site is located on Ufton Lane, which runs in a south-easterly direction from the A4 Bath Road leading to Ufton Green and provides access to further settlements beyond, including Ufton Nervet, Sulhampstead, Burghfield Common, and surrounding countryside. The road crosses the railway at the existing half-barrier level crossing, and then the Kennet and Avon Canal and River Kennet via a bridge to the south-east.
- 1.3 The land to north-east of Ufton Lane is predominantly open agricultural fields. On the south-western side of Ufton Lane there are a number of uses including: a livery stud (A4 Stud and Stables) adjacent to the junction with the A4, a commercial plant nursery and associated residential use (Tree World Nursery) adjacent to the northern side of the railway, and two residential properties (Lock Cottage and Lock House) some 125 metres south of the railway line. There are currently two memorial gardens: one on the northern side of the railway and west of the Network Rail compound, which is accessed via a path between the compound and Tree World Nursery; the other on the southern side of the railway on the western side of Ufton Lane adjacent to the railway line.
- 1.4 The application site includes the existing approaches to the level crossing on Ufton Lane, and an area of agricultural land to the north-east of the road where it is proposed to construct the bridge off-line.
- 1.5 In planning policy terms the site is located in open countryside within the East Kennet Valley. The site is outside, but within the setting of, the North Wessex Downs Area of Outstanding Natural Beauty, the boundary of which runs along the northern side of the A4. The Kennet and Avon Canal towpath is a public right of way that runs roughly parallel with the railway line and from which there are views of the application site.
- 1.6 The existing level crossing is controlled by an automatic half barrier, which has a history of incidents. According to the application documents, the proposed development seeks to provide a separate crossing for vehicles and pedestrians, removing them from the railway level crossing and minimising the risk of future collisions, incidents and deliberate acts of obstruction.
- 1.7 The proposed development comprises a single span bridge measuring approximately 540 metres in length and 50 metres in width (at its widest point), including associated approaches and embankments. The gauge clearance between the railway line and the underside of the bridge would be 5.2 metres (as amended). The maximum height of the embankment would be 7.3 metres. The total site area is approximately 22,910 square metres, or 2.29 hectares. The proposed bridge would carry a two-way single carriageway road and footway,

forming a new section of Ufton Lane. The existing lane would be stopped up with secure fencing either side of the railway line, closing the level crossing.

- 1.8 The proposed bridge comprises pre-cast concrete beams with transverse glass fibre reinforced concrete (GRC) permanent formwork planks. The deck would be cast in-situ with reinforced concrete with 1.8 metre brick sandwich parapets, which will continue 3 metres either side of the deck. The parapets are designed to standards to accommodate an electrified railway. Steel vehicle containment barriers would extend out either side of the parapets.
- 1.9 Since submitting the planning application Network Rail have decided to remove the memorial garden to the south of the railway and intend to incorporate it into the memorial garden on the northern side. Any alterations to the northern memorial garden will be progressed separately to this application. As a consequence, access to the southern memorial garden is no longer necessary, so the second set of amendments to the application included the complete removal of the existing lane on the southern side of the railway, and the omission of plans to provide a parking lay-by on the southern approach road.
- 1.10 Separate from the proposed replacement of the level crossing is the future electrification of the Great Western Mainline, including the Newbury Spur. This modernisation is expected in April 2016. The proposed bridge has been designed to provide adequate gauge clearance between the existing railway track and the underside of the bridge for the future installation of Overhead Line Equipment (OLE).

2. PLANNING HISTORY

- 2.1 There is no relevant planning history on the site in relation to the proposed development.

3. EIA & PUBLICITY

- 3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Prior to submitting the application Network Rail requested an EIA screening opinion from the Council (reference 14/03194/SCREEN), where it was determined that the proposed development was not EIA development and therefore EIA was not required.
- 3.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) requires in the case of an application for planning permission for development which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies, the application shall be publicised by giving requisite notice:
 - (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; and
 - (b) by publication of the notice in a newspaper circulating in the locality.

- 3.3 Otherwise, the DMPO requires in the case of an application for planning permission for major development, the application shall be publicised by giving requisite notice:
- a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier; and
 - b) by publication of the notice in a newspaper circulating in the locality.
- 3.4 The publicity undertaken by the Council has been in accordance with the DMPO and the West Berkshire Council Statement of Community Involvement. A 'major application' site notice was displayed adjacent to level crossing, and a 'right of way' site notice was displayed adjacent to the towpath, both on 01/05/2015 to expire on 22/05/2015. Neighbour notification letters were sent to 62 nearby addresses. The application was also listed in a public notice (under headings for both 'major development' and 'development affecting a public right of way') in the Reading Chronicle on 07/05/2015 and the Newbury Weekly News on 14/05/2015.
- 3.5 Although not a legal requirement, the National Planning Policy Framework (NPPF) also encourages early engagement and consultation by the applicant. The application is accompanied by a Statement of Community Engagement, which outlines the process of community engagement undertaken by Network Rail prior to submitting the planning application. This includes pre-application discussions with Council officers and members, parish councils, the Environment Agency, landowners, neighbours, and the general public. A public exhibition was also held at Sulhampstead Village Hall on 21 April 2015.
- 3.6 The proposal has been amended twice during the consideration of the application. The principal change of the first amendment was to the proposed road alignment to achieve a 57 metre forward visibility for vehicles, and a lowering of the overall bridge soffit height to a clearance above the railway line of 5.2 metres; there were also minor changes to junction visibility, the provision of a turning head, a pathway, lay-by, and corresponding adjustments to landscaping and drainage.
- 3.7 The second set of amendments addressed issues raised by officers on ecological, highways and landscape matters, the submission of ecological surveys, and changes to the design to reflect the omission of the access to the southern memorial garden that is now proposed to be incorporated into the northern memorial garden.
- 3.8 On both occasions interested parties have been consulted on the amended scheme. As a result those likely to be affected have had the opportunity to have their views taken into account on the amendment. The fundamental proposal remains in accordance with the original application. In these circumstances it is considered that the amendment can be accepted without causing prejudice to any interested party, and the application is to be determined on the basis of the amended plans.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Ufton Nervet Parish Council (PC):	No response
Sulhampstead PC:	No objections. Please note that we would like the developer to consider the approach roads to the bridge, which are currently single track roads.
Padworth PC:	No objections.
Beenham PC:	No objections.
Burghfield PC:	Support.
Englefield PC:	No response
Stratfield Mortimer PC:	Object: bridge appears to be excessive for such a little-used crossing.
Office of Rail and Road (represents Secretary of State):	No objections. No further comments to revisions.
Highways England (represents Secretary of State):	No objections.
Network Rail:	Support.
First Great Western:	No response.
Transport Policy:	Support principle of development and provision of pedestrian facilities.
Local Highways Authority:	Detailed comments (see Section 6.3), conditional permission.
Environment Agency:	No objection, conditional permission.
Lead Local Flood Authority:	No objections in principle.
Canals & Rivers Trust:	No objections. No comments to revisions.
Kennet & Avon Canal Trust:	No comments on design, comments on construction impacts.
Landscape Consultant:	No objections.

North Wessex Downs AONB:	No response.
Ecology:	Conditional permission.
Environmental Health:	Conditional permission.
Thames Water:	Detailed comments to protect apparatus.
Thames Valley Police:	No response.
Archaeological Officer:	Conditional permission.
Rights of Way Officer:	No response.
Access Officer:	Satisfied with approach road gradient.
Minerals & Waste:	No objections.
Ramblers Association:	No response.
West Berkshire Spokes:	No response.

4.2 Representations

Total: 8 Support: 5 Object: 3

Summary of support

- Replacement of Ufton Nerve Level Crossing is necessary given history of incidents;
- Replacement of Ufton Nerve Level Crossing should be prioritised over the replacement of other level crossings;
- Those related to the 2004 crash have campaigned for the half-barrier crossing to be replaced by a bridge, proposals would therefore be welcomed;
- Prevention of death and injury in the future;
- Reduced delays for rail travellers caused by incidents on level crossings;
- Improve traffic flows;
- Landscaping would mitigate any negative visual impacts;
- Positive impact on local environment;
- Any short-term disruption is worth the safety improvements;
- Support the retention of a memorial garden;
- Support for the proposals for improved access and parking to the northern memorial garden.

Summary of objection

- Reservations about need for a bridge;
- Less expensive solutions exist;
- Less disruptive solutions exist;
- Potential for inappropriate uses on existing lane if left abandoned;
- Impact on adjacent livery business (access, overlooking, privacy, security, economics);
- Reservations about the suitability of the bridge for equestrian users;

- Construction disturbance;
- Accessibility for local properties during construction (including emergency access);
- Blight views from neighbouring properties across Kennet Valley;
- Replacing crossing with bridge would allow increased speeds of traffic that currently experienced;
- Negative effect on local wildlife.

5. PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan comprises:
- The West Berkshire Core Strategy (2006-2026)
 - The West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
 - The Replacement Minerals Local Plan for Berkshire (2001)
 - The Waste Local Plan for Berkshire (1998)
- 5.2 The National Planning Policy Framework (NPPF) was published in March 2012. The Framework sets out Government planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions.
- 5.3 The Planning Practice Guidance (PPG) was published on 6 March 2014. The Planning Practice Guidance is a material consideration for all planning decisions. It provides guidance on procedural matters (including planning conditions and obligations), and on numerous material planning considerations.
- 5.4 The following other material considerations are relevant to this application:
- North Wessex Downs AONB Management Plan 2014-2019
 - Manual for Streets (DfT; March 2007)
 - Manual for Roads and Bridges (DMRB), specifically TD 9/93
- 5.5 The West Berkshire Core Strategy was adopted on 16 July 2012 and carries full weight in decision-making as a development plan document adopted since the publication of the NPPF. The following policies from the Core Strategy are relevant to this application:
- NPPF Policy
 - ADPP1: Spatial Strategy
 - ADPP6: The East Kennet Valley
 - CS5: Infrastructure Requirements and Delivery
 - CS13: Transport
 - CS14: Design Principles
 - CS16: Flooding
 - CS17: Biodiversity and Geodiversity
 - CS18: Green Infrastructure
 - CS19: Historic Environment and Landscape Character
- 5.6 The saved policies of the West Berkshire District Local Plan carry due weight according to their degree of conformity with the NPPF. The following saved policies from the Local Plan are relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control

- OVS.6: Noise Pollution
- OVS.7: Hazardous Substances
- OVS.8: Hazardous Substances
- TRANS.1: Meeting the Transport Needs of New Development

5.7 The policies of the Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) carry due weight according to their degree of conformity with the NPPF. The following policies from the Berkshire Minerals Plan are relevant to this application:

- Policy 1
- Policy 2

5.8 In addition, the following locally and regionally adopted policy documents are material considerations relevant to this application:

- Planning Obligations SPD
- Quality Design SPD

6. APPRAISAL

6.1 Principle of development

6.1.1 To the extent that development plan policies (detailed in Section 5 of this report) are material to an application for planning permission the decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004).

6.1.2 The National Planning Policy Framework (NPPF) is a material consideration. It stresses the importance of having a planning system that is genuinely plan-led. However, the NPPF has a presumption in favour of sustainable development that provides for where the development plan is absent, silent or relevant policies are out-of-date, the Framework says planning permission should be granted unless:

- any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted, including sites protected under the Birds and Habitats Directive, Sites of Special Scientific Interest, Local Green Space, AONB, designated heritage assets, and locations at risk of flooding.

6.1.3 Firstly, therefore it is necessary to establish whether the Development Plan contains relevant up-to-date policies insofar as it relates to this application, and therefore whether the primacy of the Development Plan can be relied upon to decide this application. In this case, Policies ADPP1, ADPP5, ADPP6, CS5 and CS13 are considered pertinent to the principle of development.

6.1.4 Core Strategy Policy ADPP1 sets the overall spatial strategy for development in West Berkshire. It seeks to focus the majority of development within the defined settlements and on previously developed land. In this context the application site is defined as open countryside, and Policy ADPP1 states that only appropriate limited

development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy. The need for the development is examined in Section 6.2 of this report, but in summary it is considered that the identified need is sufficient to conclude that the proposed development is appropriate limited development in the context of Policy ADPP1.

- 6.1.5 Core Strategy Policy ADPP5 sets the spatial strategy for development in the North Wessex Downs AONB. Whilst the proposed development falls outside this area, the proposed development is within the immediate setting of the AONB. Recognising the area as a national landscape designation, the policy states that development will conserve and enhance the setting of the AONB (amongst other features and components of its natural beauty). The impact on the setting of the AONB is examined in Section 6.4 of this report.
- 6.1.6 Core Strategy Policy ADPP6 sets the spatial strategy for development in the East Kennet Valley. In terms of accessibility the policy is generally supportive of improving public transport links within the area, but it is silent on the specific matter of replacing Ufton Nervet Level Crossing with a bridge. In terms of environmental considerations, the policy does state that development in the open countryside will be strictly controlled. It is therefore considered that the proposed development does not conflict with this policy in principle, but appropriate weight must be given to environmental considerations in the determination of the application.
- 6.1.7 Core Strategy Policy CS5 states “the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision ... and will seek to co-ordinate infrastructure delivery, whilst protecting local amenities and environmental quality.” Whilst the replacement of Ufton Nervet Level Crossing with an overbridge is not included within the Council’s Infrastructure Delivery Plan, it is considered that Policy CS5 supports the principle of providing infrastructure for which there is a demonstrable need.
- 6.1.8 Core Strategy Policy CS13 states “development that generates a transport impact will be required to: improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities (amongst others).” Road safety in West Berkshire is a key consideration for all development. Particular focus should be given to the safety of pedestrians, cyclists, equestrians, and other vulnerable road users. The identified need for the proposed development (examined in Section 6.2 of this report) derives from public safety considerations, and therefore it is considered that the proposed development complies with this policy in principle.
- 6.1.9 Overall, it is considered that the relevant policies of the Development Plan are generally supportive of the principle of development. The Development Plan is silent on the specific matter of replacement Ufton Nervet Level Crossing with an overbridge, and the proposal is not included within the Council’s Infrastructure Delivery Plan. The Development Plan does, however, provide a clear framework for balancing the relevant considerations (e.g. infrastructure delivery and environmental protection). Having due regard to the presumption in favour of sustainable development, it is considered that the principle of the proposed development is acceptable.

6.1.10 Transport policy officers are supportive of the principle of closing the existing level crossing and replacing it with an overbridge. Network Rail has briefed Members of the Transport Policy Task Group and engaged with the local community in terms of the design of the proposed structure and the rationale for the selection of the overbridge as the preferred solution. In terms of the design of the bridge, the provision of pedestrian facilities in the form of footways is also welcomed by transport policy officers.

6.2 Need

6.2.1 In cases where a *planning need* has been identified, it is capable of being a material planning consideration that may be given due weight in determining a planning application. In this case, the need for the development has not been established in the Development Plan, and therefore consideration must be given as to whether the purported need does equate to a *planning need* and, if so, what weight the need should be given in the planning balance.

6.2.2 Public safety is clearly a material planning consideration; a multitude of case law confirms that the proximity of health or safety risk features (e.g. railway lines) is capable of being a material consideration where there is evidence of a residual risk.

6.2.3 The Planning, Design and Access Statement (PDAS) that accompanies the planning application states that the proposed scheme results from a requirement to improve safety at the existing level crossing. The level crossing was the site of a derailment and multiple fatality incident on 6 November 2004, as a result of a vehicle obstructing the level crossing. Since this time, a further four fatalities and a number of attempted suicides have occurred.

6.2.4 Due to the history of fatal incidents occurring at this crossing, replacement with a single carriageway bridge is Network Rail's preferred option, providing a crossing with the highest safety levels for all users. Network Rail states that by removing vehicles and pedestrians off the railway line, the occurrence of future incidents will be significantly minimised.

6.2.5 The PDAS details the options that Network Rail has considered prior to making the planning application. These include:

1. 'Do Nothing'
2. Renew to Automatic Half Barrier
3. Renew to Automatic Barrier Crossing
4. Renew to Manually Controlled Barrier Object Detection
5. Renew to Manually Controlled Barrier CCTV
6. Closure of the Level Crossing
7. Closure of the Level Crossing, with new Pedestrian Bridge
8. Closure of the Level Crossing, with new Underpass/Underbridge
9. Closure of the Level Crossing, with new Bridge

6.2.6 Option 9, closure of the level crossing with the provision of a grade-separated bridge, was selected by Network Rail as the preferred option. The PDAS states this option would provide the safest level of crossing, by virtue of grade-separation between the railway and road-users. Although a full-width barrier crossing may initially appear to be sensible from a financial perspective, the PDAS advises that it still carries forward a much higher risk when compared to Option 9.

- 6.2.7 Whilst there has been no in principle objections from the local community to replacing the existing half-barrier level crossing, during both pre-application consultation and the formal application representations have been made suggesting that other options would be more cost effective, quicker to implement, proportionate, and less intrusive. Other suggested options include an automatic full barrier crossing or a manually controlled full barrier crossing.
- 6.2.8 Overall, it is considered that a substantive case has been put forward by Network Rail to demonstrate that there is a clear planning need for the development, having taken into account the alternative options. A strong argument has been put forward that the replacement with a new bridge is by far the safest option. Given the clear safety concern that exists at this location, it is considered that the resultant improvements to public safety attract considerable weight in the determination of this application.
- 6.2.9 It must be stressed that the decision on this planning application must be determined on planning grounds. Network Rail is responsible for determining the most appropriate solution on health and safety grounds, and have concluded that a bridge is the best option. As the Local Planning Authority, the Council should only consider the application before it, and focus its considerations on the planning merits of the proposed development. This can include giving due weight to the identified planning need on the understanding that alternative options have been considered and discounted.

6.3 Highway matters

- 6.3.1 The detailed design of the bridge has evolved following lengthy negotiations between Network Rail and the Local Highways Authority. In order to avoid any loss of detail, the final full comments of the highways officer are repeated below. Overall, on the basis of these comments it is considered that the proposed development is acceptable in respect of highway safety and other highway considerations, and therefore the proposal complies with Core Strategy Policy CS13. It should be noted that the management of the road closures required to facilitate the works, and other consents such as the legal process of stopping up the public highway, are governed by separate legislation; it is not the purpose of the planning system to duplicate these controls.

Overview

- 6.3.2 This application proposes to replace the existing level crossing at Ufton Nervet with a road bridge over the railway. The level crossing would subsequently be taken out of use. With traffic no longer using the short sections of lane either side of the crossing and depending on the remaining uses along these sections, there may be scope to amend the nature of the carriageway, including down-grading and/or stopping up. There will only be a footway on one side of the bridge but as there are no footways on either of the existing approaches (on the lane) this seems acceptable.

Southbound approach to the bridge

6.3.3 The current speed limit on Ufton Lane is National, i.e. 60mph for a single carriageway. The same limit applies on the adjacent A4. Consequently, vehicles approaching Ufton Lane from the north along the A4 will probably have been travelling at high speed. It follows that as there is no change in the speed limit as vehicles enter Ufton Lane, some drivers may attempt to resume their previous high speed. From the south, vehicles will have negotiated the narrow Ufton Bridge before approaching the level crossing. This bridge has the effect of slowing vehicle speeds and so one may expect drivers to approach the level crossing at a slower speed than from the north.

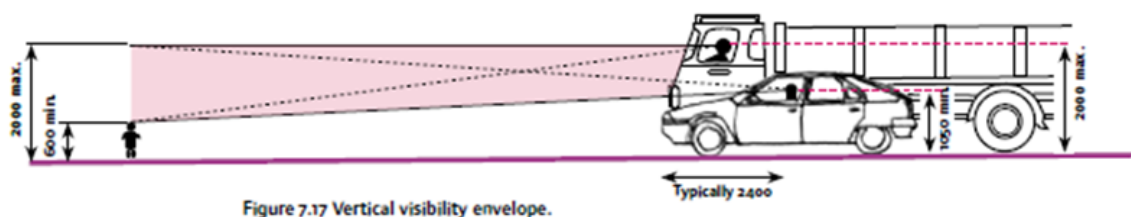
Original proposed design

6.3.4 The proposed forward visibility on the bridge was originally 40m. Manual for Streets' (MfS) states that for this distance, as a sight stopping distance (SSD), equates to a vehicle speed of 28mph. The application stated that a SSD of 40m equates to 30mph in MfS. However, the issue of bonnet length must also be considered, in accordance with MfS paragraph 7.6.4, which appears to explain the 2mph discrepancy of 28mph and 30mph (Figure 1).

Figure 1 - Section 7.6.4 from MfS:

7.6.4 The SSD figure relates to the position of the driver. However, the distance between the driver and the front of the vehicle is typically up to 2.4 m, which is a significant proportion of shorter stopping distances. It is therefore recommended that an allowance is made by adding 2.4 m to the SSD.

Figure 2 - Figure 7.17 from MfS helps clarify the issue of bonnet length:



6.3.5 Based upon the scenario of vehicles entering Ufton described above, it appears the 85th percentile speed is likely to be higher than 30mph. Indeed, a speed survey conducted north of the level crossing on Ufton Lane, over a week in August 2013 identified the following 85th percentile speeds:

- Southbound - 36mph
- Northbound - 35mph

Application of DMRB vs MfS

6.3.6 Two different highway standards are potentially available in relation to the propose development. Consideration has been given to whether the forward visibility should be in accordance with the Design Manual for Roads and Bridges (DMRB), specifically TD 9/93, or Manual for Streets (MfS). MfS2 states at 1.3.7:

“...in rural areas many parts of the highway network are subject to national speed limit but have traffic speeds significantly below 60mph...in these situations where speeds are lower than 40mph, MfS SSD parameters are recommended.”

- 6.3.7 It is apparent from the results of the speed survey that, in terms of SSD, MfS is the more appropriate guidance to follow rather than DMRB. However, consideration has also been given to the potential for the bridge to generate higher speeds as drivers may accelerate to negotiate the bridge ramp. For this reason, a Road Safety Audit (RSA) was required, to afford a degree of robustness to the choice of MfS SSD rather than following the SSD recommended in DMRB.
- 6.3.8 From MfS the survey speeds require a SSD of approximately 57m (with bonnet length). Whilst it is recognised there is some horizontal deflection for southbound vehicles as they approach the bridge, there were concerns that the level of deflection was too minor to cause vehicle speeds to reduce from the recorded approach speed of 36mph to the proposed 28mph. Consequently, the originally proposed forward visibility was insufficient based upon the degree of deflection and consequential effect this may have on vehicle speeds.

Carriageway – south side of crossing

- 6.3.9 It has transpired during the consultation period that the memorial garden on the south side will be relocated to the north side of the track. Consequently, public right of access is not required on the old section of the lane on the south side of the crossing and this section can be stopped up, the surfacing broken up and grass or similar planted.
- 6.3.10 Whichever surfacing is deemed the most appropriate, it is essential that it is not left as a carriageway as this could become a liability for Highways, as it could be used inappropriately, for example by Travellers. Should Network Rail (NR) seek access to the track side a gate/fence will need to be provided here, maintained by Network Rail. However, there is already an existing NR compound on the adjacent north side.

Carriageway – north side of crossing

- 6.3.11 On the north side of the crossing, the old carriageway serves some properties plus the existing remembrance garden adjacent the railway line. To cater for these residents, and the visitors to the garden, the north side must not be stopped up. However, a turning head must be provided by the line, to allow visitors' and other vehicles to turn. A gate or fence must also be provided, where the carriageway meets the line, to prevent access to the railway by the general public.

Design Speed

- 6.3.12 A reduction in the posted speed limit to 30mph is not considered to be a requirement as part of the current proposals. It is appreciated that it is referred to in the submissions made by the applicant, but only as a potential requirement. As West Berkshire Council has no justification or reasoning to reduce the speed limit, it should not be considered an issue in the determination of this application.

6.3.13 With respect to the RSA this change in speed limit was not mentioned in the RSA Brief. Highway officers would not wish the audit team to have been under the impression that the speed limit would be lowered as this may have influenced their views on the issue of forward visibility and any other safety issues. Consequently, should the team identify a Problem with a Recommendation that includes a reduction in speed limit, this may help the case for reducing the speed limit.

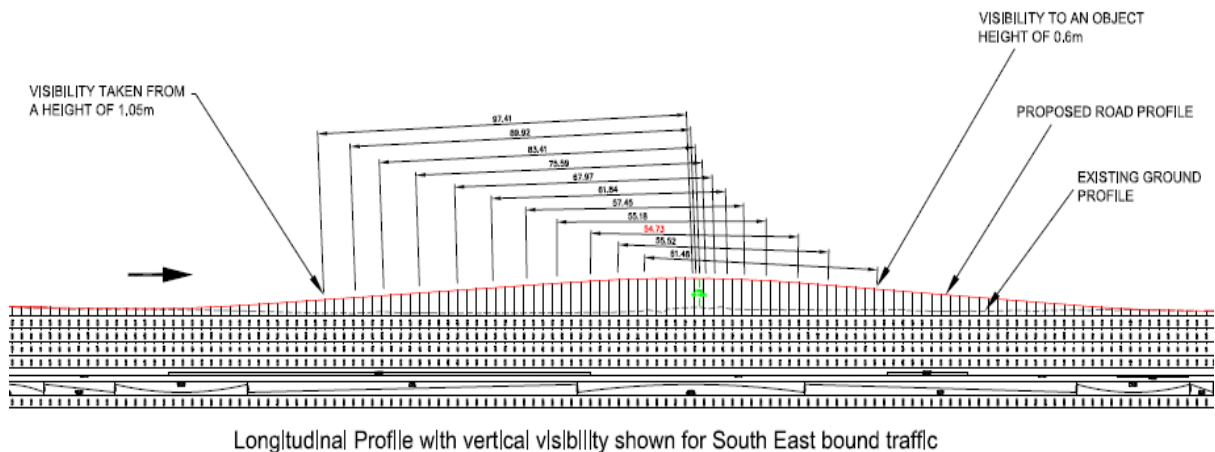
Revised design - Road Safety Audit

6.3.14 The generic RSA guidance has recently been updated, to 'HD19/15' and the RSA report states the audit was conducted in accordance with these guidelines. In terms of SSDs it is considered appropriate for the RSA team to conduct the audit mindful of the appropriateness of MfS2, subject to the caveat within this guidance concerning vehicle speeds not exceeding 40mph.

6.3.15 The revised design included longer forward visibility distances, with a view to achieving at least 57m and potentially more should the RSA identify a forward visibility Problem.

6.3.16 The shortest SSD proposed is 54.73m, which at less than three metres short on the required distance is a negligible distance. Furthermore, this shortfall occurs at only one point on the bridge, as the vertical alignment affords greater distances either side with the majority of the alignment providing forward visibility distances in excess of 60m. Refer to the two figures below that show snap shots of a long profiles drawing.

Figure 3 – Snap shot of the proposed forward visibility for southeast bound vehicles, taken from drawing no. 5128351-ATK-DRG-HW-001005 rev.A02:



Magnified to enhance legibility:

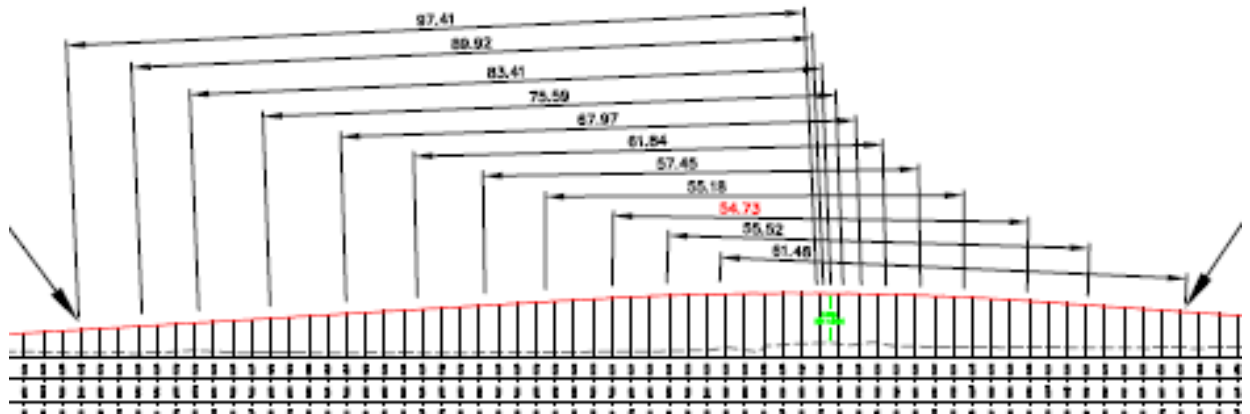
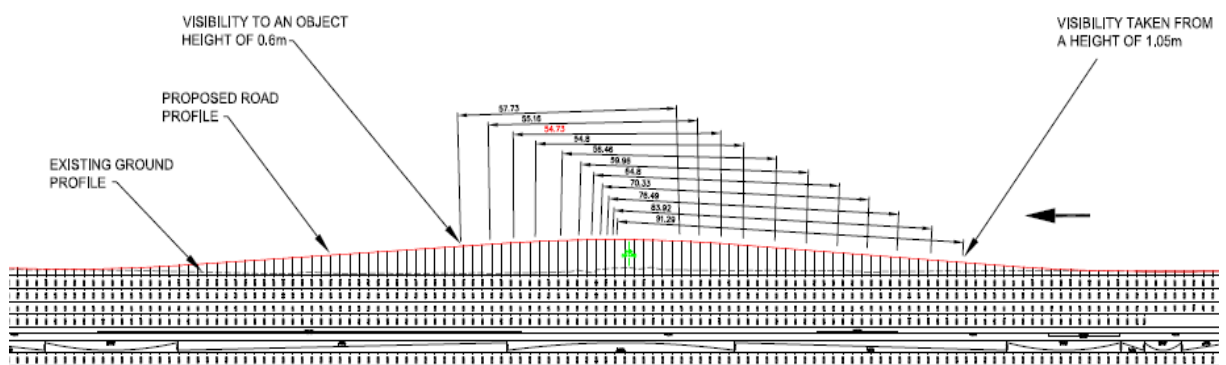
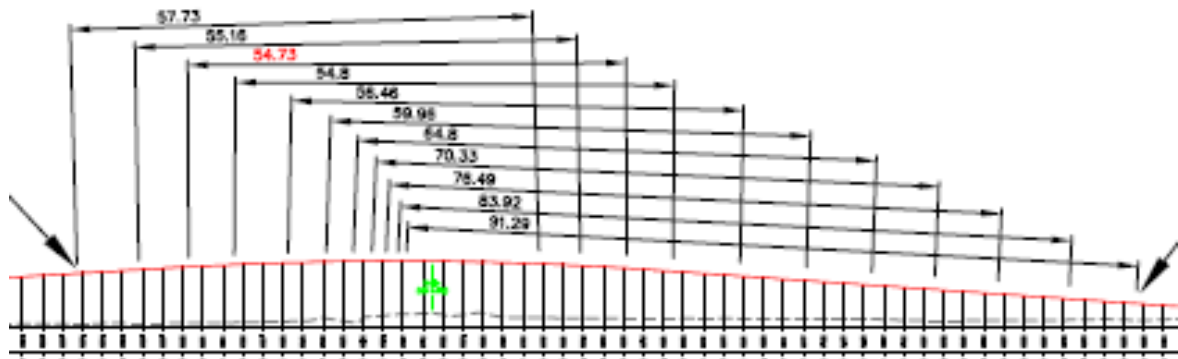


Figure 4 – Snap shot of the proposed forward visibility for north west bound vehicles, taken from drawing no. 5128351-ATK-DRG-HW-001005 rev.A02:



Longitudinal Profile with vertical visibility shown for North West bound traffic

Magnified to enhance legibility:



Road Safety Audit Problems

6.3.17 The RSA identified two “Problems”. Firstly, an issue with forward visibility (as anticipated). However, the RSA has not recommended extending the forward visibility or SSD but rather a risk assessment and to provide features to help control vehicle speeds. Consequently, the highways officer has suggested a planning condition to address these two recommendations. The highways officer is minded to have the appearance of the bridge as rural as possible, with the carriageway width not physically narrowed but rather virtually narrowed with markings and landscaping.

6.3.18 Secondly, an issue with HGV turning, should an HGV driver mistakenly enter the 'old' lane (north side) and be unable to turn in the small turning head. This Problem can be managed with appropriate signing. Highways officers are reluctant to have a large turning head for the very rare times this is expected to happen as a larger area could become a liability and potential for inappropriate use (e.g. overnight parking).

6.3.19 In summary, the RSA did not identify any highways' issues of sufficient weight to justify a recommendation for refusal.

Parapet height

6.3.20 One query identified during the consultation process concerned the parapet height, proposed as 1800mm. It had been questioned whether this is the correct height and whether 1850mm is not the current standard. However, Network Rail confirmed 1.8m is correct, whereas previously it had been 1.55m (until about a year ago).

Accidents

6.3.21 Since 2001 on Ufton Lane there have been no recorded PIAs on the Council's AccsMap database, excluding its junction with the A4.

Equestrians

6.3.22 Highway officers are aware there has been concern regarding access for equestrians. If approved, the bridge will be constructed the same as any other road bridge over a railway, so no specific obstacles to equestrians as expected, no more than on any other rural bridge or road. The level crossing would remain open until the bridge is fully open, so highway officers do not foresee any restrictions in terms of crossing the railway line.

Canal bridge - turning point for HGVs

6.3.23 The canal bridge has a weight limit of 3 tonnes; hence currently any HGVs that have mistakenly approached the bridge (from the north) are able to make use of a private access just north of the bridge, which unofficially allows them to turn. This facility is private and as such West Berkshire Council has limited control of its continued availability as an informal turning area. However, highway officers confirm the alignment of the bridge will not impact on this turning facility.

Conclusion to highway matters

6.3.24 It has been identified above the appropriate formula to calculate SSDs for the current layout of Ufton Lane should be that prescribed in MfS rather than DMRB. Subsequently, an assessment has been conducted to identify whether the replacement of the crossing with a bridge will encourage different vehicle speeds, including those that could be higher than recently surveyed. On the basis that speeds will remain unchanged should the bridge be in place, then there would be a maximum shortfall in forward visibility of less than three metres, reducing elsewhere on the bridge but in the majority SSDs exceeding 60-70m will be provided. To confirm, this shortfall is negligible for any SSD, piling in to insignificance with a

longer SSD, as is the case here. It follows that the RSA team have not recommended revised elevations or alignments but rather that a risk assessment be conducted with a view to providing carriageway and roadside features that will help control vehicle speeds to meet the available SSDs.

6.3.25 For the reasons given above and having regard to all other matters raised, highway officers consider that should the application be refused on the grounds of insufficient forward visibility that this decision could not be robustly defended at an appeal. Consequently, highway officers recommend approval subject to conditions.

6.4 Landscape and visual impact

6.4.1 The Spatial Strategy for the area (Core Strategy Policies ADPP1, ADPP5 and ADPP6) makes clear that the landscape and visual impacts of the proposed development, including the impact on the setting of the AONB, is a significant material consideration. Furthermore, Core Strategy Policy CS14 requires all new development to respect and enhance the character and appearance of the area.

6.4.2 Core Strategy Policy CS19 sets the framework for assessing the impact on landscape character. It states that particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.4.3 The site lies within the flat pastoral landscape of the Kennet Valley to the north of the Kennet and Avon Canal. To the north the A4 runs west to east beyond which lies the lower flatter land and rising escarpment of the North Wessex Downs AONB which at its nearest point is adjacent to the northern edge of the site (red line boundary). To the south the land again rises up to the escarpment at Ufton Nervet around a 1km from the southern edge of the site. The site includes the existing road and railway crossing and land within an open field to the east of the site.

6.4.4 Landscape features include arable farmland and hedgerows along the roadside. The local landscape is characterised by medium sized fields under pasture or arable use; groups of poplars along the Kennet and Avon Canal corridor and within the Tree World premises; hedgerows, and hedgerow trees.

6.4.5 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), and the Council has employed a Landscape Architect Consultant to independently assess the landscape and visual impacts of the proposal. The remainder of this section comprises the assessment of the Landscape Architect Consultant.

Landscape character assessments

6.4.6 Policy CS19 refers to published landscape character assessments to inform decision taking. The LVIA does not consider the local landscape character assessments and their guidance, but an assessment has been provided by the Landscape Architect Consultant.

6.4.7 Within the North Wessex Downs Landscape Character Assessment 2002, the site is adjacent to LCA8A: Hermitage Wooded Commons. The setting of LCA8A is the

Kennet Valley, within which the site lies, but primarily the description of the key characteristics and key issues for this area are not relevant to the Kennet Valley. However the management objective is to conserve and enhance the quiet secluded character of this part of the AONB and avoid loss of tranquillity. The busy A4 however separates the AONB from the site and already affects the local tranquillity as does the railway line. The AONB is very visible from the site but due to vegetation cover and folds of the topography in the rising escarpment, public viewpoints from the AONB of the valley floor at Ufton Lane are very limited.

- 6.4.8 Within the Newbury District-wide Landscape Character Assessment 1993, most of the site, and proposed development, lies within LCT8: Kennet Valley but the northern part is within LCT17: Large Scale Valley Farmland. The key characteristics of LCT8 include its extensive broad flat river floodplain, matrix of woodland, pasture and arable land, important wetland habitats, major communications, cross routes characterised by a series of small hump-backed bridges and an intimate enclosed to semi-enclosed quality. The strategy is conservation with a high priority for detailed conservation and rigorous control of development. Any permitted development should be small in scale and appropriate to its setting. New planting is encouraged to screen existing development. The guidance also refers to the need to avoid erosion of local character through the widening and straightening of roads. At present Ufton Lane is already a straight road but it is fairly narrow and contained by hedgerows.
- 6.4.9 Within the Berkshire Landscape Character Assessment 2003, the site lies in LCAB1: Lower Kennet Lower Valley Floor. Key features include the flat and open broad river corridor; the canal; pastoral farmland and large arable fields; deciduous woodland; wetland habitats and the transport networks. The strategy is to conserve and restore the open farmed character. This includes enhancing the traditional landscape pattern and seeking opportunities for recreation of wetland habitats. The strategy also requires conservation and enhancement of the visual qualities of the river and canal corridor. The main attributes to be maintained include the open undeveloped context of the floodplain landscape, views down the floodplain and the rural context. The site sits next to Tree World which has already affected the above qualities but nonetheless it is important to protect the valley floor from further visual intrusion from new development.

Views of the site

- 6.4.10 The existing railway crossing level with its surroundings and therefore visible only where the local vegetation allows. The principal views of the site are from the AONB edge at Lambdens Hill and the road approach southwards from the A4; from the road approach from the south and Lock Cottages; and from the canal and its towpath east of the lock. The LVIA identifies these as viewpoints. Viewpoint and photomontage 8 is not the closest view of the proposed development from the canal but can be considered as representative.
- 6.4.11 There are also views from the A4 approach to Ufton Lane from the east through the gaps in the hedgerow (viewpoint and photomontage 10) and views from the canal to the west of the lock (viewpoint and photomontage 9). Views from the A4 running west of Ufton Lane are screened by vegetation. No long distance views from the AONB escarpment have been found.

Landscape character impacts

- 6.4.12 The key landscape issues to examine are considered to be: the impact on the setting of the AONB; the impact on the characteristic features of the Kennet Valley, and Kennet and Avon Canal landscape corridor; and the visual impact on the AONB, canal and users of the rural road network.
- 6.4.13 Overall, the Landscape Architect Consultant considers the landscape and visual impact to be fairly localised, and that the harm would have to be significant to override the need for the crossing. The original submissions resulted in unacceptable loss of hedgerows and did not provide sufficient mitigation to resolve the visual impacts or to integrate the scheme into the wider landscape.
- 6.4.14 Following discussions with Network Rail and recommendations for additional hedgerow and tree planting, revised proposals for the landscape scheme have been submitted. These revised plans addressed the above concerns as follows:
1. The revised plans ensure that as much as possible of the existing hedgerows can be retained, except where the route will divert from the current alignment. New hedgerows are proposed along either side of the new road alignment to retain the existing character of Ufton Lane;
 2. The steel parapets will be screened by the proposed hedgerows along the new road alignment;
 3. The opportunity to grade the eastern face into the field has been considered but the land take is constrained by the need to retain as much of the adjacent field as possible;
 4. The new plans show that the hedgerow along the road side will be planted up against the fencing and safety rails to ensure that it becomes a visual barrier as well as a screening element. Minor amendments to the hedgerow layout in the revised plans show the new hedgerows linking into the existing where possible;
 5. Additional tree planting of hedgerow trees and poplar groups has been added to the landscape scheme to tie the development into the landscape and help screen the bridge from views across the valley;
 6. The translocation of hedgerows has now been deleted from the scheme and new planting hedgerow proposed. The existing hedgerow is a mix of species (elm and hawthorn in the main) that would not warrant the expense of translocation. A greater level of successful reinstatement of the hedgerows can be achieved through the planting of new healthy plant stock;
 7. A single mature and the adjacent semi-mature aspen are to be retained.
- 6.4.15 The revised proposals will provide planting to mitigate the impact on the views from the north, and in particular from the edge of the AONB through retention of the hedge, a group of trees at the point where the new route diverges from the old, and new hedgerow planting alongside the outside edge of the proposed parapet leading to the bridge.
- 6.4.15 In views from the canal, the bridge will be softened in time by hedgerow trees along a new field boundary to the eastern boundary of the site at the foot of the embankment. The proposed hedgerow alongside the fencing along the bridge approaches will screen the road, cars and fencing over the bridge. Views from the west of the lock will be mitigated by hedgerow planting but the bridge will remain visible.

- 6.4.16 In views from the southern approach, as for the northern approach, the retention of hedgerows and new tree planting will break up and screen views of the bridge.
- 6.4.17 In terms of the wider landscape, although the new bridge will be visible in some views, not least from the canal, overall the scheme will retain the key characteristics of the immediate area, and would not be out of keeping with the pattern of hump-backed bridges along the valley floor. It will be seen in the context of Tree World Nursery and the existing (and future) rail infrastructure. The revised scheme goes a considerable way to minimise the landscape and visual impact and on balance the residual harm is not considered sufficient to justify over-riding the need for a safer crossing.
- 6.4.18 Consequently, subject to the amended plans and the imposition of conditions relating to landscaping, and a long-term landscape and ecological management plan, the Landscape Architect Consultant has no objection to the proposed development. On this basis, it is considered that the proposed development complies with Core Strategy Policies ADPP5, ADPP6 and CS19, and the landscape policies of the NPPF.

6.5 Neighbouring amenity

- 6.5.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.

Daylight and sunlight

- 6.5.2 A daylight analysis report accompanies the application, which determines the extent of any potential shading. No reason has been identified to doubt the soundness of this report. The report concludes that the buildings, including the mobile home, on the A4 Stud and Stables are located approximately 100 metres to the west-north-west of the closest part of the proposed embankment that exceeds the height of the hedgerow. The sun path is such that these properties would be unaffected by shadowing from the bridge.
- 6.5.3 Lock Cottage and Lock House are due south-east-east of the proposed bridge and approximately 160 metres from the tallest part of the structure. The report concludes that these properties would be unaffected by shadowing from the bridge.
- 6.5.4 Tree World Nursery consists of a number of structures and a car park adjacent to Ufton Lane, and fields and polytunnels set back from the lane. At its closest, the boundary is approximately 30 metres due west from the tallest part of the embankment for the proposed new bridge. Daylight analysis in the report indicates that shading from the proposed structure will affect the south eastern corner of the property for an average of approximately three quarters of an hour after sun rise, peaking at 1.5 hours in midsummer.
- 6.5.5 The south-eastern corner of Tree World Nursery contains open land and two buildings used for storage. There are no polytunnels, greenhouses or residential buildings in this area which would be overshadowed by the bridge. The limited

overshadowing of this area if the early morning is therefore not considered significant as to justify the refusal of planning permission.

- 6.5.6 The northern corner of the agricultural field would also experience a limited amount of shading shortly after sun rise for a similar duration to Tree World Nursery. Similarly, the limited area overshadowed for a short amount of time is not considered significant as to justify the refusal of planning permission.

Outlook / overbearing impact

- 6.5.7 The sheer overbearing character of a proposal is capable of being a material planning consideration. It is not the role of the planning system to protect private views as such, so an individual's view over neighbouring land of some distant object, building or scenery - as distinct from his or her more immediate dominance by a building - is not a material consideration, unless the view in question coincides with a public view that is important to protect. But where a development would interfere with the outlook from a habitable window, to the extent that the building would appear unduly intrusive and oppressive, then this is capable of being a legitimate consideration.
- 6.5.8 The proposed bridge and associated embankments would have a significant visual presence within the area. Lock Cottage and Lock House front onto Ufton Lane some 125 metres south-east of the railway line, by which point the proposed embankment would be roughly level with the existing road. The bridge and embankment would therefore not be dominant directly in front of either house. They would be visible in views to the north, but the height increases as it moves further away from the houses, therefore the impact is not considered so significant as to justify refusing planning permission.
- 6.5.9 The proposed bridge and embankments would be prominent due east from Tree World Nursery, but the road and embankment would be level to the existing road approximately level with the existing vehicular access into the nursery. Taking into account the intervening hedgerows and the layout of the site, it is considered that the visual impact on the nursery would not be so significant as to amount to material harm to an unacceptable degree.
- 6.5.10 Concern has been raised regarding the potential for overlooking of the adjacent livery business from the elevated bridge. Given the separation distances involved there is not considered to be a demonstrable overlooking impact that would harm neighbouring privacy and security.
- 6.5.11 Whilst concern has been raised, no demonstrable reasons have been identified to conclude that the proposal would have an adverse effect on the economics of any nearby business.

6.6 Development of agricultural land

- 6.6.1 The application site includes 1.7 hectares of agricultural land, consisting of two fields under grass to the north-east of Ufton Lane. This land is included because it is proposed to construct the new bridge off-line from the existing lane, which is necessary to achieve acceptable approach gradients within the limited distance from the canal road bridge to the south. The construction of an off-line bridge also

enables the existing road to be retained through much of the construction phase, thereby potentially reducing the time that the road would need to be closed.

- 6.6.2 Paragraph 112 of the NPPF states local planning authorities should take into account the economic and other benefits of the best and most versatile (BMV) agricultural land. Where significant development of agricultural and is demonstrated to be necessary, the NPPF advises that local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 6.6.3 The NPPF defines BMV agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). According to the Council's records, the land is in grade 3 (undifferentiated). The application is accompanied by a report on an ALC survey that determined that the quality of agricultural land at the site is limited to subgrade 3a due to soil droughtiness limitation. The land is therefore classified as BMV agricultural land, and so Paragraph 112 applies.
- 6.6.4 It is clear that there are no alternative locations where the bridge can be provided given the position of Ufton Lane and the presence of houses and commercial uses on the south-western side of the lane. As such, there are not considered to be areas of lower grade agricultural land where this development could be repositioned. Overall, it is considered that the relatively small size of BMV land to be lost would be acceptable in the context of the considerable public benefit of the scheme.
- 6.6.5 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by: ... protecting and enhancing valued landscapes, geological conservation interests and soils... (amongst others). The submitted ALC report identifies that the sustainable use of soil as part of the construction process could be achieved through a planning condition, as recommended in DEFRA's Code of Practice. This is incorporated into the requirements of the Construction Method Statement.

6.7 Flood risk

- 6.7.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 strictly applies a sequential approach across the district. The application is accompanied by a flood risk assessment (FRA).
- 6.7.2 The land to the south of the railway line is located in the Environment Agency's (EA) Flood Zone 2, with some areas within Flood Zone 3. The land to the north of the railway line is mostly within Flood Zone 1, although there is a small area within Flood Zone 2. The flood zones are defined in the table below. According to the EA, the submitted FRA and further assessment of the modelling of the three most recent flood events shows that the site is located wholly within Flood Zone 1.

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding (all land outside Zones 2 and 3).
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding.
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding.
Zone 3b The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood.

- 6.7.3 The FRA states that, as an overbridge, the proposed development falls within the essential infrastructure classification. The definition of essential infrastructure includes “essential transport infrastructure which has to cross the area of risk, and essential utility infrastructure which as to be located in a flood risk area for operational reasons. It is considered that this definition best fits the proposed development in comparison to the other vulnerability classifications. Moreover, the EA has not objected to the applicant’s classification of the development as ‘essential infrastructure’.
- 6.7.4 The aim of the NPPF sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Given that the proposed development can only be carried out in this location because of the existing road layout and other constraints (such as the canal), the proposed development is considered to pass the sequential test.
- 6.7.5 Having regard to Table 2 of the Planning Practice Guidance (Flood Risk and Coastal Change), the proposed development is appropriate for the site. The Exemption Test does not apply to essential infrastructure in Flood Zone 2.
- 6.7.6 Based upon the submitted FRA reviewed modelling and structural drainage measures, the EA advise that the development will not likely increase flooding to the mainly agricultural area in the vicinity, once works are completed. Taking into account the revised modelling the proposed over bridge lies outside the 0.1% annual exceedance probability (AEP) flood event but is close to Flood Zone 2 and 3, due to the proximity of the main rivers to south and east. Therefore during works ongoing monitoring of weather conditions and river flow by contractors as to escape or egress from site, allowance for materials and plant storage must be carried out, should high rainfall be predicted. This requirement can be included within the Construction Method Statement.
- 6.7.7 Overall, it is considered that the sequential test and positive consultation response from the EA demonstrate that the proposed development would not have an adverse effect on flood risk on the site or surrounding area.

6.8 Sustainable drainage

- 6.8.1 Core Strategy Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). The Planning Practice Guidance is more specific; it advises that whether a sustainable drainage system should be considered will depend on the proposed development and its location, for example whether there are concerns about flooding. The Practice Guidance advises that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when considering major development, as defined in the DMPO, sustainable drainage systems should be provided unless demonstrated to be inappropriate.
- 6.8.2 Given that the site is partly within Flood Zone 2, and is major development as defined by the DMPO, sustainable drainage is considered necessary. Moreover, the EA advise that, given the structural changes to the site and the impact of impermeable areas on surface water flood risk, the proposed mitigation by use of SuDS should be examined. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- (a) into the ground (infiltration);
 - (b) to a surface water body;
 - (c) to a surface water sewer, highway drain, or another drainage system;
 - (d) to a combined sewer.
- 6.8.3 The submitted FRA proposes a sustainable drainage system comprising a stone infiltration trench on the lower reaches of the embankment on the western side of the new road on the northern side of the railway, and a grassed swale at the bottom on the embankment to the eastern side of the new road on both sides of the railway. The stone infiltration trench and swale are shown on the proposed plans, and the detail is contained within the FRA.
- 6.8.4 The Lead Local Flood Authority is supportive of the proposed drainage measures in principle, although negotiations on the detail are ongoing and nearing completion at the of this report's publication. Any detailed comments on the sustainable drainage measures will be provided on the Update Report to the committee.

6.9 Ecological conservation and biodiversity enhancement

- 6.9.1 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The policy states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.9.2 There are no statutory designated sites for nature conservation importance within 1 km of the application site or 2 km downstream along the Kennet and Avon Canal and River Kennet. There are, however, two non-statutory designated sites for nature conservation importance within 1 km of the application site: the Ufton Bridge Meadow Local Wildlife Site (LWS) 500 metres to the east; and the West Meadow LWS 280 metres to the south-west.

- 6.9.3 The application is accompanied by an extended Phase 1 habitat survey of land within and adjacent to the application site, including land up to 50 metres from the application site boundary. In terms of habitats, identified ecological features include mature hedgerows, broadleaf trees, semi-improved grassland, scrub, arable land, and field ditches.
- 6.9.4 In terms of protected and notable species, detailed surveys for reptiles, bats, badgers, otter, water vole, breeding birds, and invertebrates were not considered necessary based on the extended Phase 1 habitat survey. However, planning conditions are required to secure the implementation of the suggested mitigation for badgers, reptiles and birds.
- 6.9.5 Detailed botanical, dormice, and Great Crested newt surveys have been undertaken. No Great Crested Newts or dormice have been found, although the dormice survey is ongoing and due to be completed in October 2015. A pre-condition requiring a full report of the dormice survey and details of any mitigation measures is therefore necessary.
- 6.9.6 The vegetation communities sampled at the site under the botanical survey included pasture grassland, a very common community throughout Britain. The surveys states that the grassland within the application site is a species-poor example of this community and therefore is considered to have negligible nature conservation value. This grassland is the only community to be affected by the proposals within the application site. Approximately 0.5 hectare of this community will be lost. The Council's ecologist has not objected to this loss.
- 6.9.7 Outside the application site, to the east is a large area of rush pasture, which has a patch of *lesser pond-sedge swamp*, and the survey suggests it is likely that other patches of swamp occur within the rush pasture further east. This community is considered to have value for nature conservation at a local level and the survey states it will be retained and protected during the construction works with the use of a robust barrier such as Heras fencing. This can be secured by within the Construction Method Statement.
- 6.9.8 Ufton Lane is bounded by mature managed hedgerows that extend to the northern A4 Bath Road boundary and along the eastern boundary of the arable field located north-east of the level crossing. Mature managed hedgerows are located along Ufton Lane and extend south of the level crossing to Ufton Bridge. The existing hedgerows are approximately 2 metres high and 1 metre wide with mixed species.
- 6.9.9 According to the submitted botanical survey, the hedgerows are not considered to be important in the context of the 1997 Hedgerow Regulations. They do, however, have value in the context of the application site as they provide suitable nesting habitat for birds, and may provide a commuting corridor for bats. To mitigate for the hedgerow removed, it is proposed to plant new hedgerow along each side of the proposed new road alignment and along the east side of the new embankment supporting the overbridge.
- 6.9.10 Overall, it is considered that the proposed development would conserve local ecology, and therefore comply with the NPPF and Core Strategy Policy CS17.

6.10 Environmental contamination

- 6.10.1 Paragraph 109 of the NPPF states the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Further, paragraph 121 states that planning decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.
- 6.10.2 The Environment Agency (EA) is the authority with overall responsibility for environmental contamination, whilst the Council's Environmental Health service is the authority with overall responsibility for contamination affecting human health. Both bodies have been consulted on this application.
- 6.10.3 The site is located within an area designated by the EA as Source Protection Zone (SPZ) 1 and 2. SPZ1 represents the immediate area around a drinking water abstraction where remediation of groundwater pollution is unlikely to be achievable within available timescales. In this case the SPZ is associated with the major public water supply abstraction at Ufton Nervet. The proposed development is also close to the River Kennet, designated as a main river.
- 6.10.4 The Phase 1 Land Contamination Assessment Desk Study (Atkins ref. 5128351, dated March 2015) indicates that there is no evidence of major sources of contamination within the application area. However, it also states that unidentified sources of contamination may be present. This is particularly the case if made ground is present.
- 6.10.5 The site is above a chalk aquifer and within SPZ1 and 2. The chalk aquifer is largely isolated from the surface by a layer of substantially thick, low-permeability Lambeth Group. However, piling or other deep foundations have the potential create pollutant pathways to the underlying aquifer. Disturbance of any unsuspected sources of contamination could lead to the pollution of ground or surface water, if not appropriately managed.
- 6.10.6 The EA has no issues with the conclusion of the supporting investigative report that this site is unlikely to pose a risk to controlled waters. The report concludes that there is no evidence of major sources of contamination within the application area. From a controlled waters perspective the most sensitive receptor would be the SPZ1 and associated public water supply abstraction. This is likely to be largely isolated from surface contamination by a substantial thickness of low permeability Lambeth group. It is noted that monitoring of soils and leachate was carried out. It is not clear if this was just for natural soils or if any made ground was tested, although the report states that there was no particular evidence of significant contamination in soil or leachate.
- 6.10.7 Overall, the EA are satisfied that any risk of environmental pollution can be mitigated by the imposition of planning conditions.
- 6.10.8 In terms of the human risks from contamination, Environmental Health are satisfied that the Atkins Phase 1 report concludes that the risk to site and end users will be low. It is also noted that it cannot rule out finding pockets of contamination due to

the sites current use. Similar to the EA, an unexpected contaminated land condition is required in order to deal with this possible situation.

6.11 Historic environment

- 6.11.1 Core Strategy Policy CS19 seeks to conserve and enhance the district's heritage assets. Conservation officers are satisfied that building conservation matters are not a significant constraint on the proposed development, since the closest designated heritage asset lies some distance from the crossing, meaning that there is little or no impact on them directly or in terms of their setting. There is potential that views from nearby heritage assets may be affected, but it considered that any such views would not be significant.
- 6.11.2 In terms of archaeological interest, the fields immediately to the north contain Iron Age and Roman settlement evidence, and crop marks to the South West may represent further enclosures and trackways. In addition, the development area falls within an area of highest potential for Mesolithic deposits, as defined by a GIS predictive model developed by Wessex Archaeology.
- 6.11.3 A geophysical survey carried out within the proposed development area has not identified any features that could be of potential archaeological origin. This does not, however, confirm the absence of sensitive features or deposits – for example, Mesolithic deposits would not be identified through this form of investigation. There may also be isolated features related to later archaeological periods that have not as yet been identified.
- 6.11.4 Consequently, the archaeological officer considers it necessary for the applicant to commission a programme of archaeological supervision during the proposed works. This should include monitoring and geotechnical boring associated with the bridge construction and a watching brief during any topsoil stripping. This can be secured by condition.
- 6.11.5 Subject to the imposition of conditions, it is considered that any heritage assets that materialise during construction could be adequately protected and conserved in a manner that is proportionate to their significance.

6.12 Minerals sterilisation

- 6.12.1 Policy 1 of the Berkshire Minerals Plan states that the local planning authorities will seek to husband the mineral resources of Berkshire, to prevent their wasteful use or sterilisation. Policy 2 states the local planning authorities will oppose development which would cause the sterilisation of mineral deposits on the proposed development site, or which would prejudice the future working of minerals on adjacent sites, except where it is demonstrated that:
- (i) The mineral deposit is of no commercial interest, and is unlikely to be so in the future; or
 - (ii) Having regard to all relevant planning considerations, there is an overriding case in favour of allowing the proposed development to proceed without the prior extraction of the mineral; or
 - (iii) Extraction of the mineral would be subject to such strong environmental or other objection that it would be highly unlikely that it would ever be permitted in any circumstances.

6.12.2 There are mineral deposits located below the application site. However, the extent of land take to the north-east of Ufton Lane is such that the proposal would not sterilise a significant volume of minerals. Consequently, no objections are raised from Minerals and Waste Officers.

6.12.3 It is considered on this basis that the proposed development meets exceptions (i) and (ii) of Policy 2, and therefore the application does not conflict with the Berkshire Minerals Plan.

6.13 Construction impacts

6.13.1 It is acknowledged that construction works can result in temporary disturbance to a local area. The nature of the proposed development is such that it will have implications for the surrounding area in terms of road closures, noise, and general disturbance. In the interests of public safety and neighbouring amenity, it is appropriate for the planning system to impose controls over the construction process, provided that doing so does not duplicate other the controls imposed by other legislation. It is proposed to require the prior approval of a Construction Method Statement (CMS) to cover relevant planning issues during the construction period.

6.13.2 Road closures and associated matters will be controlled by consents given by the Local Highways Authority, and therefore should not be duplicated by the planning permission. Accessibility and emergency access to nearby properties will be considered as part of these separate consents.

6.13.3 The Kennet and Avon Canal Trust has made representations on the application. They draw attention to the fact that the construction of the proposed bridge would require temporary closure of the current Ufton Lane between the A4 and the Kennet and Avon Canal. The application submission refers to alternative routes for motor traffic to adjoining properties but not to pedestrians or cyclists seeking to access the Canal. Similarly, this will be a matter for consideration as part of the approval process for road closures.

6.13.4 It is appropriate, however, to require the prior approval of the location, size and general layout of the temporary site compound in the interests of highway safety. This can be secured by the CMS.

6.13.5 Thames Water have provided detailed comments to mitigate the potential impact on their apparatus. These comments are repeated in the proposed informatives, and it is considered necessary to agree a scheme of works to address these matters as part of the CMS.

6.13.6 Noise is likely to be a significant impact during construction. It is therefore appropriate to seek to control hours of working, but it must be acknowledged that due to rail possessions it is likely that a significant amount of night working would be required. It is therefore proposed that hours of work are agreed within the CMS, together with a scheme of “out-of-hours” working to manage operations at more sensitive times of day.

- 6.13.7 Environmental Health has identified that the extensive construction involved could potentially lead to dust being generated, which could cause disturbance to nearby residential properties during periods of dry weather. The prior approval of dust mitigation measures can be secured within the CMS to minimise the impacts.
- 6.13.8 The tree officer is satisfied that the proposed development does not require any specific tree protection measures. The submitted botanical survey does identify an important area of rush pasture within close proximity to the site, which can be protected by the erection of heras fencing during construction. This can be secured within the CMS.

6.14 Community Infrastructure Levy

- 6.14.1 The Community Infrastructure Levy (CIL) is only chargeable on residential and retail floor space. As such, the proposed development is not CIL liable.

7. CONCLUSION

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF constitutes Government guidance for local planning authorities as a material consideration. It encourages approving development proposals that accord with the development plan without delay, or where the development plan is silent on a matter, granting planning permission unless there is significant and demonstrable harm or clear conflict with NPPF policies.
- 7.2 It is considered that the relevant policies of the Development Plan are generally supportive of the principle of development. The Development Plan is silent on the specific matter of replacing Ufton Nerve Level Crossing with an overbridge, and the proposal is not included within the Council's Infrastructure Delivery Plan. The Development Plan does, however, provide a clear framework for balancing the relevant considerations (e.g. infrastructure delivery and environmental protection). Having due regard to the presumption in favour of sustainable development, it is considered that the principle of the proposed development is acceptable.
- 7.3 It is considered that a substantive case has been put forward by Network Rail to demonstrate that there is a clear planning need for the development, having taken into account the alternative options. Given the clear safety concern at this location, it is considered that the improvements to public safety that would be delivered by the proposed development would attract considerable weight in the planning balance of this application.
- 7.4 During negotiations there has been concern regarding the forward visibility for vehicles travelling over the proposed bridge, and consequently highway officers requested a Road Safety Audit to be undertaken. It is acknowledged that the limited forward visibility is a product of the site constraints given the limited space (particularly between the railway and canal to the south) within which to design a bridge that can achieve the necessary clearance height over the railway. Whilst the final forward visibility is not ideal, highway officers are satisfied that appropriate mitigation is incorporated into the plans, such that they can recommend approval subject to conditions.

- 7.5 A bridge in this location is capable of being prominent and incongruous given the relatively flat surrounding landscape. The aim during negotiations has been to minimise the visual and landscape character impact as much as possible. The proposed bridge would have a significant visual impact within the immediate vicinity, but a much lesser impact within the wider landscape. There would also be cumulative visual impacts with the future electrification of the railway line from the erection of overhead line equipment. It is considered that the final design minimises the visual impact as far as practicable, and overall the consultant landscape architect is satisfied that the proposed development complies with Core Strategy Policies ADPP5, ADPP6 and CS19, as well as the landscape policies of the NPPF.
- 7.6 Whilst the proposed development would be visually prominent within the immediate vicinity, no significant concerns have been identified in terms of neighbouring amenity that would be sufficient to justify refusing planning permission. The loss of a small area of best and most versatile agricultural land weighs against the proposal, but it must be acknowledged that no alternative approach has been identified that would avoid the development of the land given the physical constraints of the site.
- 7.7 The environmental and technical aspects of the proposed development are considered to comply with the respective planning policies, including mitigating flood risk, sustainable drainage, ecological impacts, contamination risks, the historic environment and mineral sterilisation. Consequently, none of these factors are considered to weigh against the proposal subject to the imposition of appropriate conditions.
- 7.8 The construction of a replacement bridge would inevitably result in a significant level of disturbance to the surrounding area. This would be in terms of road closures, noise, dust and other environmental impacts. It is noteworthy that a number of representations consider these impacts acceptable, particularly given the history of fatalities and injuries at the level crossing. In any event, it is considered that the construction impacts can be minimised through the prior approval of a Construction Method Statement.
- 7.9 In the final balance, it is considered that the considerable weight applied to the need for the proposed development outweighs the adverse landscape and visual impact, the loss of a small area of best and most versatile agricultural land, and the other identified minor impacts of the proposal. It is considered that the environmental and technical impacts are acceptable, or can be made so, by the imposition of conditions.
- 7.10 Overall, it is considered that the proposed development accords with the development plan, does not result in any adverse impacts that would significantly and demonstrably outweigh the benefits, and does not conflict with any specific policies in the NPPF. As such, the application is recommended for conditional approval as detailed in Section 8.

8. FULL RECOMMENDATION

To delegate to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the following conditions.

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans/documents: [to be completed on final decision notice]

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Construction method statement (CMS)

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- (a) Parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- (e) Temporary access arrangements to the site, and any temporary hard-standing;
- (f) Wheel washing facilities;
- (g) Measures to control the emission of dust and dirt during construction;
- (h) Measures for the sustainable use of soil during the construction process;
- (i) Hours of construction and demolition work, including provisions for any out-of-hours working;
- (j) A scheme for the protection of Thames Water apparatus (pursuant to the comments detailed in the Thames Water Apparatus informative);
- (k) The location of heras fencing or details of other measures to protect the adjacent area of Rush Pasture.
- (l) Ongoing monitoring of weather conditions and river flow by contractors as to escape or egress from the site, and an allowance for materials and plant storage should high rainfall be predicted.

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, conserve local ecology, protect existing services, and in the interests of highway safety. This condition must be discharged before any development takes place because the

CMS applies to all demolition and construction activities. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. Speed survey details

No development shall take place until details of the speed survey infrastructure either side of the permitted bridge has been submitted to and approved in writing by the Local Planning Authority. These details shall include a location plan, specification of the loops and construction details, together with duration, frequency and format of output data. The speed surveys shall be undertaken in accordance with the approved details.

Reason: To ensure that the speed surveys informing the speed mitigation measures are appropriate. This condition must be discharged before any development takes place because this information will inform the final bridge design. This condition is imposed in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Speed mitigation – bridge

No development shall take place until details of a risk assessment to determine likely traffic speeds across the permitted bridge, and a package of mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall address any anticipated inappropriate speeds, and may include road marking, signage, verge planting and other measures that should aim to respect the rural character of the area whilst controlling speeds as vehicles negotiate the bridge. The permitted bridge shall not be fully opened until the approved measures and associated engineering operations have been completed in accordance with the approved details.

Reason: To ensure appropriate speed reduction measures that respect the rural character of the area are provided in the interests of highway safety. This condition must be discharged before any development takes place because this information will inform the final bridge design. This condition is imposed in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. Speed mitigation – approaches

No development shall take place until details of a risk assessment to determine likely traffic speeds on the north and south approaches to the proposed bridge, and a package of mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall address any anticipated inappropriate speeds, and may include road marking, signage, verge planting and other measures that should aim to respect the rural character of the area whilst controlling speeds as vehicles negotiate the bridge. The permitted

bridge shall not be fully opened until the approved measures and associated engineering operations have been completed in accordance with the approved details.

Reason: To ensure appropriate speed reduction measures that respect the rural character of the area are provided in the interests of highway safety. This condition must be discharged before any development takes place because this information will inform the final bridge design. This condition is imposed in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

7. Programme of archaeological work

No development shall take place 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 to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition must be discharged before development takes place to ensure that the programme is implemented in a timely manner. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS19 of the West Berkshire Core Strategy (2006-2006).

8. Dormice survey and mitigation

No development shall take place until a full report of the ongoing dormice survey, and details of any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate conservation and enhancement of any dormice affected by the development. This condition must be discharged before development takes place because the survey is currently ongoing. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

9. Precautionary method of working for reptiles

No development shall take place until a Precautionary Method of Working has been submitted to and approved in writing by the Local Planning Authority. These details shall include measures to be undertaken during construction to safeguard reptile species. Thereafter all works shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate conservation and enhancement of reptile species affected by the development. This condition must be discharged before development takes place to ensure the timely implementation of mitigation measures. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-

2026).

10. Vegetation clearance outside the bird breeding season

Vegetation clearance shall not be undertaken except for outside of the bird breeding season (March to August inclusive) unless an ecologist has surveyed the vegetation for nesting birds no more than 24 hours prior to works commencing and has recommended appropriate measures to safeguard any nesting birds. Any recommended measures shall be implemented in full.

Reason: To ensure the appropriate conservation and enhancement of bird species affected by the development. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

11. Badger habitat surveys before vegetation clearance

Immediately prior to the commencement of any vegetation clearance, a survey shall be conducted by a qualified ecologist of suitable badger habitat within 50m of the application site to ensure that none are present. Should badgers or badger habitats be found, appropriate mitigation will be instigated with the necessary consents having been obtained.

Reason: To ensure the appropriate protection of any badger and their habitats. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

12. Unexpected contamination

During development, if contamination is found at the site, which has not previously been identified, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation scheme for this unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall thereafter be implemented in accordance with the approved details. If no unexpected contamination is encountered during the development, written notice confirming this fact shall be submitted to the Local Planning Authority before the bridge is opened to all traffic.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health, ground or surface water. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

13. No piling or other penetrative foundation designs

No piling or any other foundation designs using penetrative methods shall be undertaken except where the express written consent of the Local Planning Authority has been given in consultation with the Environment Agency. Consent may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater from such methods. Where consent is given, the development shall not be carried out except in accordance with the

approved details.

Reason: To prevent potential pollutant pathways being created from unidentified sources of contamination to controlled waters. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Landscape and ecological management plan

The bridge hereby permitted shall not be fully opened until a detailed landscape and ecological management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail all management activities and responsibilities to be undertaken to the swales, hedgerows, trees and grassland created or affected by the development. The plan shall be implemented in full immediately upon the opening of the bridge to all traffic, or in accordance with a timescale agreed as part of the approved details.

The plan may be amended at any time by way of a written submission to the Local Planning Authority pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; and the amended plan shall be submitted to the Local Planning Authority within 2 months of notice being given.

Reason: To ensure the appropriate conservation and enhancement of ecological assets created and affected by the development. This condition must be discharged before the bridge is opened to ensure that management measures are implemented within a timely fashion in the interests of ecological conservation. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

15. Visibility splays before use

The bridge hereby permitted shall not be fully opened until the visibility splays at the new access on Ufton Lane, and on the new bridge, have been provided in accordance with drawing number 5128351-ATK-DRG-HW-001004 rev.A03. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 1.05m metres above the carriageway level.

Reason: To ensure the timely provision of visibility splays at the new access, in the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

16. Forward visibility before use

The bridge hereby permitted shall not be fully opened until the forward visibility on the new bridge has been provided in accordance with drawing number 5128351-ATK-DRG-HW-001005 rev.A02. The land within these forward visibility areas shall thereafter be kept free of all obstructions to visibility as shown on this drawing.

Reason: To ensure adequate forward visibility on the new bridge, in the interests of road safety. This condition is imposed in accordance with the National Planning

Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

17. Hard landscaping

The bridge hereby permitted shall not be fully opened until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. fencing, gates) and hard surfaced areas (excluding public highway) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the bridge is complete because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

18. Ufton Lane – south of crossing – road closure with reinstatement

The existing vehicular carriageway, from the level crossing for a distance of approximately 190m in a southerly direction, as shown on drawing no. 5128351/LA/DR/100/4900/rev. H, shall be stopped up and abandoned immediately after the new bridge hereby permitted has been brought into use. The bonded carriageway shall be broken up and laid with grass and the verges shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

Reason: To ensure that the existing vehicular carriageway of Ufton Lane is stopped up at the appropriate time; and to ensure that it reinstated to a suitable standard, in the interests of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

19. Soft landscaping

All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (drawing 5128351/LA/DR/100/4900/H) within the first planting season following completion of building operations. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPPX, CS14,

CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), VDS, and Quality Design SPD.

INFORMATIVES

1. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- (a) Provided the applicant with a case officer as a single point of contact;
- (b) Alerted the applicant to issues that were raised during the consideration of the application;
- (c) Facilitated meetings between the council officers and the applicant to negotiate solutions to identified issues;
- (d) Accepted amended plans to address issues arising during the consideration of the application;
- (e) Agreed an extension of time before determining the application to enable amendments to the application.

2. Consent to enter land

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order to construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

3. Access construction

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicant's behalf.

4. Hours of work

The expected hours of work for all contractors for the duration of the site development would be expected to be as follows: 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. It is recognised that railway possessions would mean that development will need to take place outside of these hours, and therefore a scheme for hours of work must be agreed as part of the Construction Method Statement.

5. Construction / demolition noise

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to

the works, can be made to the Environmental Health and Licensing Manager.

6. **Structures on the highway**

The Highway Authority has power, under Section 143 of the Highways Act 1980, to remove any structure erected on a highway.

7. **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

8. **Damage to the carriageway**

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

9. **Highway improvement line**

Before work commences on the site, the highway improvement line should be set out by the developer and its position agreed by a representative of the Highway Authority.

10. **Environment Agency permits / consents**

The importation of a substantial amount of material will be required to build up levels at the site. Only completely clean and strictly inert materials shall be imported on to site. This should be done under the appropriate regulatory regime. The Environment Agency would not likely permit the importation of any non-inert waste into an Source Protection Zone. The applicant is advised to contact the Environment Agency National Customer Contact Centre for advice and guidance on what permits you may need for the works, or by emailing enquiries@environment-agency.gov.uk.

11. **Kennet & Avon Canal consents**

The applicant/developer is advised to contact the Kennet & Avon Waterway Engineer on 0303 0404040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.

12. **Thames Water**

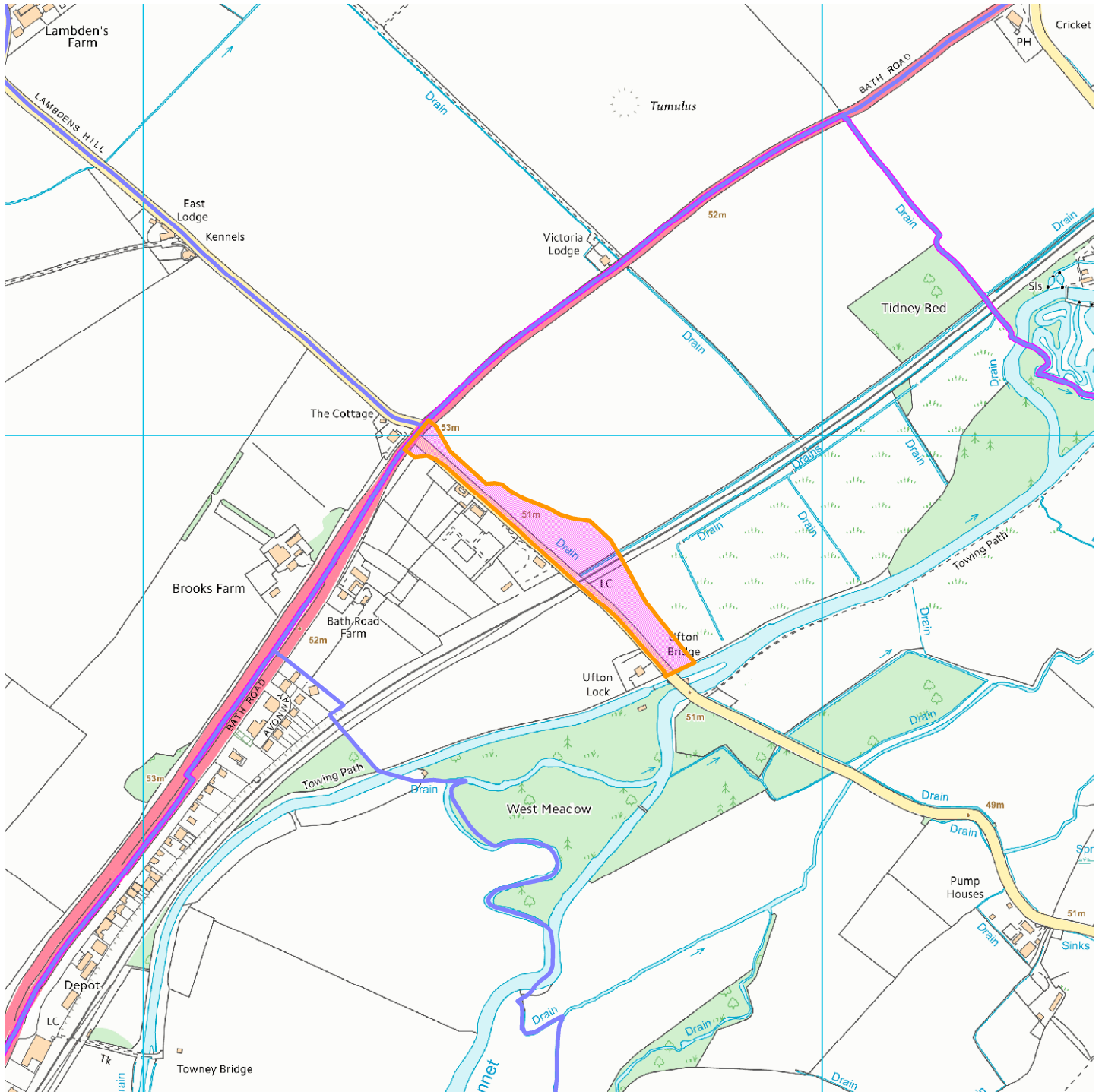
Thames Water provide the following advice that must be addressed in the Construction Method Statement:

- (a) Depth of excavation above sewers and water mains must not exceed 0.6 metres unless the actual depth of apparatus has been checked in advance (by trial holes). In any event there should be at least 300mm clear between top of our apparatus and underside of any excavation. Where below 300 mm clear margin between top of our apparatus and underside of any excavation then machine excavation should cease. Any

excavation below that to be hand-dug to expose the pipe at its crown but no further than waist – level.

- (b) Unless empirical evidence suggests that our pipework is not at a recommended depth in general accordance with HAUC recommendations, the presumption is that diversionary works are not warranted. Specific for water mains, if road reconstruction extends to below this, along straight lengths only, the main can be undermined in short lengths only (exposing only one joint at a time and without destroying any thrust blocks) so that a concrete haunching can be placed in stages to support the pipe.
- (c) Extra care should be taken at all times when excavating to avoid damaging our mains, service pipes, stop valve boxes, hydrant frames and covers, sewers, manhole covers and frames, vent covers, etc.
- (d) If road or footway levels are to be altered, apparatus (including Manhole covers and frames) must be adjusted to the new surrounding levels, this can be undertaken by your contractors. We do not allow infill covers for various reasons; we only permit the use of ductile iron or hinged steel. These include hydrants, outside stop valves and manhole covers. As the actual position of mains and services must be verified and established on site before any works are undertaken, it is imperative that you undertake a comprehensive survey of all utility plant beforehand, perhaps by ground penetrating radar survey and/or trial hole methods. Should you need to access a manhole that is in the road, please call your Local Authority to check if traffic management is necessary.
- (e) Site visits from engineers can only be made where the need for unavoidable diversionary works have been identified and then only once the C4 estimating stage has been reached and the design fee, as notified at the C3 stage, has been paid.
- (f) New kerb-lines should not be positioned directly above the line of our mains. The exact position of mains should be determined on site by hand dug trial holes. Similarly, existing valves, manholes or other apparatus should not end up on the new kerb-line.
- (g) Trial holes should be dug by hand at locations where you intend to erect signal posts, bollards, columns or other street furniture. Please ensure that posts, guard-railing and bollards are not erected directly over, or within close proximity to, our mains and that they are not placed so as to restrict access to valves/hydrant boxes and/or manholes/covers, etc for maintenance.
- (h) If onsite inspection shows that your proposals may/will directly affect a fire hydrant, you will need to consult us for further information.
- (i) Where Thames Water manholes will/may end up in the carriageway as a result of your proposed works, we will request where necessary that the current structure is reinforced with heavy-duty covers, which will enable the support of future loads.
- (j) Thames Water recognises the environmental benefits of trees and encourages the planting of them. However, the indiscriminate planting of trees and shrubs can cause serious damage to the public sewerage system. In order for these public sewers to operate satisfactorily trees and shrubs should not be planted over the route of the sewers.

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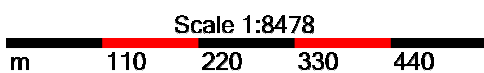


Map Centre Coordinates :

Scale : 1:8477

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Organisation	West Berkshire Council
Department	
Comments	
Date	23 July 2015
SLA Number	0100024151

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Agenda Item 4.(2)

Item No	Application No. and Parish	Proposal, Location and Applicant
(2)	15/00620/FUL Bucklebury Parish Council	Section 73A - Variation of condition (1) The Leisure use for public access hereby authorised is to be limited to the months of March to October inclusive of planning permission 149980. To remove restriction on months of operation. Bucklebury Farm Park, Bucklebury, Reading, RG7 6RR Bucklebury Farm

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/00620/FUL>

Recommendation Summary: To **DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1).

Ward Members: Councillor Webb
Councillor Pask

Reason for Committee Determination: Councillor request (Cllr. Pask). For members to assess the impact on the AONB.

Committee Site Visit: 28th July 2015

Contact Officer Details

Name: Samantha Kremzer
Job Title: Planning Officer
Tel No: (01635) 519111
E-mail Address: skremzer@westberks.gov.uk

1.1 Relevant Site History

- 140646 **Approved (Temporary 1 year)**, 13/9/1993: Change of use from agricultural to mixed development for agriculture and leisure.
- 149980 **Approved**, 27/03/1997: Renewal of permission for Change of use from agricultural to mixed development for agriculture and leisure. Toilet block (Retrospective).
[Decision noticed attached as Appendix 1]
- 10/02048/FUL **Approved**, 19/10/2010: Extension to existing farm building to create a cafe serving hot and cold food and beverages.
- 10/02049/FUL **Approved**, 11/02/2011: Retrospective - Extension to barn and three small outbuildings.
- 11/02470/FUL **Approved**, 03/02/2012: Section 73 - Variation of Condition 2 - To vary the approved design, Condition 3 - To vary materials and Condition 5 - Treatment of hard surfaced areas (work commenced in advance of approval) of approved application 10/02048 - Extension to existing farm building to create a cafe serving hot and cold food and beverages.
- 12/02098/NONMAT **Approved**, 04/10/2012: Non Material Amendment for approved application 10/02048/FUL Extension to existing farm building to create a cafe serving hot and cold food and beverages: Amendments: To provide additional windows on the front and side elevation.
- 12/02174/FUL **Approved**, 02/11/2012: To erect new stables within the farm park and to seek retrospective approval for a barn constructed within the farm park.

1.2. Application Pending Consideration

- 15/01308/FULD Erection of a log cabin to provide on-site staff accommodation and associated works.

2. Publicity of Application

Site Notice Expired: 14th May 2015
Neighbour Notification Expired: 7th May 2015
Press Notice Expired: 7th May 2015

3. Consultations and Representations

3.1 Consultations

Parish Council:	No objection.
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Highways:	No objection. The justification statement states that the farm has been operating outside of the months March to October since 2002.
	Although vehicle movements will increase as a result of this application, this is an established use. I have checked with the Council's Traffic Management Team and have been advised that there are no recorded accidents in the vicinity of the site in the last 5 years.
	In terms of a traffic impact assessment, the farm park is already operating during the busiest months of the year. It is not considered that there would be a detrimental impact on highway safety if this is extended to include what would be quieter months.
Environmental Health:	No objection. The use of the park is not a noisy activity therefore no acoustic survey is required.
Ecology:	No objection.
AONB Board:	The AONB unit does not raise an in principle objection to the proposal but does raise some concern about the possible implications of granting unrestricted opening of the site.
	The proposal seeks to vary the current condition which limits the number of months which the park can operate from March to October inclusive. This variation would enable the park to operate without such control and whilst it is acknowledged that the park has been operating outside of the permitted hours for some time, there does not appear to be sufficient evidence provided in this application to conclude that an unrestricted opening arrangement on a leisure use would not have any impact on the North Wessex Downs AONB.
	It is noted that the Highways Authority raises no objections on the basis that there have been no recorded incidents however what consideration has been given to the difference between visitor numbers of the permitted scheme and the unrestricted opening times now proposed? The submission also states that as currently operating, during the winter months activities tend to take place indoors which reduces the amount of additional noise, however if the variation of conditions application were approved without any new control then a different leisure use could operate from the site without further requirement for a planning application to be submitted and the impacts could be considerably greater.

	The AONB is not aware of any concerns about the current running of the site and supports tourism ventures within the North Wessex Downs which meet the aims of the Management Plan. If the Local Planning Authority considers that there is sufficient ability to control the operation of the site through additional conditions, the AONB unit would also wish for there to be control over any further external lighting which may result from this variation and for input into any proposed lighting scheme.
Suds:	No objection, no records of flooding in the area.
English Nature:	No response to date 24/7/15
PROW:	No response to date 24/7/15
Ramblers Association:	No response to date 24/7/15

3.2 Representations

Total: 4 Object: 4 Support: 0

- The current restriction gives control over the use of this land as a "farm park" to stop it becoming a "theme park"
- Traffic flow is already an issue; an extension of hours will increase the volume of traffic to the neighbourhood on exceptionally dangerous narrow roads.
- Impact on the character of the AONB; increase in the number of vehicles parking in the field (Visual) and increased visitors throughout the year (noise and disturbance).
- The extent and use of the farm park has already grown over the years.
- The application contains no information to assess the impacts of the operation, in particular the impacts of traffic and noise from the proposed extended operation.
- The application does not contain: a traffic impact assessment, an acoustic survey or a phase one ecology survey to assess whether the current operation is acceptable.
- The Council could impose environmental limits on for example: the numbers of cars, daily hours of operation and seasonal limits (as appropriate).
- Conditions could be used to ensure the continued use of the land remains at a level that will protect the amenity of the local residents, and ensures control over wider impacts on the local environment.
- If approved in its current form this application would allow completely unlimited 'leisure' use of the site for 24 hours on 365 days of the year. Whilst this might be acceptable in the hands of the current operator it may not be with an alternative operator.

4 Planning Policy

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
 - The National Planning Practice Guidance (March 2014)
- 4.3 The policies within the West Berkshire Core Strategy (2006-2016) attract full weight. The following policies are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
 - Area Delivery Plan Policy 5: The AONB
 - CS 10: Rural Economy
 - CS 13: Transport
 - CS 14: Design Principles
 - CS 17: Biodiversity and Geodiversity
 - CS 19: Historic Environment and Landscape Character
- 4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The following saved policies from the Local Plan are relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
 - OVS.6: Noise Pollution
 - ENV16: Farm Diversification;
 - TRANS1: Meeting the needs of New Development;
- 4.5 In addition, the following locally adopted West Berkshire Council policy documents are relevant to this application:
- SPG: Quality Design (SPDQD)
 - Bucklebury Village Design Statement (April 2002)
 - The North Wessex Downs AONB Management Plan (2014-2019);

5. Description of Development

- 5.1 Section 73A of the Town and Country Act 1990 enables applications to be made to remove or vary conditions imposed on a planning permission. On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.
- 5.2 This retrospective application seeks to vary condition 1 of 149980 to allow the existing farm park (leisure use) use to operate all year. Condition 1 of permission 149980 states:

*“The leisure use for public access hereby authorised is to be limited to the months of March to October inclusive.
Reason: To protect the amenities of the area”*

- 5.3 The application site is located in the open countryside within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). It is located on a farm with a mix of agricultural and leisure uses.

6. Consideration of the Proposal

The main issues raised by the proposal are:

- 6.1 The principle of the development,
- 6.2 The impact upon the rural economy,
- 6.3 The impact on the character and appearance of the area and the AONB,
- 6.4 The impact on highway safety and parking,
- 6.5 The impact on neighbouring properties,
- 6.6 Ecology,
- 6.7 Other matters,
- 6.8 The presumption in favour of sustainable development,

6.1 Principle of development

- 6.1.1 The application site is located outside of any defined settlement boundary within the AONB. The site is within the open countryside. Condition 1 was imposed in order to protect the amenities of the area in accordance with policies relevant at the time of the decision. Since the application was originally approved in 1993 there have been a number of changes to planning policy. The current relevant Policies are ADPP5, CS14, and CS19 of the Core Strategy. The NPPF is also a material planning consideration which seeks to secure development which is of a high standard of design and that respects the character of the landscape. The core planning principles also seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.1.2 The development to which this application relates constitutes an established rural enterprise and use which has operated now for a number of years. The report focuses on the changes proposed to condition 1, to allow the use to operate through the year (November - February). In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. However, in making their decision, Local Planning Authorities should focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

6.2 The impact upon the rural economy

- 6.2.1 The NPPF in paragraph 28 supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development as well as promoting the 'sustainable' growth and expansion of business.
- 6.2.2 Saved Local Plan Policy ENV.16 permits farm diversification, provided it benefits the economy of the rural area of which it is a part, that the scheme maintains or

enhances the landscape character of the site and its surroundings, and that it does not generate traffic of a type or amount inappropriate to the rural roads. The objective of diversification is to allow the primary agricultural unit to be retained whilst being supported by other forms of income.

- 6.2.3 This approach is mirrored in policy CS10 of the Core Strategy, where farm diversification is required to make a long-term contribution to sustaining the agricultural enterprise as a whole.
- 6.2.4 The established use currently makes a positive contribution to the rural economy. The impact of the proposed amendment to condition 1 with respect to the criteria and aims of these policies, with reference to the impact on the character of the area and highways is set out below.

6.3 The impact on the character and appearance of the area and the AONB

- 6.3.1 Policy CS14 says that development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. West Berkshire Council's Quality Design SPD supports these policies, requiring that developments are well designed to reflect and add to the appearance of the surrounding area.
- 6.3.2 The site is within the North Wessex Downs Area of Outstanding Natural Beauty. The NPPF and Core Strategy Policy ADPP5 affords the highest level of protection to the AONB and Policy CS19 seeks to ensure that new development shows a high standard of design and respects the character of the landscape.
- 6.3.3 The farm park is screened from the surrounding countryside by natural screening on all sides, a public right of way runs through the site. The existing open car park is located closer to the entrance and glimpses of this may be visible especially during winter months.
- 6.3.4 **Visual:** In terms of the visual impact on the character of the area, this proposed use of the site as a farm park for the winter months (November – February) is considered to have minimal impact. The buildings and structures are already on site through the year. Although it is acknowledged that there will be vehicle parking on site, this will utilise an existing car park and it is not considered to have a significant visual impact on the surrounding area to warrant refusal of the application.
- 6.3.5 **Noise:** It is acknowledged that to allow visitors to the farm park during the winter months (November – February) would increase the level of noise from the site compared to an agricultural use. However, Environmental Health has confirmed that there have been no recorded noise complaints from the site and that an acoustic survey is not required. They do not consider the use of the park to be a noisy activity and the applicant has stated that the activity during the winter months is more likely to be indoors, however even with external use it is not considered to have a detrimental impact on the amenity of neighbouring occupiers to warrant refusal of the application.

6.4 The impact on highway safety and parking

- 6.4.1 In the justification statement submitted with the application it states that for the last 7 years the park has been operating from February to December. Highways Officers have not objected, noting that there were no recorded accidents in the vicinity of the site in the last 5 years. Although vehicle movements will increase as a result of this application, this is an established use and as such it is considered that the objectors concerns are not so significant as to warrant a refusal for the impact upon highway safety.
- 6.4.2 In terms of a traffic impact assessment, the farm park is already operating during the busiest months of the year. Highways Officers do not consider that there would be a detrimental impact on highway safety if this is extended to include what would be quieter months.

6.5 The impact on neighbouring properties

- 6.5.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.5.2 There are residential properties nearby, but the nature of the use is such that the additional use as a farm park is not considered to give rise to significant amenity concerns if carried out for the winter months (November - February). Environmental Health has made no adverse comments, and has confirmed an acoustic survey is not required.
- 6.5.3 It is considered that to ensure the use remains appropriate to the site and the character of the area a restriction of the opening hours for the farm park is appropriate because of the proximity of residential properties, and the potential for disturbance to result should the use continue late into the evenings. It is considered reasonable, to limit the hours of operation, thus striking a balance between ensuring the long term protection of the amenity of neighbouring properties and enabling the existing business to operate successfully and to continue to make a positive contribution to the local economy.

6.6 Ecology

- 6.6.1 The Council's ecologist was consulted and considers that the extension of opening hours would not have an adverse impact on any species of ecological interest.

6.7 Other matters

- 6.7.1 This application is for a variation of conditions with no additional floor area to a non-residential use and is therefore not liable for CIL.
- 6.7.2 Objectors have raised concerns with regard to the potential for the site to be used as a theme park. Amusement parks or theme parks are a sui generis use, the GPDO defines "Amusement Parks as:

“An enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of a temporary use) as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and sideshows; but, where part only of an enclosed area is commonly so used as a funfair or for such public entertainment, only the part so used is to be regarded as an amusement park; and “booths or stalls” includes buildings or structures similar to booths or stalls.”

6.7.3 A planning application for any change of use would be required for the use as either an amusement park or a theme park or for any mechanical amusements.

6.8 Presumption in favour of sustainable development

6.8.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.

6.8.2 The application seeks permission for an extension to the opening months of the existing farm park. In terms of the economic role of planning, sustainable growth is supported with the creation of further jobs and supporting the rural economy. Contributing to protecting and enhancing the natural environment is fundamental to fulfilling the environmental role of planning. The impact on the character and appearance of the surrounding area has been carefully assessed and found to be acceptable. Social considerations overlap those of environmental in terms of amenity and in this case it is considered that the impact upon the amenity of surrounding neighbours is not sufficiently detrimental to warrant refusal.

7. Conclusion

7.1 While it is acknowledged that there will be some impact on the character and amenity of the AONB and neighbouring properties in terms of increased visitors numbers, traffic and noise, it is not considered that the proposed development would have a sufficient detrimental impact on amenity to warrant refusal.

7.2 There is not considered to be any detrimental impact upon ecology considerations and highways and parking arrangements are satisfactory.

7.3 Overall, it is considered that the proposed farm park use from November – February would be consistent with the presumption in favour of sustainable development introduced by the NPPF.

7.4 Having taken account all of the relevant policy considerations and the other material considerations referred to above, and having regard to the reasons to support the proposal, the application is recommended for approval subject to the conditions listed below.

8. Recommendation

DELEGATE to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.1)

8.1 Schedule of conditions

1. Farm park use

The use hereby permitted shall be for the keeping and displaying of domestic farm animals only and no other animals shall be kept or displayed, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: To ensure the use remains appropriate to the site and the character of the area. This condition is imposed to comply with the National Planning Policy Framework (March 2012), Policies ADPP5, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

2. Hours of operation

The farm park hereby permitted shall not be open to the public between the hours of 18:30 and 08.00 and on no more than 21 separate days per calendar year, between the hours of 23:00 and 08.30.

A written record shall be maintained of all activities, events, private functions and car parking open to the public between the hours 18:30 and 23:00. Such records shall contain a description of the activities / events, the time and date. The records shall be retained for a period of not less than 24 months and made available for inspection by the Local Planning Authority if requested.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Village Design Statement for Bucklebury (2002).

3. External lighting (details required)

Within three months of this application details of any new external lighting to include a lighting strategy outlining the hours of operation to be used in association with the farm park will be submitted to the Local Planning Authority. No new external lighting shall be used until the submitted details have been agreed in writing by the Local Planning Authority. No new external lighting shall be used in association with the farm park except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be operated in accordance with the approved details.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, the area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Bucklebury (2002).

Informatives:

1 **Approval, Objections Received**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2 **Footpath Buck 154/1**

Nothing connected with the use must adversely affect or encroach upon the footpath (BUCK154/1), which must remain available for public use at all times.

Appendix 1: Decision noticed for approved application 149980

Approved, 27/03/1997: Renewal of permission for Change of use from agricultural to mixed development for agricultural and leisure. Toilet block (Retrospective).

TOWN AND COUNTRY PLANNING ACTS

Not in CC
DRAW

NOTICE OF PLANNING PERMISSION

Christopher Strang Associates
36 Donnington Square
Newbury
Berkshire
RG14 1PP

WEST BERKSHIRE
COUNCIL
07 APR 2015
PLANNING AND
COUNTRYSIDE SERVICE

Application Number	Location and Applicant	Proposal
149980 (Full)	Bucklebury Farm Bucklebury Bucklebury Farm Park	Renewal of permission for Change of Use from Agricultural to Mixed Development for Agriculture and Leisure. Toilet Block. (Retrospective)

SUBJECT TO THE FOLLOWING CONDITIONS

1. The leisure use for public access hereby authorised is to be limited to the months of March to October inclusive.

Reason: To protect the amenities of the area.

2. The use hereby permitted does not permit the closure or obstruction of the public footpath which crosses the site. The footpath shall be kept clear of all obstructions at all times unless and until a formal order is confirmed for its diversion.

Reason: To protect a public right of way.

Newbury District Council hereby **GRANTS PLANNING PERMISSION** for the proposal **PROVIDED THAT** the proposal is carried out strictly **IN ACCORDANCE WITH THE SUBMITTED APPLICATION & PLANS & THE ABOVE CONDITIONS**. Failure to comply with any conditions may result in the council taking legal action.

Dated 27 March 1997

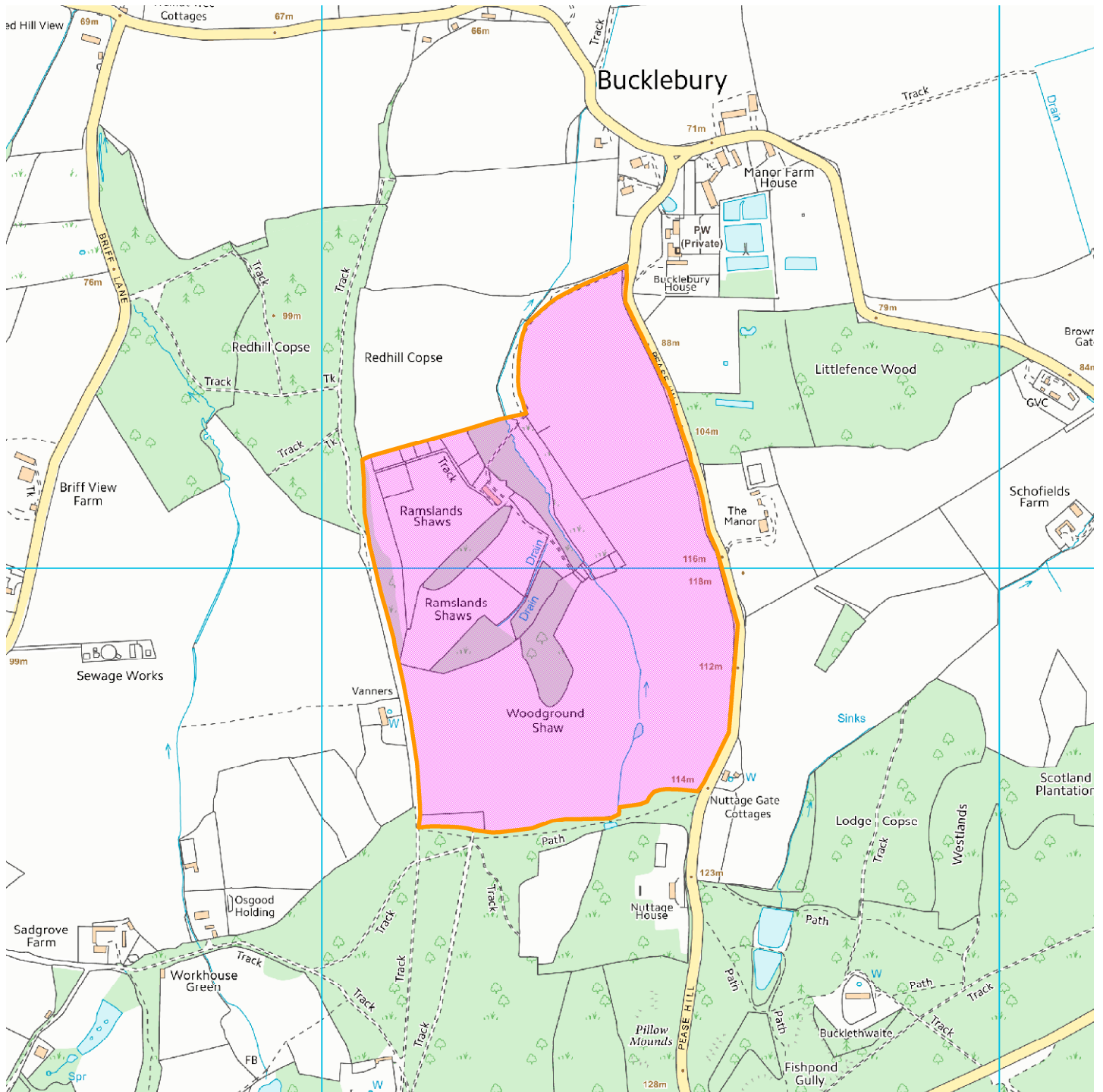
Before building works start ensure that all necessary approvals have been given:
e.g. Building Regulations Consent.
If in doubt, please check.

ASST. DIRECTOR OF DEVELOPMENT SERVICES
Newbury District Council,
Market Street, Newbury,
Berks., RG14 5LD.
Sheet 1 of 1

A statement of the applicant's rights is attached.

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Bucklebury Farm Park, Bucklebury

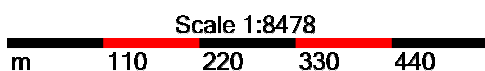


Map Centre Coordinates :

Scale : 1:8477

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Organisation	West Berkshire Council
Department	
Comments	
Date	23 July 2015
SLA Number	0100024151

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Agenda Item 4.(3)

Item No	Application No. and Parish	Proposal, Location and Applicant
(3)	15/00968/OUTD Padworth Parish Council	Outline Application for a new four bedroom detached house in part of the garden at 'Quint'. Matters to be considered: Access, Layout and Scale Land At Quint, Rectory Road, Padworth Common Christina Jenkins

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/00968/OUTD>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **REFUSE** planning permission for the reasons set out in section 8.1.

Ward Members: Councillor Lock
Councillor Bridgman

Reason for Committee Determination: Councillor request (Cllr. Bridgman).
So that the views of Padworth Parish Council can be considered.

Committee Site Visit: 28th July 2015

Contact Officer Details	
Name:	Samantha Kremzer
Job Title:	Planning Officer
Tel No:	(01635) 519111
E-mail Address:	skremzer@westberks.gov.uk

1 Relevant Site History

149594 **Approved, 06/01/1997:** Extend store to form shed.

2. Publicity of Application

Site Notice Expired: 17th June 2015
Neighbour Notification Expired: 8th June 2015

3. Consultations and Representations

3.1 Consultations

Parish Council:	<p>No objection.</p> <p>Padworth is not a typical village, being split into three areas, Padworth Common; Padworth; and Lower Padworth. Lower Padworth has had many new houses built over the recent years. Padworth and Padworth Common have had one, in Padworth Lane.</p> <p>In Padworth and Padworth Common we have lost our school, village shop/ post office, and our pub. The reasons given for their closure have been the same, lack of support due to too few locals. The church congregation is down to a weekly average of 10.</p> <p>The new residents of Lower Padworth all believe they live in Aldermaston. The station and wharf both called Aldermaston are in Padworth.</p> <p>The letters of objection are concerned with two main things. Setting a precedent and increase in traffic. There are 16 houses in Rectory Road, only one has enough room to build a new house (Quint). Silverdale was built in the garden of Quint and Laburnham was built in the garden of The Sycamores.</p> <p>The Council has initiated 4 traffic monitoring exercises in the last 6 months. These show that an average of 8/9000 vehicles per week use Rectory Road, 2 or 3 more will make no difference.</p> <p>Sustainability is very important to Rural life and therefore we ask that this application is given approval as a step to achieving this in Padworth.</p>
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<p>Highways:</p>	<p>Additional information was submitted 24/7/15</p> <p>Objection. The sight lines are insufficient for access onto a classified road, and considering the likely vehicle speeds. For instance for speeds of 37 mph visibility splays of 2.4 x 59 metres are required. This has clearly not been provided and wouldn't seem possible owing to constraints from the extent of land within the site and due to the presence of trees.</p> <p>The application is recommend refusal as the visibility at the proposed access would be sub-standard and this would be a hazard to road users.</p>
<p>Environmental Health:</p>	<p>No objection. Due to the location of the nearby Padworth Oil Storage Facility it is recommend an unforeseen contaminated land condition to deal with any contamination that may be found during construction of the development is attached.</p> <p>An hours of work condition is also required in order to control potential disturbance to nearby neighbours during construction of the development.</p>
<p>Ecology:</p>	<p>No objection.</p>
<p>Trees:</p>	<p>No objection. The trees at the site have not been fully considered as part of the application. There are a number of trees at the site, and whilst they might be of low amenity value, their loss would have an impact on the local area.</p>
	<p>Whilst the trees on and adjacent to the site could be mostly retained, details of tree protection and a suitable method statement to reduce or remove any harm to the trees should be provided, along with a new scheme to reduce the impact and provide additional screening along the road. These matters can be dealt with by condition.</p>
<p>Emergency Planning:</p>	<p>No objection. AWE Off-site & PSD Off-Site planning groups have considered the impact of the application on the AWE & Aldermaston PSD Off-Site Plan.</p>
	<p>However, in order to ensure the safety of the occupants from the potential risk from the Aldermaston PSD site and potential issues in relation to the safety and security of the Aldermaston PSD site it is recommended that both the HSE and CLH-PS are formally consulted.</p>
<p>HSE:</p>	<p>Consulted (1/7/15) no response to date (24/7/15)</p>
<p>CLH-PS: (Response sent by Fisher German)</p>	<p>CLH Pipeline System Ltd, does not have apparatus situated within the vicinity of the proposed works, and as such does not have any further comments to make.</p>

Archaeology:	The development site is adjacent to the line of Grim's Bank– a linear earthwork of Saxon or possibly earlier date, parts of which are nationally designated as a Scheduled Ancient Monument. Although none of the Scheduled areas are within the development site boundary, the line of the ditch does pass along the southern end of the site, and the applicant has stated in the Design & Access Statement that the bank does indeed survive along the southern boundary.
	Although the development will not impact on the bank itself, there is reasonably high potential for archaeological features or deposits within the vicinity of the earthwork. The function of Grim's Bank is unknown, and the possible prehistoric date of the monument suggests that activity may have taken place adjacent to it. Linear earthworks are often created as boundaries, whether symbolic or territorial and are sometimes associated with earlier field systems or other monuments. In addition, they are also sometimes the focus for later activities – Saxon burials are sometimes aligned with earlier prehistoric monuments, and there is some suggestion that Grim's Bank may have been re-used during the Iron Age or Roman period to control access across the landscape surrounding Silchester.
	A programme of archaeological supervision (watching brief) during the excavation of the foundations and any related groundworks for the new house is recommended.
Thames Water:	No objection.
Waste:	No objection.

3.2 Representations

Total: 3 Object: 3 Support: 0

- Would not object to a 1-for-1 replacement of Quint,
- Would set a precedent for other new houses in gardens,
- The area suffers from poor services, any increase in properties would put further pressure on water / sewage / internet band width etc,
- Impact upon highways,

4 Planning Policy

4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF)

- The National Planning Practice Guidance (March 2014)

4.3 The policies within the West Berkshire Core Strategy (2006-2016) attract full weight. The following policies are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 6: The East Kennet Valley
- CS 1: Delivering New Homes and Retaining the Housing Stock
- CS 4: Housing Type and Mix
- CS 8: Nuclear Installations - AWE Aldermaston and Burghfield
- CS 13: Transport
- CS 14: Design Principles
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The following saved policies from the Local Plan are relevant to this application:

- HSG 1: The Identification of Settlements for Planning Purposes
- TRANS 1: Meeting the needs of New Development

4.5 In addition, the following locally adopted West Berkshire Council policy documents are relevant to this application:

- SPG: Quality Design (SPDQD)
- Community Infrastructure Levy (CIL) Charging Schedule

5. Description of Development

5.1 This application seeks outline permission for a new detached two story dwelling in the side garden of Quint. Matters to be considered are access, layout and scale:

Access: The site will share access from the existing private drive used by Quint.

Layout: The building footprint will be approximately 300sqm (compared to Quints footprint inc. garages etc 115sqm)

Scale: The eaves height of the building will match that of the existing house (Quint) as will the roof pitch, resulting in a similar ridge height to Quint.

5.2 Floor plans and elevations have also been included, however as an outline application these are indicative only. Design, appearance and landscaping are all to be considered at the reserved matters stage.

6. Consideration of the Proposal

The main issues raised by the proposal are:

- 6.1 The principle of the development,
- 6.2 The impact on the character and appearance of the area,
- 6.3 The impact on highway safety and parking,
- 6.4 The impact on neighbouring properties,
- 6.5 Amenity of future occupiers,
- 6.6 The potential for contaminated land,
- 6.7 Impact upon trees,
- 6.8 Impact upon ecology,
- 6.9 Impact upon archaeology
- 6.10 The proximity to Aldermaston Atomic Weapons Establishment,
- 6.11 Other Matters
- 6.12 The presumption in favour of sustainable development,

6.1 Principle of development

- 6.1.1 The site is located outside of any settlement boundary, as defined within policy HSG1 of the West Berkshire District Local Plan. Policy ADPP1 seeks to focus development within or adjacent to the settlements included in the settlement hierarchy. Policy CS1 also requires new housing development to be located in accordance with the settlement hierarchy. The closes settlement boundary to the application site is Aldermaston Wharf (2.1km) which is not within the settlement hierarchy. Within the open countryside only appropriate limited development will be allowed, focussing on addressing identified needs and maintaining a strong rural economy.
- 6.1.2 The National Planning Policy Framework (NPPF) at paragraph 55 sets out that Local Planning Authorities should avoid new isolated homes in unsustainable location in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work. No evidence has been provided with this application to demonstrate any special circumstances for a new dwelling.
- 6.1.3 To conclude, the principle of a new dwelling within the site is contrary to the strategic planning policies set out above.

6.2 The impact on the character and appearance of the area

- 6.2.1 Policy CS14 says that development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. West Berkshire Council's Quality Design SPD supports these policies, requiring that developments are well designed to reflect and add to the appearance of the surrounding area.
- 6.2.2 This part of Rectory Road has a rural character, with dwellings on the east side in a liner pattern and is enhanced by the trees and hedgerows. Development comprises of detached residential properties, the style and design of these properties is highly varied. Quint is one of 5 dwellings within a strong building line to the southern end of Rectory Road. The site for which this application relates is currently the side garden to the south of Quint.

- 6.2.3 While design, appearance and landscaping are to be considered at the reserved matters stage, the layout (footprint) and scale (height) of the dwelling can be considered now.
- 6.2.4 The proposed dwelling, like the 5 dwellings to the north of the site, will follow the building line which reflects the curve of the road, and it is noted that the proposed height will be similar to that of the donor property (Quint) and as such this aspect is considered to be acceptable.
- 6.2.5 When looking at the footprint, the proposed dwelling will be approximately twice the width and 2 to 3 times the area of the surrounding residential properties. While there is concern that the size of the foot print of the proposal will jar against those smaller properties, given the variety of style and design in the area, it is not considered to be so significant as to warrant a refusal for the impact upon the character of the area.

6.3 The impact on highway safety and parking

- 6.3.1 Highways were consulted with regard to the access details and have raised objections.
- 6.3.2 The sight lines are insufficient for access onto what is the classified Rectory Road and considering the likely vehicle speeds. The required visibility splays wouldn't seem possible owing to constraints from the extent of land within the site and probably due to the presence of trees (For examples speeds of 37 mph require visibility splays of 2.4 x 59 metres).
- 6.3.3 The application is recommend for refusal as the visibility at the proposed access would be sub-standard and this would be a hazard to road users.

6.4 The impact on neighbouring properties

- 6.4.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.4.2 The proposed dwelling is situated at it's closest point 8.7 metres from the donor property (Quint). The indicative plans show that only bathroom windows are proposed in the north (side) elevation, as such it is considered that the impact on the living conditions of neighbouring properties would be acceptable. The detailed design will be considered further at the reserved matters stage.

6.5 Amenity of future occupiers

- 6.5.1 Part 2 of the Council's adopted Supplementary Planning Document "Quality Design" provides guideline minimum sizes for gardens in new development in order to ensure houses are provided with sufficient private outdoor amenity space. For houses with 3 or more bedrooms a minimum of 100 square metres should be provided, this is the standard for both existing and new dwellings. However, due to the rural character of the site, a higher area of amenity space is expected and is achievable.

6.6 The potential for contaminated land

6.6.1 The site lies directly opposite the Padworth Fuel Storage Site which is identified as being contaminated land. The Environmental Health Service has been consulted and have stated that there is the possibility of the discovery of unforeseen contaminants on site during the construction phase. As such a condition is recommended.

6.7 Impact upon trees

6.7.1 While landscaping is to be considered at the reserved matters stage the site contains a number of mixed tree species mostly along the boundary with the adjacent field and at the front and right of the entrance. The garden area itself contains a small number of trees and ornamental shrubs. Overall the trees are a material constraint to the location of the dwelling. While the design and access statement does make reference to trees, saying that none will be removed or affected by the foundations, the plans provided fail to show a number of trees.

6.7.2 Although the proposed new house may have a direct impact on some trees the majority of the trees are Sycamore or fruit so are of very little value. With the new house being located 6m from the adjacent field boundary it is likely to be outside of the root protection areas and it would be possible to provide suitable mitigation controlled by condition.

6.8 Impact upon archaeology

6.8.1 The development site is adjacent to the line of Grim's Bank, a linear earthwork of Saxon or possibly earlier date, parts of which are nationally designated as a Scheduled Ancient Monument. Although none of the Scheduled areas are within the development site boundary, the line of the ditch does pass along the southern end of the site. Development will not impact on the bank itself, however there is reasonably high potential for archaeological features or deposits within the vicinity of the earthwork. No objections are raised subject to a condition.

6.9 The proximity to Aldermaston Atomic Weapons Establishment (AWE)

6.9.1 The site lies within 3km of the licensed nuclear installations at Aldermaston Atomic Weapons Establishment Aldermaston and within the Detailed Emergency Planning Zone (DPAZ). Policy CS8 of the Core Strategy identifies the site as lying within the inner zone of Aldermaston AWE. The AWE Off-site & PSD Off-Site planning groups were consulted and have not raised any objection to the proposed house.

6.10 Other Matters

6.10.1 The site falls within a Biodiversity Opportunity Area (BOA). The Council's Ecologist was consulted and has not raised any objections.

6.10.2 The application is outline only and any requirement for Community Infrastructure Levy would be considered at reserved matters stage.

6.11 Presumption in favour of sustainable development

- 6.11.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.
- 6.11.2 Providing new housing has a clear social benefit which supports strong, vibrant and healthy communities. The NPPF clearly seeks to significantly boost the supply of housing, however the application site is not considered to be a suitable location for small scale windfall housing development.
- 6.11.3 In terms of the economic role of planning, the development would have short term economic benefits during the construction phase and it is considered that the proposal would have a small economic benefit which weighs in favour of granting planning permission.
- 6.11.4 Contributing to protecting and enhancing our natural built environment is fundamental to fulfilling the environmental role of planning. The impact on the character and appearance of the surrounding area and the neighbours amenity has been assessed and found on balance to be acceptable.
- 6.11.5 For the above reasons, the proposal fails to meet with the social strand and therefore does not constitute sustainable development.

7. Conclusion

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, and having regard to the clear reasons to object to the proposal, it is considered that the development is unacceptable and is recommended for refusal for the following reasons:
- 7.2 The proposed development is considered to increase development in an unsustainable location outside of any defined settlement boundary. The proposed works are therefore contrary to the aims of sustainable development as defined in the NPPF, and are contrary to Policies ADPP1, CS1 and CS13 of the Core Strategy and Policy HSG1 and TRANS1 of the Local Plan Saved Policies. In addition, the visibility at the proposed accessed would be sub-standard and this would be a hazard to road users.

8. Recommendation

To **DELEGATE** to the Head of Planning & Countryside to **REFUSE** planning permission for the following reasons:-

8.1 Reasons for refusal

1. Principle

The site is located outside of any defined settlement boundary as identified by the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and is therefore within the open countryside. The explanatory text to Policy HSG1 of the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 states that outside

settlement boundaries development will only be acceptable in exceptional circumstances.

The West Berkshire Core Strategy 2006-2026 seeks to direct new development in accordance with the settlement pattern with most development taking place within settlements defined within the hierarchy as directed by Policy ADPP1. Policy CS1 of the Core Strategy states that new homes will be primarily developed on: suitable previously developed land within boundaries, other suitable land within settlements, strategic sites and broad locations identified on the Core Strategy Key Diagram and land allocated through the Site Allocations DPD. The proposal fails to accord with the strategic policies within the Core Strategy with respect to the location of new housing development and therefore presents an unsustainable form of development.

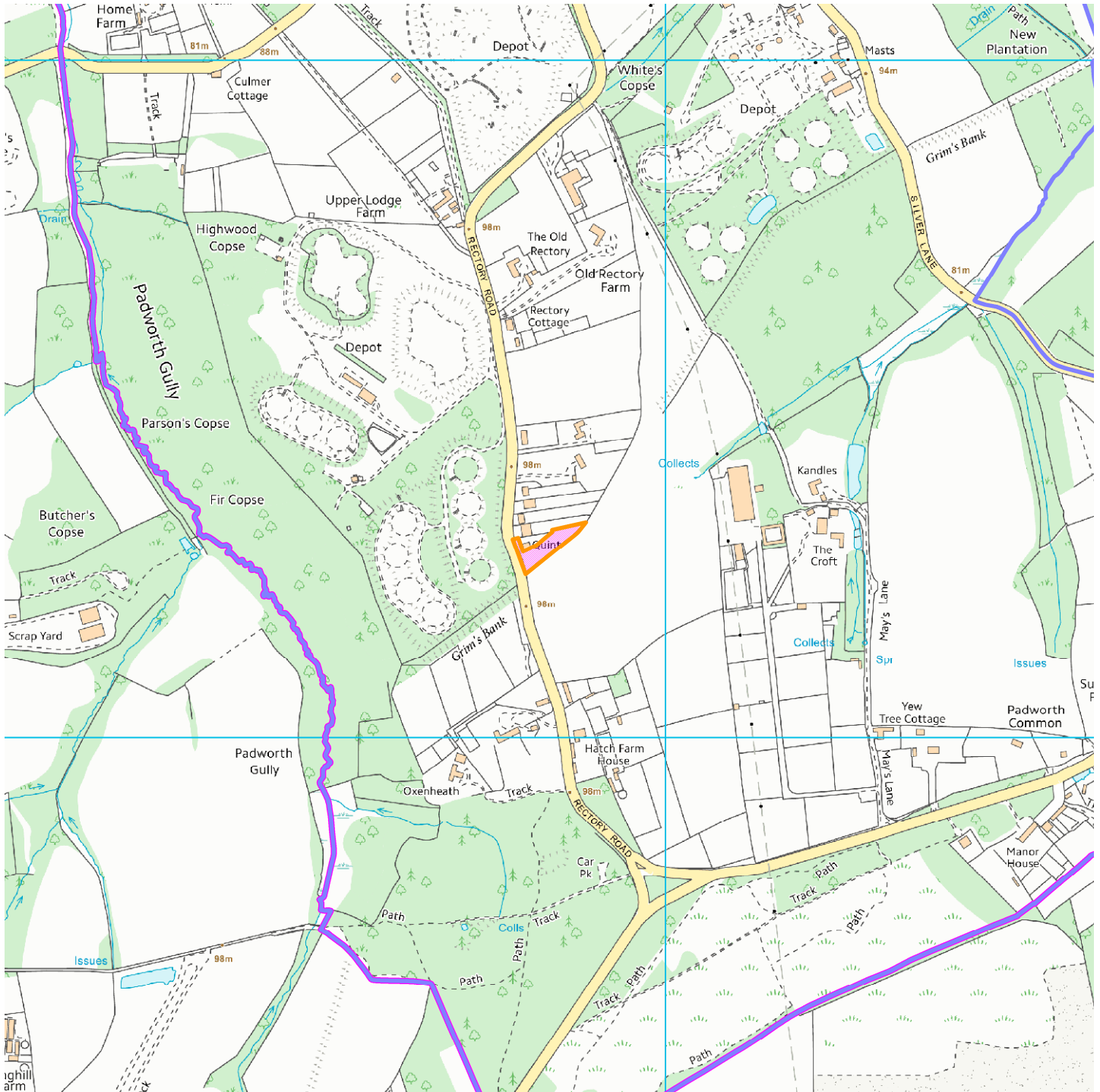
2. **Inadequate visibility**

Visibility at the proposed access would be sub-standard and this would be a hazard to road users. The applicant has therefore failed to satisfy the Local Planning Authority that appropriate access arrangements can be provided and the proposal is therefore contrary to the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 to 2026 and Policy TRANS1 of the West Berkshire Local Plan 1991-2006 Saved Policies 2007.

Informative:

- 1 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

Land at Quint, Rectory Road, Padworth Common

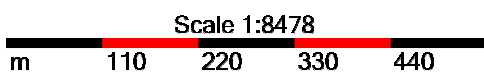


Map Centre Coordinates :

Scale : 1:8477

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Organisation	West Berkshire Council
Department	
Comments	
Date	23 July 2015
SLA Number	0100024151

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Agenda Item 5.

APPEAL DECISIONS EASTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
SULHAMSTEAD 14/01730/OUTMAJ Pins Ref 2228089	Firlands Farm Hollybush Lane Burghfield Common HDD Burghfield Common Ltd	Outline application for the erection of up to 90 dwellings (amended from 129) with vehicular access on to Hollybush Lane and associated public open space, landscaping and drainage work. Matters to be considered: Access.	Delegated Refusal	Allowed 6.7.15
STRATFIELD MORTIMER 14/02868/HOUSE Pins Ref 3009607	20 Strawberry Fields Mortimer Mrs J Dalton	Two storey rear extension	Delegated Refusal	Dismissed 9.7.15
WOKEFIELD 15/00055/HOUSE Pins Ref 3012610	1 Dingley Dell Mortimer Lane Mortimer Mr J Swales	Extension to create first floor and single storey side extension	Delegated Refusal	Dismissed 13.7.15
PURLEY ON THAMES 14/02974 Pins Ref 3019489	32 Hazel Road, Purley on Thames Mr M Kaur	Proposed two storey pitched roof rear and side extension with dormer window to first floor and conversion of existing garage.	Delegated Refusal	Dismissed 15.7.15
BASILDON 14/03143/HOUSE Pins Ref 3016559	Witneys Four Gardeners Lane Upper Basildon Mr and Mrs G Spencer	One and a half storey extension to form kitchen/breakfast and boot room with bathroom within roof space. Infill extension at first floor level to form additional bedroom	Delegated Refusal	Dismissed 27.7.15

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