

Notice of Meeting

Western Area Planning Committee

Wednesday 22 February 2017 at 6.30pm
in the Council Chamber Council Offices
Market Street Newbury

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, 14 February 2017

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury 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 Rachel Craggs (01635) 519441 Email: rachel.craggs@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 22 February 2017
(continued)

- To:** Councillors Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, Billy Drummond, Adrian Edwards, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing
- Substitutes:** Councillors Jeanette Clifford, James Cole, James Fredrickson and Mike Johnston

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 18
To approve as a correct record the Minutes of the meeting of this Committee held on 18 January 2017.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable 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. and Parish: 16/03469/FULD - 3-5 Porchester Road, Newbury** 19 - 28

Proposal:	Erection of third floor to provide four 1 bed flats with associated parking and amenity space
Location:	3 - 5 Porchester Road, Newbury
Applicant:	Jayborth Properties Limited
Recommendation:	To DELEGATE to the Head of Planning and Countryside to GRANT planning permission



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(continued)

- (2) **Application No. and Parish: 15/03196/COMIND - Land off Tull Way, Thatcham** 29 - 44

Proposal:	Flood alleviation scheme
Location:	Land off Tull Way, Thatcham
Applicant:	Highways and Transport Department, West Berkshire Council
Recommendation:	To DELEGATE to the Head of Planning and Countryside to GRANT planning permission

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 45 - 64
Purpose: To inform Members of the results of recent appeal decisions relating to the Western 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 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.

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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 18 JANUARY 2017

Councillors Present: Howard Bairstow, Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), Hilary Cole, Billy Drummond, Adrian Edwards, Clive Hooker (Chairman), Anthony Pick and Garth Simpson

Also Present: Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Policy Officer) and Shiraz Sheikh (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Paul Hewer and Councillor Virginia von Celsing

PART I

41. Minutes

The Minutes of the meeting held on 23 November 2016 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 38, page 6, 1st paragraph, 3rd line: change 'or a other registrable...' to 'or an other...'

Item 38, page 6, 2nd point, 1st line: change 'Mrs Elizabeth O'Keefe' to 'Miss'

Item 38, page 8, 16th point, 2nd line: change 'old piling' to 'screw piling'

Item 38, page 8, 16th point, 5th line: insert 'screw' to 'piling'

Item 38, page 9, 1st to 4th bullet points: First two bullet points have been repeated. Remove 3rd and 4th bullet points

Item 39, page 34, 3rd paragraph: Councillor Anthony Pick asked that it be recorded that he too had been lobbied

Item 39, page 38, 25th point, 1st bullet point: change 'shoe-in' to 'shoo-in'

Item 39, page 40, 35th point, 2nd line: change 'lived experience' to 'live experience'

Agenda Item 4(1), page 43, 1st table: change 'Newbury Town Council' to 'Greenham'

42. Declarations of Interest

Councillors Jeff Beck, Hilary Cole, Adrian Edwards, Billy Drummond and Anthony Pick declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

43. Schedule of Planning Applications

(1) Application No. and Parish: 16/00669/OUTMAJ, Land to the north of Pinchington Lane, Newbury

(Councillors Jeff Beck, Adrian Edwards, Billy Drummond and Anthony Pick declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council (NTC). Councillors Pick and Edwards were present when the

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application was discussed, but would consider the application afresh. As their interest was personal and not an other registrable or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.))

(Councillor Hilary Cole declared a personal interest in Agenda Item 4(1) by virtue of the fact that she is the Portfolio Holder for Planning and Housing. As her interest was personal and not an other registrable or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

- 1 The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/00669/OUTMAJ in respect of land off Pinchington Lane and Greenham Road and a new public open space and wildlife area with 157 dwellings and new road accesses.
- 2 In accordance with the Council's Constitution, Mrs Lucy Crofts, objector, and Mr Steven Smallman (Pro Vision), Mr Allan Bell (Hydrock) and Mr John Birch (Glanville), applicant/agent, addressed the Committee on this application.
- 3 Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers recommended the Committee grant planning permission, subject to the completion of a section 106 obligation.
- 4 The Chairman drew attention to page two, paragraph two of the Update Report and asked that if the need for a cap, and therefore an increase in the site levels, was under discussion whether the application would need to be reconsidered. Michael Butler explained that this had been looked at carefully by Officers and had been conditioned, however it was up to Members to make a decision on the visual impact of the proposal.
- 5 Councillor Jeff Beck sought clarification as to whether the increased height would be across the entire site or just where the properties would be built. Michael Butler suggested that the applicant might be able to give a detailed answer to this query. Councillor Beck asked for confirmation of the number of dwellings as stated on page 46, second line of the agenda. Michael Butler confirmed that there was an error and that the proposal was for 157 homes rather than 75.
- 6 Councillor Hilary Cole addressed a question to the Highways Officer as to what logic was used to decide between the use of cross-roads in preference to a mini-roundabout. Paul Goddard informed the Committee that a four-arm mini-roundabout would not work well in this situation and that a cross-roads would allow for traffic to move from each direction and would reduce the potential for a rat-run through the estate.
- 7 Councillor Cole also enquired what provision was being made for methane drainage on the public open-spaces and the ecological area. Michael Butler noted that the applicant would be able to answer this question more fully.
- 8 Councillor Paul Bryant voiced his concern over the continued maintenance of the ecological area and asked what could be put in place to guarantee that the developer would manage the land in perpetuity. Michael Butler averred that the section 106 agreement meant that the developer must accord with the approved plans and any variance would require a new planning application. He could not guarantee that this would be forever, but it would be so for the foreseeable future.
- 9 Councillor Bryant speculated that a covenant might be safer. Michael Butler considered that a section 106 would suffice and that the obligation to maintain the area lay with the land, not the developer. Shiraz Sheik noted that this would be confirmed as part of the negotiations between the Council and the applicant. Michael Butler further asserted that should the Committee approve the outline planning application, Officers would negotiate

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with the applicant. He continued that another option would be for the land to be transferred to the Council, but this was not recommended. Councillor Bryant wondered whether the Berks, Bucks and Oxon Wildlife Trust (BBOWT) would be better placed to take on the management of this area.

- 10 Councillor Anthony Pick asked if the cross-roads would be of a simple design or whether they would be lit. Paul Goddard explained that the crossing would be made safe.
- 11 Councillor Pick sought clarification on the matter of capping. Derek Carnegie informed the Committee that this was a technical matter that would be dealt with by Building Control rather than Planning. The Chairman suggested that this question be posed to the applicant.
- 12 Councillor Adrian Edwards asked for confirmation that the access points would be clearly signed to aid the safety of cyclists and pedestrians. Paul Goddard confirmed that Officers would ensure that signage complied to the usual standards.
- 13 Councillor Beck inquired if the maintenance of the land was to be resolved for this or the reserved matters application. Derek Carnegie stated that, if approved, the current application would be subject to a section 106 agreement, the details of which would be negotiated by the Public Openspace, Legal and Planning teams. He confirmed it would be a separate debate.
- 14 Councillor Billy Drummond pointed out that the traffic in Greenham was currently very bad and conjectured whether Officers had considered blocking off access to the new estate. Paul Goddard assured Members that the road through the eastern site would be set at 20 miles per hour and he would endeavour to make it bendy and tortuous to deter residents from using it as a rat-run. Councillor Drummond was certain that it would become a rat-run due to the high volume of congestion in the area. The Chairman offered the view that measures would be taken by Highways Officers should drivers start to use the road as a cut-through.
- 15 Michael Butler advised the Committee was only approving the access in this outline application during this meeting or what was within the 'red-line', and that the layout drawings were only illustrative. The detail of the design would be discussed at the reserved matters application, for example, should the applicant wish to change the number of dwellings, there would need to be a full application that would need consideration. If Members wished, all subsequent applications could come to Committee.
- 16 Councillor Pick was worried that the applicant would distribute houses on the ecological open-space. Michael Butler reiterated that the application being considered at this meeting was the 'red-line' and not the detail.
- 17 Councillor Dennis Benneyworth asked if bollards or other traffic calming measures could be used on the site. Paul Goddard explained that as the road would not be a bus route, there could be more substantial obstacles put in place to calm traffic, or alternatively the road could be closed off. Councillor Benneyworth wondered what level of traffic would lead to this action. Paul Goddard answered that Officers would consult with residents should traffic become a problem.
- 18 Mrs Crofts (objector) in addressing the Committee raised the following points:
- Mrs Crofts was representing Greenham Parish Council and the residents of Water Lane and Hastings Drive.
 - She had lived, and brought up her family for the past 15 years, in Water Lane.
 - There were three main areas of objection:
 1. Over development of the area and increasing infill

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2. Access and safety
3. Ecology and contaminated land

- With regards to overdevelopment, the building on the Race Course and Greenacres was still underway, there were proposals to build at Sandford and there was an increased amount of infill building in the area.
 - The green-space and gap was being eroded.
 - The covenant which was put in place to protect the land for over 100 years was being overridden by the Council and the developer and this raised concerns over the protection of other open-spaces in Greenham. The objectors felt that there must be another way to ensure these spaces were maintained.
 - There were objections to the two access points and she felt that the one on Water Lane was not required. The other access point would have little impact on residents, but she conceded that she would use the Water Lane access as a rat-run to avoid congestion on Pinchington Lane.
 - To ensure visibility for the access points on Greenham Road, hedgerows would need to be destroyed. She suggested using Greenacres as an access point.
 - The site was on contaminated land. Other residents on a similar site had been advised never to grow food in their gardens. The toxic run-off and dust from the land as it was disturbed by the building work would affect the great-crested newts and dormice that were supposed to be protected.
 - The site would be a metre higher than houses to the north.
- 19 Councillor Cole asked if Mrs Crofts was aware the site had been identified as part of the Housing Site Allocations Development Plan Document (HSADPD). Mrs Crofts replied that she was and that she was also aware that the document had not yet been approved by the Inspector.
- 20 Councillor Garth Simpson was concerned about the traffic in Greenham and asked the objector to relay the Committee with her experience of tailbacks. Mrs Crofts explained that during the school-run the congestion could be queued as far back as the A339 and sometimes beyond.
- 21 Councillor Bryant inquired if she had been affected by any pollution from the site. Mrs Crofts concluded that she had not, but that a neighbour, who was closer to the site, had mentioned the bad smell that was emitted from the area.
- 22 Mr Bell, Mr Smallman and Mr Birch (applicants) in addressing the Committee raised the following points:
- Mr Smallman noted that there was a plan led system put in place to provide five years worth of building land. The HSADPD was an interim measure pending the preparation of a revised Local Plan. This site was in the HSADPD and there had been no objection raised by the Inspector during his consideration thus far.
 - The level of affordable housing offered by this application underpinned the integrity of the HSADPD.
 - The application not only accorded with the HSADPD, but had been in response to consultation. Discussions with the Ecology Officer had shaped the site. Engineering solutions had been discussed with the Contaminated Land Officer and had been informed by the on-site management over the past 15 years.

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- The proposal would transform an area of wasteland into an attractive open-space with cycle routes and footpaths; using a brown-field site, rather than green-field.
 - The section 106 agreement would continue to allow the Council to control the development of the area and the open-spaces would maintain the gap.
 - The site was in a sustainable position as it was close to the town centre, retail amenities and public transport.
 - The developers had listened carefully to any objections. He noted that considering the size of the development, there had been relatively few objections and he considered this was due to the extensive consultation undertaken as part of the HSADPD and the support for this site from the Environmental Agency and BBOWT.
- 23 Councillor Beck asked for clarification on which areas of the site would be raised by one metre.
- 24 Mr Smallman explained that the proposal to increase the ground level to a maximum of one metre had been included in the Ecological Impact Assessment and the landscaping and Visual Impact Assessment had been carried out with the assumption that the level would be increased. The developed areas would be raised up to a maximum of one metre to provide room for a cap and help with surface drainage, however, there would be no raising of the ecological management area.
- 25 Councillor Beck further inquired as to the management of the open-spaces. Mr Smallman commented that the long-term management and maintenance of the open-spaces would be discussed with the Planning and Ecology Officers. Without planning permission the development could not take place and therefore neither would the implementation and future maintenance of the open space, the planned monitoring or the maintenance of the land fill and the ecological space.
- 26 Should the application be approved, the obligation for maintenance and management would rest with the developer, as the landowner. The ultimate responsibility for the site rests with the polluter. If the site were to be transferred to the Council or BBOWT they, as owners, would assume this onerous responsibility. The management plan and timescales were at the expense of the landowner who was obligated to carry them out. The applicant would provide an insurance bond, which the Council could draw on to fulfil the management plan, should the applicant go out of business. The details of this bond would be confirmed during the section 106 negotiations.
- 27 Councillor Bryant asked if the piling would go down into the refuse below the cap. Mr Bell responded that the potential risk of the landfill getting into the chalk below had been considered and would not occur, due to the London clay cap. The best technical solution was to use steel driven piling through the landfill, but the refuse would be contained by the clay.
- 28 Councillor Bryant questioned the suitability of three storey flats for this residential area as shown on the drawing of the scheme. The Vice-Chairman further enquired if sprinkler systems would be used within the flats. Mr Smallman reiterated that this was an illustrative scheme and that the detail would be discussed during the reserved matters application, where Officers might wish to condition the ridge heights of the proposed units and sprinkler systems could be considered.
- 29 Councillor Edwards suggested that 157 properties would add 350 vehicles to the Greenham roads and acknowledged that Mrs Crofts had identified certain times of day when congestion was at its worst. He asked if the applicant was aware of the congestion in this area. Mr Birch noted that these additional vehicles would not all be on the roads at the same time. The additional traffic had been modelled using the TRICS database and

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the increase would be small in relative terms (1.37%–1.55% on Pinchington Lane and 1.6%–1.97% on Greenham Road to the east). This was not as extensive as the maximum threshold in the National Planning Policy Framework (NPPF) guidance of 3%. Mr Smallman continued that there was a desire to discourage people driving straight through the eastern estate. Mr Birch further explained that the two access points, which would be adopted by the Council, would better allow for the distribution of traffic.

- 30 Councillor Pick wondered how the increased site level would assist with water run-off. Mr Bell explained that it would mainly assist with road drainage which would flow to the foul sewers through the drainage system.
- 31 Councillor Cole queried whether there would be additional methane vents on the site. Mr Bell stated that there would be a system of venting trenches and stacks which would control the migration of the gas through the site and where it was vented off.
- 32 Councillor Drummond, in addressing the Committee as Ward Member, made the following points:
- He thanked Mrs Crofts for her presentation.
 - He acknowledged that this site was in the HSADPD, but that didn't mean this proposal was right. The residents of Greenham had seen more than their fair share of development.
 - The footpath was used by a lot of children and was well used between Greenacres and the Bowling Club. The buildings would be too close to the road and footpath.
 - The site would become a rat-run between Pinchington Land and Greenham Road.
 - He was concerned about the planned walkway, as currently not many children played in the field and also that it might become an area for fly-tipping.
 - He did not agree with the Officers description (point 6.4.2) that the current condition of the site was "not necessarily attractive".
 - The only benefit that he could see was that it would provide 63 affordable homes.
- 33 The Committee debated the points raised and Councillor Beck observed that he had thought the whole of the gap would be lost, but he was gratified to see that there would still be a considerable amount of open space. There was a great need for more housing, but he accepted that traffic was already a problem. He would be pleased to see the application go forward. If the application were to be approved, he would like to see a non-revocable, on-demand bond put in place. He proposed that the application be approved, as per Officer recommendation. The proposal was seconded by Councillor Bryant.
- 34 Councillor Pick observed that the Committee should bear in mind that 'in perpetuity' meant approximately 50 years and that Members should be completely satisfied that whatever sums were required would be available in the future.
- 35 Councillor Cole reflected that she was fairly relaxed about the management plan, as this was business as usual. The public open-space would be more usable and the area would be enhanced. She also noted that this site had been selected and approved in the HSADPD.
- 36 Councillor Bryant found it upsetting to see so much of the land in the district going to housing, however he felt there was no alternative but to release land. The Council had been through a long process to identify land and he felt that Members would have to let this application through.

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37 Councillor Edwards was not against the site in principle, however there was little emphasis on alternative means of transport. He would hope to see a higher level of importance put on cycle routes when the application came to reserved matters.

38 Councillor Hooker invited the Committee to vote on the proposal of Councillor Beck, as seconded by Councillor Bryant to accept Officers recommendations. At the vote this was carried with one abstention.

39 **RESOLVED** that the Head of Planning and Countryside be authorised to **grant** planning permission subject to the first completion of a s106 planning obligation. That obligation to deliver the 63 affordable homes, plus the relevant s278 highways works. In addition the obligations required for ecological enhancement and monitoring of the open space in perpetuity, for the newt population and the following conditions:

40 **Conditions**

Time limit

1. The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

1 - 3 years from the date of this decision

2 - the expiration of 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

Reason: to clarify the permission in accord with the advice in the DMPO of 2015.

Reserved matters

2. Full details of the external appearance of the housing, the scale, the layout and the landscaping of the site, the ('reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission, and shall be approved in writing by the Local Planning Authority before any building or other operations start on site. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with the advice in the DMPO of 2015.

Drainage strategy

3. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed"

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Hours of working.

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

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

Reason: In the interests of the amenities of neighbouring occupiers in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Highways layout.

5. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application. All the required s278 and s38 agreements shall be completed prior to the first occupation of any dwelling.

Reason: In the interest of road safety and flow of traffic, and waste disposal. . 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).

CMS

6. 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) (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).

Removal of permitted development rights.

7. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with the advice in the NPPF of 2012.

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Fire hydrants

8. No development shall commence until details of fire hydrant provision on the site has been submitted and agreed with the LPA. The development must be carried out in strict accord with this scheme prior to any dwelling occupation.

Reason: To protect public safety in accord with the advice in the NPPF of 2012.

Suds.

9. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include a drainage strategy for surface water run-off from the site;
- d) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change, plus a stress test for the affect of a 40% increase;
- g) Include flood water exeedance routes, both on and off site; Include flow routes such as low flow, overflow and exeedance routes;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- j) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- k) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- l) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- m) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);

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- n) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- o) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
- p) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- q) Written confirmation is required from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- r) Details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development must be provided.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Land contamination.

- 10.No development shall commence in each phase approved by this planning permission until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The land was previously landfill. It will need to be remediated in accord with NPPF advice.

Verification.

11. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. In accord with the advice in the NPPF.

Remediation.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unexpected contamination encountered during the developments is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water. In accord with the NPPF advice.

Piling.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site is on a former landfill, piling could lead to the contamination of groundwater, in accord with the advice in the NPPF.

HEMP

14. No development shall commence until a HEMP is submitted to and approved in writing by the LPA, in accord with the principles defined in the draft HMP set out by BSG Ecology dated the 5th July 2016 on South East Newbury. Consequently all the habitat management proposals including the long term maintenance and monitoring of the site shall be put in place and fully implemented for the lifetime of the housing development hereby permitted.

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Reason: To ensure that the ecological impacts of the application are sufficiently mitigated, in accord with policy CS17 in the West Berkshire Core Strategy of 2006 to 2026.

Amended/approved plans.

15. This permission corresponds to the following plans--1261/ds04p Rev P, dated August 13, and 1606 DS05P Rev J dated August 2013, and plan number 1261/spo2 Rev K dated Oct 2015. All by Pro Vision. In addition the eastern access shall be constructed in accord with the revised plan by Glanville dated November 2016 number 8140821/6106 Rev A.

Reason. To clarify the planning permission in accord with the advice in the DMPO of 2015.

Access

16. No development shall take place until details of the proposed accesses into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawings.

Reason: To ensure that the accesses into the site are constructed before the approved dwellings are occupied in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

Levels

17. All the proposed dwellings shall be of two storey height only [with NO rooms in the roof] apart from the proposed 3 storey building facing Pinchington Lane [Plots 116 to 157].

Reason: To ensure that the overall visual impact of the scheme is restrained given the plateau nature of the site having regard to the advice in policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

INFORMATIVE:

- 1 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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
- 2 The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

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- 3 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the ****. You are advised to ensure that you have all the necessary documents before development starts on site.

44. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 8.00 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	16/03469/FULD Newbury Town Council.	3 rd February 2017.	Erection of third floor at 3 - 5 Porchester Road, Newbury to provide four 1 bed flats with associated parking and amenity space. Jayborth Properties Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/03469/FULD>

Ward Member(s):	Councillors M. Johnston and A. Pick.
Reason for Committee determination:	The Council has received in excess of 10 letters of objection.
Committee Site Visit:	16 th February 2017.
Recommendation.	The Head of Planning and Countryside be authorised to GRANT conditional planning permission.

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel No:	(01635) 519111
E-mail Address:	michael.butler@westberks.gov.uk

1. Site History

Application 113703 - Conversion of bedsits into self contained flats. Approved - 1980.

2. Publicity of Application

Site notice displayed 22nd December 2016. Expiry 12th January 2017.

Amended plans site notice. Erected 13th January 2017. Expiry 27th January 2017.

3. Consultations and Representations

Newbury Town Council

Amended plans. Objection / comment. The application would harm the attractive character of the area. Contrary to the Newbury Town Design Statement. Balance with the building opposite would be lost. Flats would be cramped and inadequate.

Highways

Conditional permission is recommended. The layout indicates 22 spaces which will comply with policy P1 in zone 2 in the HSADPD, i.e. one space per flat plus an additional 8 spaces for visitors. Bin storage is acceptable. Cycle store for 14 cycles is satisfactory. Existing two accesses are acceptable in terms of local forward visibility as is the increased level of traffic generation from 4 flats.

Environmental Health

No comments to make.

MOD

No safeguarding objections.

Waste Management.

No objections. Satisfactory improved bin store arrangements provided on site.

Conservation Officer.

Original plans. No objections having regard to the adjacent conservation area and its setting. Amended plans. The officer preferred the original symmetry of the first scheme, the current scheme still remains acceptable in overall design terms. If approved, a phasing condition should be applied to ensure that all four flats are completed in one phase to avoid an unbalanced view of the building occurring.

Public Representations.

A total of 13 letters of objection received which includes those on the amended plans. Concerns based upon overdevelopment, impact on privacy, increased pressure on local parking on street, poor design - the amended plans will unbalance the current symmetry of the semi detached pair and the visual balance across the road, the buildings should be conserved in their present form, negative impact on local street scene, impact on the area's character, impact on local conservation area, set a precedent, flats proposed too small, plans are confusing, unhappy with the approval process if the matter were to be delegated.

One letter of support. Good location for additional flats and the local population needs more flats anyway. Parking is acceptable.

4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026.

Policies CS4 [Housing type and mix], CS13 [Transport], CS14 [Design principles], CS19 [Historic Environment].

Newbury Town Design Statement. Public consultation draft - January 2017.

5 Description of development.

- 5.1 The application site comprises a pair of substantial and attractive Victorian villas [semi detached] on the south side of Porchester Road in the south of Newbury. The application site lies immediately to the east of the defined conservation area for the town centre - Inset Map 1 refers in the WBDLP of 1991 to 2006. The 2 dwellings are currently in use as 10 flats over three existing floors. It is now intended to erect an additional floor over the building to accommodate an additional four 1 bed flats. In association with this, the existing party boundary to the rear will be demolished and an open parking area with 22 spaces laid out [with an 'in and out' access point onto Porchester Road] will be set out. To the south will be a grassed amenity area of 356m². In addition smaller paved external amenity areas to the north and south of the building are proposed.
- 5.2 To the east frontage of the site will be a new cycle store for 14 bikes and there is to be a new bin store for the site as a whole. No. 3 Porchester Road [the western section of the pair] is to be increased in height by some 2.3m, whilst No. 5 [the east section] will be increased by 1.3m. This will make the ridge height 11m and 10m respectively. It was originally 8.7m. The original plans proposed a symmetrical arrangement with the building as proposed with a 10m ridge height. These have now been superseded.
- 5.3 Each of the new flats internally will have one bedroom each, an ensuite and a living /kitchen area. Externally there is to be new fenestration with 4 additional dormers on the north elevation, and 6 on the south elevation. To the east and west will be 2 additional dormers – serving the kitchens identified. A pair of Juliette balconies are proposed on the east and west flanks of the rear [south] elevation. These are at 1st and 2nd floor level only.
- 5.4 Since only 4 flats are proposed as a net gain the scheme is below the threshold of 5 units for affordable housing as set out in policy CS6 in the 2012 Core Strategy. No s106 agreement is accordingly required for such housing.

6. Consideration of the application.

The application will be examined under the following headings:-

6.1 - Policy HSG1

- 6.1.1 The application site lies in the centre of Newbury. Clearly it is a brown field site within the defined settlement of the town. Accordingly saved policy HSG1 in the Saved District Local Plan of 1991 to 2006 applies. This allows for additional housing in principle subject to a range of criteria. It is considered that all of these criteria are satisfied although this will be expanded upon in this report. In addition, there is little doubt that the application site lies in a highly sustainable location, being within easy cycling and walking distance of the town centre to the north with all its facilities. Local schools are also very close by.
- 6.1.2 Criterion [1] of the policy examines the existing residential nature of the surrounding area. Whilst Porchester Road does have a considerable range of individual dwellings, many of the properties around the application site are already in flatted conversions, particularly to

the south. Accordingly no harmful precedent will be set if further flats are permitted in the vicinity.

- 6.1.3 Criterion [2] recognises the need to protect any special features of the locality [inter alia] which give character to the site. In this particular case, as the Committee will have noted from the site visit, to the west and north of the site lie some attractive and imposing villas which certainly do add character, and this is recognised in the proximity of the local Conservation Area. Officers consider that whilst the proposal will alter this character, it will not be harmed. In particular the **unbalanced approach** is emulated by No. 1 Porchester Road and No. 96 Newtown Road to the east, also on the south side of the road. This has a “tower” feature which is considered unusual but attractive. In making such a favourable recommendation, the present symmetry of the pair of villas on the application site will be lost and the Committee will need to take this into account. This indeed is the basis of some of the objections. However, two points to note - design is at best [to a degree] a subjective issue and secondly the application site is not in the local Conservation Area, nor are the buildings listed. The policy against which the above should be addressed is CS19 in the Core Strategy, which, in turn, is based upon the NPPF of 2012, regarding “good” design and impact on heritage assets - such as conservation areas. Officers consider that the setting of the Conservation Area will not be harmed by the proposal, and the area’s distinct character will not be diminished. It thus accords with advice in the NPPF and policy CS19. It is important to note in this context that in the updated Newbury Town Design Statement, [2017] the design principles are met i.e. development should balance considerations of density and character, and existing street scenes should be respected, enhancing quality and variety in the street scene: certainly if this scheme is approved and implemented, variety will be improved.
- 6.1.4 Criterion [3] considers the scale of new development and whether it will impact upon general amenity such as local parking pressures. The applicant is proposing to allocate 22 spaces on the site which is an overall ratio of 1.57 spaces per flat on the site. This accords with policy P1 in the HSADPD which is nearing adoption by the Council. It is noted that the standards for flats have not been recommended for any change by the Inspector so they will soon become formal Council policy. Whilst it is recognised that a number of the objections to the proposal identify existing parking issues on street, the Council, via this application, is not in a position to improve the context, so long as the application impact will not materially affect [detrimentally] upon the existing situation. In addition, the highways officer is content with the accesses [existing] on the site which will be utilised. Accordingly, criterion [3] is met.
- 6.1.5 Criterion [4] of the policy considers provision for improving derelict areas. Clearly this is not relevant in this context / site area.
- 6.1.6 Finally, criterion [5] of HSG1 identifies whether the cumulative impact of any new development will materially harm an area and its particular character. Porchester Road, at its western end undeniably has an unusual attractive, and almost unique [to Newbury] charm and quality but only part is identified as a conservation area, and none of the application site comprises listed buildings. Given that a number of dwellings in the locale have already been converted to flats, the addition of four more, cannot be considered as contrary to the intentions of policy HSG1. This point is made in addition to the point that officers believe the design to be on balance, acceptable. The final issue in this context is impact upon local amenity. Firstly, overshadowing. It is recognised that there will be some element of sunlight loss during the winter months to the dwellings on the north side of Nos. 3 - 5 Porchester Road. Officers have undertaken a sunlight/daylight analysis which notes this; but recognising the distance of 22.5m between the north elevation of the application building and Nos. 4 and 6 opposite to the north, it is considered this loss is marginal and not worthy of rejecting the scheme. Secondly the matter of loss of privacy has been raised by some objectors. Whilst additional fenestration is being proposed, the number and location of new windows / dormers, are not considered in this wholly urban context, to merit obscure

glazing to reduce such overlooking where indeed it occurs. As a consequence officers are content that all of the criteria in policy HSG1 are met.

7.0 Conclusion

- 7.1. All planning applications are required to be determined in accordance with the three golden threads of sustainability within the NPPF of 2012. In environmental terms, this has been duly examined above. Whilst there will be a degree of impact this is not so severe, as to merit rejection. In economic terms there will be a degree of advantage arising, given the short term construction benefits, but also the marginal increase in local community expenditure from the occupants of the 4 flats - maximum 8 residents. Finally, in social terms the application is neutral, although the benefit of four additional residential units in such a highly sustainable location should be taken fully into account.
- 7.2. Taking all of the above into account, officers are recommending a conditional approval to the application.

8.0 Recommendation

The Head of Planning and Countryside be authorised to GRANT conditional planning permission to application 16/03469/FULD.

CONDITIONS

Time limit

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

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

Amended plans.

2. The development must be carried out in strict accord with the following plans as received on 10 January 2017 - plan number 2760-02b rev B, [proposed plans and proposed elevations] plus site plan and survey plan number 2760-01. Location plan received on 8 December 2016

Reason: To clarify the permission in accord with the advice in the DMPO of 2015.

Phasing.

3. The development shall be completed as one whole phase.

Reason: To ensure there is no unacceptable visual imbalance in the north elevation of the proposed development which would otherwise be harmful to the street scene and setting of the adjacent conservation area, so being contrary to policy CS19 in the West Berkshire Core Strategy of 2006 to 2026.

Vehicle Parking.

4. No new dwelling shall be occupied until the vehicle parking and/or turning space have been provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (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).

Cycle Parking.

5.No new dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (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).

Temporary parking.

6. No development shall take place until details of a contractors temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off-site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. 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).

Materials.

7. The materials to be used in the development shall match those on the existing development to the satisfaction of the Local Planning Authority. This shall relate to the slate roof and the existing facing render.

Reason: In the interests of amenity in accordance with Policy CS19 of the West Berkshire Core Strategy of 2006 to 2026.

Hours of working.

8 The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 8.00 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

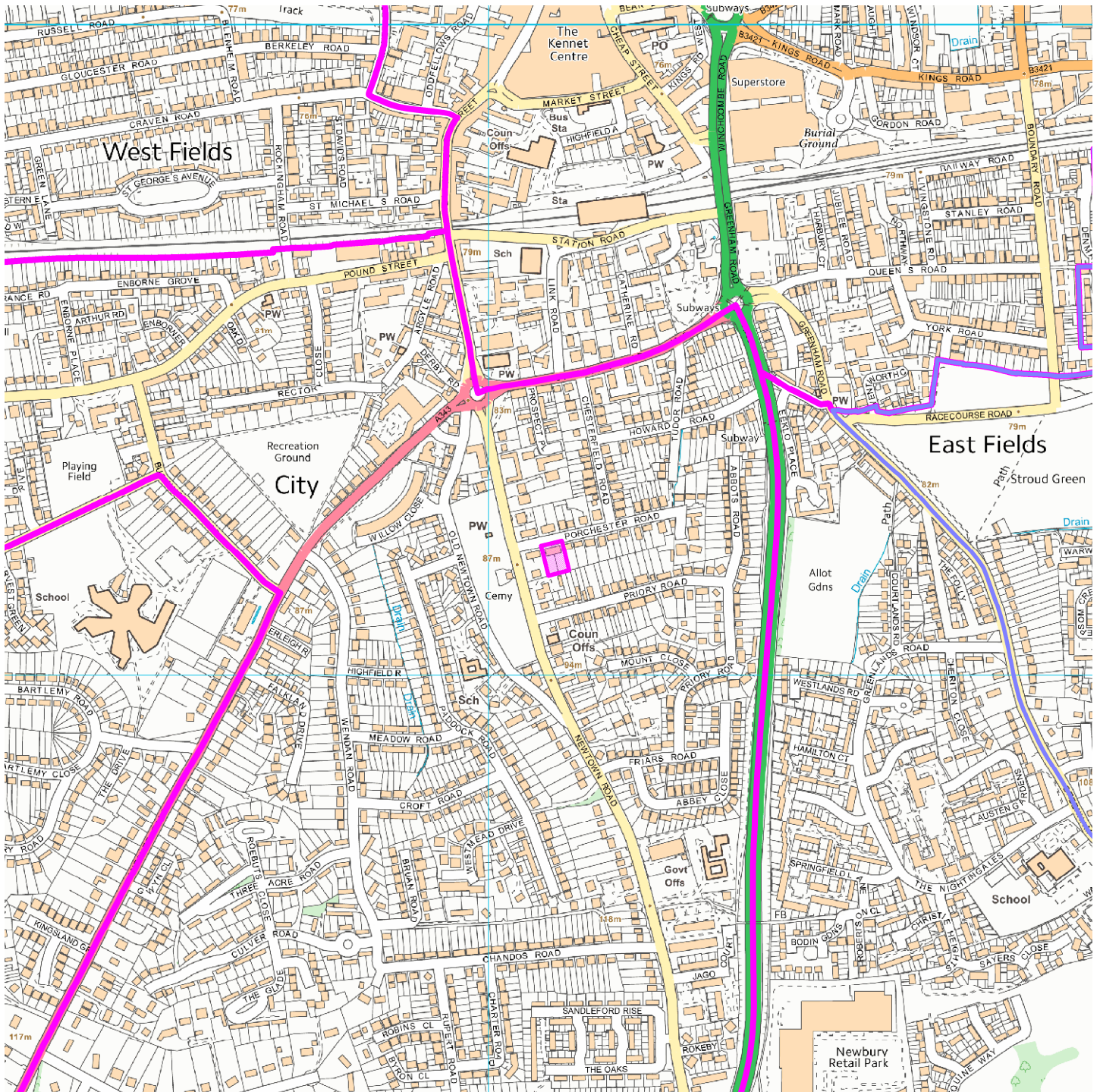
Reason: In order to protect the amenities of surrounding residents in accordance with the advice in the NPPF of 2012.

INFORMATIVES:

1. 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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

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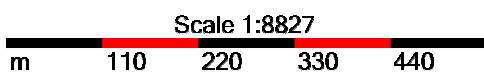
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Organisation	West Berkshire Council
Department	
Comments	
Date	09 February 2017
SLA Number	0100024151



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Agenda Item 4.(2)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	15/03196/COMIND Cold Ash	2 March 2016	Flood alleviation scheme. Land off Tull Way, Thatcham. Highways and Transport Department, West Berkshire Council.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/03196/COMIND>

Recommendation Summary: **The Head of Planning and Countryside be authorised to grant planning permission**

Ward Member(s): Councillor Garth Simpson

Reason for Committee Determination: As a major application on Council owned land the proposal has to be considered by Committee under the Council's Constitution.

Committee Site Visit: Thursday 16th February 2017.

Contact Officer Details

Name: Lydia Mather
Job Title: Senior Planning Officer
Tel No: (01635) 519111
E-mail Address: Lydia.mather@westberks.gov.uk

1. Site History

13/02461/SCREEN: Environmental Impact Assessment Screening Opinion - Proposed Flood Alleviation Scheme at Tull Way, Thatcham. EIA not required 25.10.13.

15/00071/COMIND - Approval of flood alleviation scheme, September 2015.

2. Publicity of Application

Press Notice Expired: 18/12/2015

Site Notice Expired: 08/01/2015

3. Consultations and Representations

Cold Ash Parish Support.

Council:

Thatcham Town No objection.

Council (adj):

Highways: No objection following amended plans and additional information, subject to conditions.

Archaeology: No objection subject to condition.

Minerals and No objection subject to condition.

Waste:

Tree Officer: No objection subject to condition.

Ecology: No objection.

Natural England: No objection.

Environmental No objection subject to condition.
Health:

4. Policy Considerations

4.1 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 Saved Policies 2007
- The South East Plan 2009 Policy in so far as Policy NRM6 applies
- The Replacement Minerals Local Plan for Berkshire 2001
- The Waste Local Plan for Berkshire 1998

4.2 The following Core Strategy policies carry full weight and are relevant to this application:

- National Planning Policy Framework Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 2: Newbury
- Area Delivery Plan Policy 3: Thatcham

- CS 13: Transport
 - CS 14: Design Principles
 - CS 16: Flooding
 - CS 17: Biodiversity and Geodiversity
 - CS 18: Green Infrastructure
 - CS 19: Historic Environment and Landscape Character
- 4.3 The saved policies of the West Berkshire District Plan carry due weight according to their degree of conformity with the National Planning Policy Framework. The following saved policies are relevant to this application:
- TRANS.1: Meeting the Transport Needs of New Development
 - OVS.5: Environmental Nuisance and Pollution Control
- 4.4 Other material considerations include:
- The National Planning Policy Framework 2012
 - The Planning Practice Guidance Suite 2014
 - Manual for Streets
 - The Wildlife and Countryside Act 1981 (as amended).
 - The Conservation of Habitats and Species Regulations 2010
 - West Berkshire Supplementary Planning Document Quality Design 2006
 - Cold Ash and Ashmore Green Village Design Statement

5. Description of Development

- 5.1 The application is a resubmission of a previous permission with some amendments to the internal layout and materials. An additional stretch of track is proposed over the eastern side of the bund to provide access to a field to the north. The parking for one or two inspection vehicles after construction would now be on the access track to the centre of the rear access track, rather than a separate designated area. The materials for the headwall and wingwall within the bund would be concrete rather than brick.
- 5.2 Following the floods of July 2007, West Berkshire Council undertook a Flood Survey which identified Thatcham as one of the areas which experienced surface water flooding. In 2009, in partnership with DEFRA, West Berkshire Council undertook a Surface Water Management Plan (SWMP) for Thatcham. As part of the SWMP, an analysis of flooding from ordinary watercourses and overland flow was undertaken. This identified the area surrounding Tull Way in Thatcham as having been severely affected by flooding from a combination of ordinary watercourse and overland flows.
- 5.3 As part of the SWMP, an outline design for an earth bund and detention basin was produced to reduce the risk of flooding to the North West of Thatcham. This detention basin would provide flood protection to approximately 200 residential properties and improve safety of the travelling public on Tull Way itself.
- 5.4 The Tull Way Flood Alleviation Scheme follows on from Phase 1 of the Cold Ash Hill Flood Alleviation Scheme which was completed in the summer of 2014. Tull Way is located to north-west of Thatcham in West Berkshire, which is approximately 3 miles to the east of Newbury. The site is to the north of Tull Way Road and consists of arable farm land and paddock.

- 5.5 The Ash Bourne and an unnamed ditch flow beneath Tull Way at this location continue to flow in culverts through Thatcham before discharging into the Moor Ditch and then the River Kennet. Thatcham is within 'Thames Sub-Area 1' where the preferred policy is for the Environment Agency to 'take action with others to store water or manage run-off in locations that provide overall flood risk reduction or environmental benefits'.
- 5.6 The Ash Bourne has been overflowing and flooding properties where it crosses Bowling Green Road since the 1950s. This area has suffered a number of flood events in July 2007 and 2008. Northfield Road, whose surface water drainage is connected to the Ash Bourne in culvert, has suffered numerous flood events since the 1970s. The Ash Bourne has historically exceeded its capacity in the north west of Thatcham causing flooding on Bowling Green Road and the surrounding area. The worst flooding experienced was in July 2007 where more than 431 residential properties in the central part of Thatcham were affected, including the residential properties around Florence Gardens and Bowling Green Road.
- 5.7 The flooding has been attributed to the overland flows from the areas to the north of Thatcham which exceeded the capacity of the Ash Bourne watercourse and ditches to the south of Tull Way. The detailed hydraulic modelling undertaken as part of this study estimated 312 residential properties at risk of internal flooding, with a total of 1,412 residential properties estimated to be at risk of surface water flooding during the climate change 1 in 100 rainfall event.
- 5.8 This application seeks permission for a flood alleviation scheme on the north side of Tull Way set back from the road which comprises the creation of a bund of varying height that rises from the western end to a maximum height of 2.81 metres above the road level toward the eastern end of the bund. The bund would be approximately 330 metres in length from east to west. A further 45 metres length of bund at the eastern end of the site which runs behind the residential dwellings of Henwick Close is also proposed.
- 5.9 The design comprises the construction of an earth bund of mainly imported material. It is estimated that approximately 15,615m³ of imported material will be required. Currently there are two ditches that channel flows under Tull Way. It is envisaged that these two watercourses will be merged upstream of the bund and channelled through the bund and under the highway by extending the existing road culvert. Flows through the bund will be managed by way of a control structure that will be protected by a trash screen. The materials of this structure have been amended with this application from brick to concrete.
- 5.10 The quantity of water to be retained in the basin is estimated to be 56,300m³. The surface area at top water level is estimated to be 42,000 m². The site will be classified as a reservoir under the Reservoirs Act and the design and construction will be overseen by an appointed Panel Engineer. The scheme has been designed to work in conjunction with the existing Thames Water surface water drainage systems. In previous times of intense rain fall the Thames Water system has become overwhelmed and water has overflowed the road and flooded the residential areas to the south of Tull Way. The attenuation bund is designed to attenuate flows and allow a controlled release in to the Thames Water system.

- 5.11 An access road into the site is proposed at the western end of the bund which splits with one route travelling to the rear of the bund providing access to the bottom of the sluice only, and the field to the north. The sluice access track ends approximately halfway along the bund. The other route travels along the entire spine of the bund, at a raised level, to enable access to the top of the headwall and control of the sluice. This route then continues along the top of the bund and provides an exit at the eastern end of the bund. This application includes a spur that was not previously proposed to the track to the eastern end of the bund to provide access to the field to the north.
- 5.12 The majority of the bund is to be planted with wildflower grass planting. A replacement hedgerow interspersed with trees is proposed along the southern edge of the bund between the bund and the road. Along the northern edge of the access road, behind the bund, a hedgerow is also proposed. The remainder of the northern edge of the bund is proposed to be planted with a wildflower meadow mix and trees. A timber fence and field gate is proposed along the northern edge of the bund and access road. Access routes into the site will have timber field gates. A public right of way currently runs through the site and the public right of way access is maintained with the proposal through the provision of steps over the bund itself.

6. Consideration of the Proposal

The main issues for consideration in the determination of this application are:

- 6.1. Principle of the development;
- 6.2. The impact on the character and appearance of the area;
- 6.3. The impact on neighbouring amenity;
- 6.4. Highway and Public Rights of Way matters;
- 6.5. Other matters.

6.1 Principle of Development

- 6.1.1. The site is located outside of but adjacent to the defined settlement boundary of Thatcham which runs along the southern side of Tull Way, as defined by Policy HSG.1 of the West Berkshire District Local Plan Saved Policies. As such the application site falls within the open countryside as identified within Policy ADPP1 of the Core Strategy.
- 6.1.2. Policy ADPP2 states that ‘opportunities will be taken to reduce flood risk, particularly in the Town Centre through flood alleviation scheme and redevelopment’. Policy ADPP3 of the Core Strategy which is applicable to development within Thatcham adjacent to the application site does also note that ‘the risk of flooding within the area will be reduced and managed through the implementation of schemes within the Thatcham Surface Water Management Plan and in accordance with Policy CS16.’ The proposed flood alleviation scheme is identified within the Thatcham Surface Water Management Plan (2010). The principle of the development is therefore considered acceptable unless there are significant adverse impacts or specific policies which indicate permission should be refused.

6.2. The Impact on the Character and Appearance of the Area

- 6.2.1 The site is located on the northern side of Tull Way. To the southern side of Tull Way is the built up area of Thatcham. At the western end of the application site are the rear gardens of residential dwellings within Henwick Close. The ground level rises from the A4 junction with Tull Way and then drops as one continues along Tull Way towards the application site. The application site is located within a dip in the local terrain with the ground levels rising to the north/north-west and south-west.
- 6.2.2 The proposal will alter the appearance of the site significantly through the engineering works proposed. The bund is set back from the road on land that is at a lower level than the road itself. The spine of the bund is located approximately 20 metres from the edge of the road at its highest point. Views towards the countryside to the north and north-west of the application site will be obscured by the proposed bund for a length of approximately 250 metres when travelling along Tull Way. This would be detrimental to the existing character of the immediate area which enables views across to countryside and creates a sense of space to the edge of settlement location.
- 6.2.3. In the early stages of construction the appearance of the site will be greatly altered. However once the proposed bund has been constructed, and the proposed landscaping established, the development will be softened considerably and large sections of the bund will be obscured in views out towards the countryside from Tull Way. The views from the public right of way which crosses the bund will be greatly altered for a short section of the footpath from Tull Way when travelling north along the footpath. When travelling south along the footpath towards Tull Way the bund will be apparent in views and will obscure some views of the built form of Thatcham. The bund will be seen as a man made feature, however, as the landscaping proposed is established this will be softened greatly in views from the footpath when travelling southwards.
- 6.2.4 The proposed bund is of significant height reaching approximately 2.8 metres above the level of Tull Way at the highest point. However it is set back from the road with the spine of the bund being located approximately 20 metres from the road edge at the highest point. Landscaping along the side of the bund will help the man-made structure blend into the surrounding fields to the north and north-west. A hedgerow will be planted between the bund and the road for approximately 250 metres from the western end to the east. Part way along the bund is a spillway section of the bund over which protection matting has to be located and as such a hedgerow is unable to be planted for a short section between the bund and the road.
- 6.2.5 The proposed access routes to the rear of the bund, and along the spine, will be constructed with compacted stone. The steps of the footpath over the bund will be constructed using timber retainers filled with compacted hoggin. A 1 metre tall wooden hand rail is also proposed. At the headwall where the flow of water is to be controlled is a hand wheel for raising and lowering the sluice, a trash screen to prevent debris from flowing further downstream and concrete access steps to the bottom of the bund where the outfall culvert is to be located. The headwall is cut into the bund structure and its sides will be finished with concrete on the side walls of the headwall. Therefore the trash screen, concrete steps and wingwalls will be largely hidden from view.

- 6.2.6 Overall the proposal will result in a significant change to ground levels and views into and out of the countryside. The proposal will be seen as a man made structure on the edge of the settlement of Thatcham. The extensive landscaping proposed will greatly soften the development and help it to blend in with the surrounding fields to the north and reduce the impact from Tull Way. However the access paths, timber fencing and gates at a height, steps and wingwalls do introduce alien features in views from the public realm.
- 6.2.7 Therefore the proposal is considered to detrimentally impact on the character and appearance of the countryside. This has to be balanced against the planning merits of the proposal which is discussed later in this report.

6.3. Impact on Neighbouring Amenity

- 6.3.1 Planning Policies CS 14 and CS 19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. There will be an impact on the outlook from the properties along Henwick Close that back on to the site at the east and on the south side of Tull Way. However, due to the separation between the bund and the properties themselves, as well as the site being at a lower ground level, the overall height of the bund will not cause significant loss of daylight to those properties.
- 6.3.2 The construction works themselves will cause potential noise disturbance. A construction management plan has been submitted with the application detailing the hours goods vehicles can enter and exit the site and how local residents will be provided information on the works. A condition that requires the construction management plan to be adhered to would secure these measures.
- 6.3.3 The additional stretch of access track within the site to the east would involve some visibility from vehicles accessing the field to the rear towards the rear gardens of Henwick Close. As a private access track serving a field the frequency of car movements would be very low and would not involve long term parking on the track itself. The impact of the additional stretch of access is therefore considered acceptable.

6.4. Highway and Public Rights of Way matters

- 6.4.1 The construction of the bund will require the importation of approximately 15,615m³ of imported material. This will result in approximately 1250 deliveries by HGV to the site over a period of 3 months which equates to approximately 42 HGV movements daily (21 vehicles in and 21 vehicles out). The material is to be sourced from AWE Burghfield with a haul route via the A4, Henwick Roundabout. Initially, all site traffic will leave site from the western access along Tull Way but as works progress, site tippers will leave from the western access for the latter stages of construction and other vehicles will be permitted to use the eastern access.
- 6.4.2 The number of HGV movements and haulage route has been reviewed by the Highways Officer and is considered satisfactory for the relatively short period of construction. A parking space provided on the site will be used for maintenance and inspection vehicles to attend to the finished structure. Typically it is expected that one vehicle will be required for inspection purposes and two vehicles for

maintenance purposes (though not necessarily at the same time). Therefore, it is considered that adequate off road parking is proposed. During the construction phases of the works construction vehicles would park within a designated area of the site compound.

- 6.4.3 Swept path plans for tipper trucks using the western access have been provided and are considered acceptable. Plans showing suitable visibility splays at both accesses during construction and post-construction have also been provided and are considered acceptable.
- 6.4.4 A construction management plan has also been submitted together with a transport note which details vehicles movements and times and routes of HGV movements as well as contractor parking within the site, wheel washing facilities, road sweeping where necessary, communication with local residents and storage of materials. These are considered acceptable.
- 6.4.5 The drawings submitted show a bonded material to be used at the access points for a distance of five metres set back from the edge of the carriageway during and post construction to reduce the risk of migration of loose material onto Tull Way. This is considered acceptable.
- 6.4.6 Therefore the proposal is not considered to detrimentally impact on highway safety.
- 6.4.7 In respect of the existing public right of way footpath (COLD/4/3) there will be disruption to this route whilst construction is taking place. Once constructed an appropriately surfaced stepped route over the bund will be in place. Therefore the proposal is not considered to detrimentally impact on the public right of way. Overall the application is considered acceptable under development plan policies CS 13 and CS 18 of the Core Strategy and TRANS.1 of the Local Plan.

6.5. Other matters

Impact on Biodiversity

- 6.5.1 The application has been reviewed by the Principal Ecologist who raises no objections subject to conditions to ensure protection of species and provision of suitable landscaping to enhance biodiversity in accordance with Policy CS17 of the Core Strategy.

Flooding

- 6.5.2 As previously noted the development proposed has been detailed in the Thatcham Surface Water Management Plan (2010) and extensive consultation with the Thatcham Flood Forum and Thatcham Town Council has been undertaken by the applicants. The development proposed accords with Policies ADPP3 and CS16 of the Core Strategy as it will enable management and reduction of flooding. The flood alleviation scheme will be managed and maintained by West Berkshire Council.

Planning Balance

6.5.3 As identified in this report the proposed flood alleviation scheme will impact on the immediate character and appearance of the area. The bund will create an enclosed feel for a relatively short length of Tull Way. However the bund is set within terrain that rises to the north, north-west and south-west. Furthermore the built up area of Thatcham to the south-east also limits the extent of impact of the development on the wider area. The development would contribute a significant public benefit through the reduction in risk of flooding to the north-west of Thatcham. The detention basin created would provide flood protection to approximately 200 residential properties and improve the safety of the travelling public on Tull Way itself. Therefore, whilst some harm to the character and appearance of the area has been identified, this is considered to be limited to the immediate area and is outweighed by the significant public benefit that the flood alleviation scheme would create. The additional access track to the east of the site over the bund, and the change in material within the headway itself is not considered to alter the overall assessment of the scheme.

Presumption in Favour of Sustainable Development

6.5.4 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals.

6.5.5 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

6.5.6 In contributing to the economic role the development proposed would aid in providing short term economic benefits during the construction phase. However this is of limited economic benefit. The protection of a significant number of homes and businesses from flooding is considered to contribute to long term economic benefits.

6.5.7 Contributing to protecting and enhancing the natural, built and historic environment is fundamental to fulfilling the environmental role of planning. As detailed in this report the proposal would introduce some limited detrimental impact to the character and appearance of the area through the introduction of a man-made structure partially obscuring views into and out of the countryside. This weighs against the environmental sustainability of the proposal.

6.5.8 However the development of the flood alleviation scheme would contribute to protecting the built environment of Thatcham in favour of the environmental sustainability of the proposal. Furthermore the proposal is considered to be of significant public benefit to reduce the risk of flooding to a wide area and help protect a large number of residential properties as well as the travelling public from flooding in the future. This is considered to contribute significantly to the social sustainability of the proposal. As such in balancing the dimensions of sustainable development identified in the NPPF the proposed when taken as a whole would constitute sustainable development in accordance with the NPPF.

7. Conclusion

- 7.1. Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, on balance, the development proposed is acceptable and should be approved for the reasons set out below.
- 7.2. The principle development proposed has been detailed in the Thatcham Surface Water Management Plan (2010) and is in accordance with the Core Strategy specifically Policies ADPP2 and ADPP3 as well as CS16.
- 7.3. The development would introduce some detrimental impact to the immediate character and appearance of the area through the introduction of a man-made structure partially obscuring views into and out of the countryside. The bund will also create an enclosed feel for a relatively short length of Tull Way. However the impact on the wider area is considered to be relatively limited due to local terrain and the built up area of Thatcham to the south-east.
- 7.4. The development would contribute a significant public benefit through the reduction in risk of flooding to the north-west of Thatcham. The detention basin created would provide flood protection to approximately 200 residential properties and improve the safety of the travelling public on Tull Way itself. Therefore, whilst some limited harm to the character and appearance of the area has been identified, this is considered to be outweighed by the significant public benefit that the flood alleviation scheme would create.

8. Full Recommendation

- 8.1. The Head of Planning and Countryside be authorised to grant planning permission subject to the conditions previously applied regarding approved plans, access construction, visibility splays, after construction parking, construction method statement, landscaping, set back of access gates, boundary treatments, archaeology, and ecology conditions. An additional condition specifically regarding materials is also to be applied in accordance the materials agreed by Natural England for the imported material to construct the bund and for the headwall.

9. Conditions

Time Limit

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

Reason: To 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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

Plans

2. The development hereby permitted shall be carried out in accordance with drawing numbers:
3189-GA-100 Rev G, 3189-SD-101 Rev G received on 20 January 2017;
WBC/118/8K1/Rev E received on 11 July 2016;

3189-ATR-01 Rev F, 3189-ATR-02 Rev E, 3189-ATR-03 Rev E, 3189-ATR-04 Rev E, 3189-GA-02 Rev F, 3189-GA-03 Rev E, 3189-RP-100 Rev E, 3189-RP-101 Rev E, 3189-RP-102 Rev D, 3189-SD-100 Rev D, 3189-SD-102 Rev D received on 28 August 2016;
3189-RP-01 Rev G and 3189-RP-02 Rev B received on 2 December 2015;
Geotechnical Interpretative Report by Geo Environmental Services received on 20 November 2015;
Geotechnical Lab Test Results Summary, documents GE10924-App6-1, GE10924 EWKSPEC and email received on 19 April 2016;
Cotswold Archaeology project ref 77022 received on 22 February 2016.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policies ADPP1, ADPP2, ADPP3, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006 – 2026, TRANS.1 and OVS.5 of the West Berkshire District Local Plan Saved Policies 2007, the National Planning Policy Framework, and the Wildlife and Countryside Act 1981 (as amended) should it not be started within a reasonable time.

Access Construction

3. As a first development operation the western access at Tull Way shall be constructed in accordance with the approved drawing 3189-ATR-03 Rev E received on 23 August 2016. The access at the site shall not be brought into use for construction until give way markings have been implemented across the entire access for the temporarily widened access during construction.

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

Construction Method Statement

4. The development shall be carried out in accordance with the approved revised Technical Note and the revised Construction Method Statement received on 20 January 2017. These documents 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;
 - (e) Wheel washing facilities;
 - (f) Measures to control the emission of dust and dirt during construction.

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 2012, Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

Materials

5. The materials to be used in the development hereby permitted shall be as specified on the plans and supporting documents. The headwall and wingwall concrete finish shall be as per drawing 3189-SD-101 Rev G received on 20 January 2017. The bund shall be constructed in accordance with the details submitted within documents: Geotechnical Interpretative Report by Geo Environmental Services received on 20 November 2015; Geotechnical Lab Test Results Summary, documents GE10924-App6-1, GE10924 EWKSPEC and email received on 19 April 2016.

Reason: To ensure that the materials respond to local character and do not impact features of special interest for which the River Kennet Site of Special Scientific Interest is notified. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS14, CS17, and CS 19 of the West Berkshire Core Strategy 2006-2026, and the Wildlife and Countryside Act 1981 (as amended).

Set Back of Gates

6. Any gates to be provided at accesses where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least five metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

Visibility Splays

7. The use shall not commence until the visibility splays at both accesses on Tull Way have been provided in accordance with drawing number 3189-GA-100 Rev G received on 20 January 2017. 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 2012 and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

Parking Provision

8. The vehicle parking and turning spaces shown on approved drawing number 3189-GA-100 Rev G received on 20 January 2017 shall be provided within four weeks of the bund becoming operational. The parking and turning space shall thereafter be kept available for parking at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007.

Landscaping

9. The hard and soft landscaping as detailed on drawing number WBC/118/SK1/RevE received on 11 July 2016 shall be implemented in full within the first planting season following the completion of the development. Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the next planting season by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and enhance the biodiversity of the area. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

Vegetation removal

10. No vegetation to be removed during the bird nesting season (1st March – 30th September) unless a report has been submitted and approved by the Local Planning Authority that shows there are no breeding birds present. Vegetation removal will be undertaken within 5 days of such approval.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2012.

No Steep Sided Holes

11. During the construction period no steep sided holes will be left over night without either being covered or having a means of escape such as the insertion of a scaffold plank in the hole.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2012.

No Sheep Netting

12. No sheep netting shall be attached to site fencing unless details of the exact location of the badger gate have been submitted to and approved in writing by the Local Planning Authority. The badger gate must be installed next to the footpath on the line of the badger run.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2012.

Boundary treatments

13. No operation of the development shall take place until the boundary treatments shown on drawing number WBC/118/SK1/RevE received on 11 July 2016 and 3189-RP-01 Rev G received on 2 December 2015 have been implemented in full.

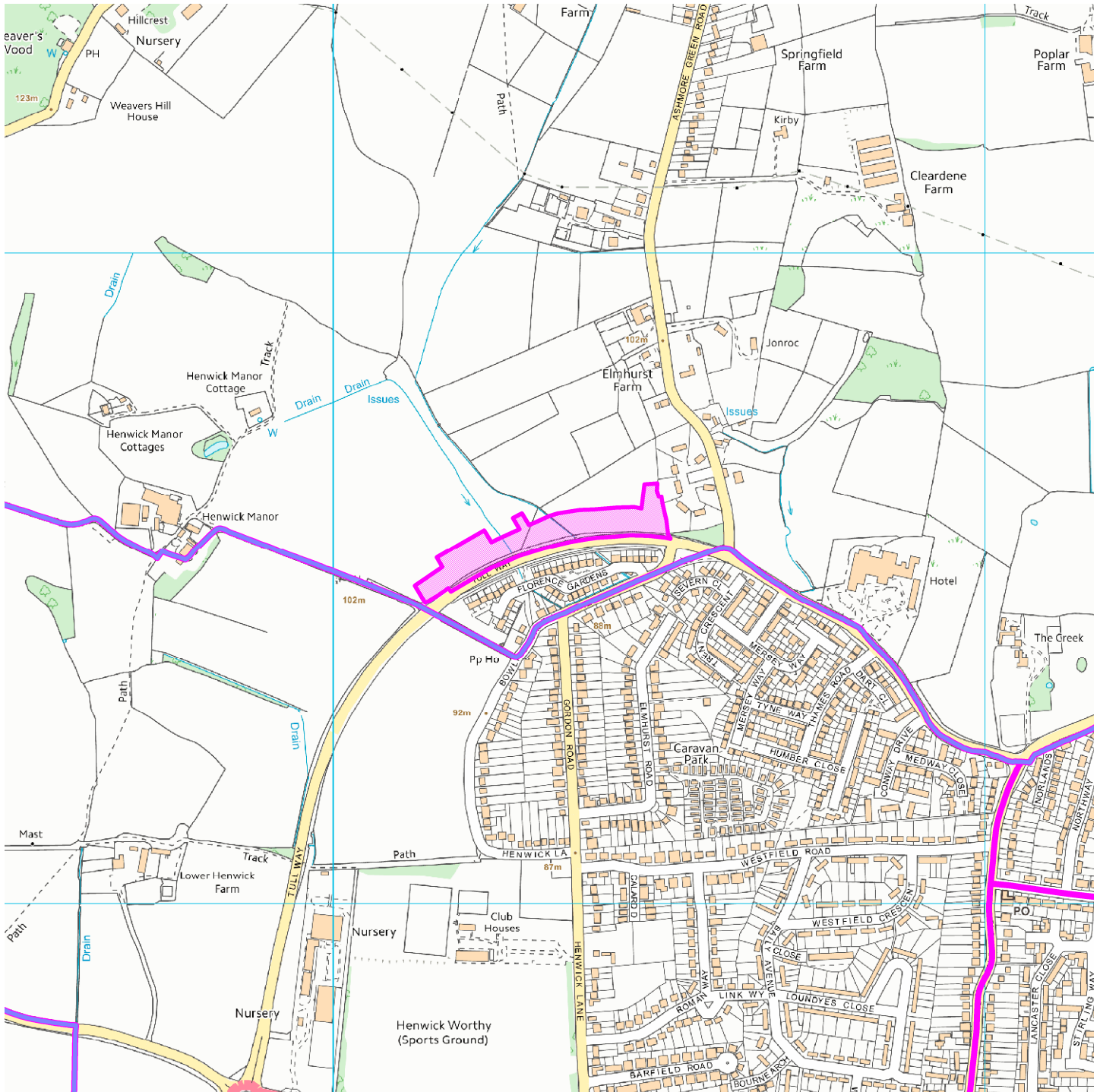
Reason: To ensure that the boundary treatments are constructed in a timely manner following completion of the development. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

Archaeological Watching Brief

14. The development shall be constructed in accordance with the Archaeological Watching Brief produced by Cotswold Archaeology and received on 22 February 2016.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies ADPP2, ADPP3 and CS14 of the West Berkshire Core Strategy 2006-2026.

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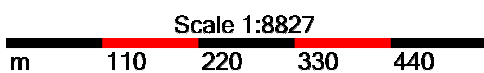


Map Centre Coordinates :

Scale : 1:8826

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Organisation	West Berkshire Council
Department	
Comments	
Date	09 February 2017
SLA Number	0100024151

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Agenda Item 5.

APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
COMPTON 16/01418/OUTMAJ PINS Ref: 3160454	Land at Old Station Business Park High Street Compton Newbury Peter Cundell Developments	Outline application for the construction of up to 35 dwellings (including 17 affordable dwellings), informal public open space, surface water drainage, vehicular access and associated works. Matters to be considered: Access.	Delegated Refusal	Withdrawn 24.1.17
INKPEN 16/01120/HOUSE 16/01121/LBC2 Pins Ref 3159054 and 3159103	Bridgemans, Lower Green, Inkpen Mr and Mrs Stephen Evans	Extension to provide a family room, kitchen, bathroom, utility room and bedroom.	Approval	10.2.17
ASHAMPSTEAD 16/00784/HOUSE Pins Ref 3163952	Straight Ash Ashampstead Common Mr G Willoughby and Mrs I Messer	Erection of a detached cartshed and store, with home office above.	Approval	10.2.17

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Pins Ref 3155408	Land at The Firs, The Old Wantage Road, Eastbury, Hungerford	Construction of a new self-build dwelling.	Refusal	Allowed. 26.01.2017
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Main Issues

The main issues are:-

- whether or not the site would be a suitable location for the proposed development, having regard to the character and appearance of the site and surrounding area; and,
- the effect of the proposal on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Whether or not the site would be a suitable location for the proposed development

The proposed development would involve a new single storey dwelling on land forming part of the garden of an existing residential property known as The Firs. The appeal site sits to the west of the existing dwelling and would be accessed via a new driveway running along the northern edge of the site, past The Firs, before joining the existing access onto Old Wantage Road in the east.

Area Delivery Plan Policy 1 (ADPP 1) and Policy CS 1 of the West Berkshire Core Strategy 2006-2026 (adopted 16 July 2012) (CS) provide that most housing development will be within or adjacent to the settlements included in the identified settlement hierarchy. Eastbury is classified as one of a number of smaller villages with settlement boundaries which are defined as suitable only for limited infill development subject to the character and form of the settlement. In the open countryside, only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

The appeal site lies immediately to the north of the settlement boundary of Eastbury. As such, it is classified as open countryside where the development plan has a restrictive approach to new housing. However, the Inspector was mindful that saved Policy HSG.1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007 (LP), which defines the settlement boundary for Eastbury, originates from a plan covering the period 1991-2006. The policy pre-dates publication of the National Planning Policy Framework (the Framework) and is evidently of some age.

Furthermore, it was been put to him that there are unresolved objections to the emerging West Berkshire Housing Site Allocations Development Plan Document (HSADPD) surrounding the extent to which settlement boundaries will need to change and the amount of development that should be favoured in the rural villages. In light of these considerations, he found Policy HSG.1 to be out of date and therefore afford it was of limited weight in his assessment of this case.

At the time of writing, the emerging HSADPD was at examination stage. Emerging Policy C1 states that there will be a presumption against new residential development outside

of settlement boundaries, unless certain exceptions can be demonstrated. The HSADPD has reached an advanced stage of preparation but the evidence before the Inspector indicates that unresolved objections remain in connection with this area of policy and the outcome of the examination remains unknown. In accordance with paragraph 216 of the Framework he therefore attached limited weight to emerging Policy C1.

The Framework states at paragraph 55 that housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. Whilst classified as open countryside, the appeal site is bounded on three of its four sides by existing built form. Running along the southern edge of the site are residential properties forming the northern part of the Downs Close cul de sac whilst immediately to the east is the two storey detached dwelling known as The Firs. Along the northern boundary lies the Castle Piece race horse training facility which comprises a number of buildings, stables and barns together with land set out as an outdoor arena, horse walker and other equestrian facilities. To the west, the site is bounded by undeveloped land partly comprised of residential gardens.

The site is located directly adjacent to the existing built form of the village of Eastbury and is well connected to it in a physical and visual sense. Due to the extent of developed land surrounding it, the site undoubtedly feels more closely related in character to the village than to the open countryside further to the north. The Castle Piece facility to the north of the site marks the transition in character from village to countryside and the Inspector did not consider that the undeveloped nature of the appeal site in itself makes a particular contribution to the established character of the area.

A public footpath runs along the southern boundary of the site and is currently accessed via a gate at the site's western extent. This provides a good pedestrian link into the main part of the village, which has modest facilities comprising a pub, village hall and church and is easily accessible on foot. The identified rural service centre of Lambourn, with a good range of local facilities, is approximately two kilometres from Eastbury. A bus service, which stops within 250 metres of the appeal site, connects the two settlements. In the sense of paragraph 55 of the Framework therefore, he considered that the proposal would be sited in a location that would enhance or maintain the vitality of these two rural communities.

The single storey dwelling would be constructed of brick with flint detailing, cedar boarding and a shallow pitched zinc roof. The Inspector considered that the materials and design of the proposal would take appropriate cues from the established character of the village, whilst incorporating more modern facets reflective of its time. Set on slightly lower ground than the existing property at The Firs, the overall height of the dwelling would be considerably lower than the adjacent property.

The dwelling would occupy a reasonably sized plot and would be in-keeping with the scale and plot density of nearby residential development, which is typified by detached properties in spacious grounds. Overall, he considered that the design would create a visually appealing building with a low impact on its setting. As such, it would satisfy the requirements of Policy CS14 of the CS insofar as it seeks high quality and sustainable design that respects the character and appearance of the area.

The Inspector was referred to a separate decision of the Council to grant planning permission for two houses in Upper Lambourn in 2015. He was mindful that since the 2015 decision, preparation of the emerging HSADPD has progressed to examination and therefore forms an additional consideration for the appeal proposal. Nevertheless, the adopted development plan remains consistent between the two decisions. Whilst he did not have full details of the 2015 proposal, he noted that both cases relate to land outside of any defined settlement boundary and within the AONB. As such, there appear to be some important parallels with the proposal before him. He therefore attached moderate weight to the 2015 decision in favour of the appellants' case.

Whilst Policies ADPP 1 and CS 1 of the CS take a restrictive approach to housing in the countryside, they do not preclude all new development. The Inspector did not consider that the appeal proposal would constitute an isolated form of development, in a visual, physical or functional sense. Moreover, due to the particular local geography and topography, he did not consider that the proposal would represent inappropriate 'creep' of the built environment into the surrounding countryside. As such, he found that the appeal development constitutes appropriate limited development in this location.

Having regard to all of these matters, the Inspector concluded that the proposed development would be a suitable location for the proposed development, having regard to the character and appearance of the site and surrounding area. He therefore found no conflict with Policies ADPP 1 and CS 1 of the CS. The proposal would also be consistent with the policies of the Framework. There would be a degree of conflict with saved Policy HSG.1 of the LP and emerging Policy C1 of the HSADPD, however in this case he had attached only limited weight to these policies for the reasons set out above. The Council's ability to demonstrate a 5 year housing land supply does not alter his findings in this regard.

Effect on the character and appearance of the AONB

The site, and the village of Eastbury itself, sit within the North Wessex Downs AONB. Area Delivery Plan Policy 5 (ADPP 5) of the CS states that development within the AONB must conserve and enhance its special landscape qualities. It provides that smaller villages within the AONB, including Eastbury, will continue to support the needs of their residents and surrounding communities for facilities and services. This echoes advice at paragraph 115 of the Framework that great weight be given to conserving landscape and scenic beauty in AONBs.

Eastbury is set within an undulating landscape such that the main part of the village, which runs along an approximate north-west / south-east axis following the River Lambourn, lies on low ground, with the land sloping uphill to form rolling hills to the north and south of the village. Sitting immediately to the north east of the village, the appeal site occupies rising ground with some long-ranging views over the roof tops of Eastbury to the hills in the south beyond.

As a single storey structure, the dwelling would have a shallow pitched roof facilitating a low overall ridge height. In long-ranging views from the elevated open countryside some distance to the south of the site, the Inspector considered that the proposed dwelling would be absorbed into the existing built form of the village, with the roof sitting above the line of bungalows at the end of Downs Close but against the backdrop of the larger equestrian buildings and structures of the Castle Piece site. This would be assisted by the presence of mature trees and hedgerows on and around the site.

At closer quarters from the south, minimal views of the building's roof would be possible between the bungalows from public viewpoints on Downs Close and from some of the bungalows' rear gardens. The southern boundary of the site is marked by an established hedgerow of considerable height and density which would be effective in screening most views from the public footpath that runs along the southern boundary of the site.

Old Wantage Road slopes uphill as it moves north away from the appeal site. Viewed from the north, the proposal would be seen as part of the compact built form of Eastbury, sited partially behind the buildings of the Castle Piece facility which forms a visual transition point between the built environment of the village and the open countryside beyond. Sitting lower than The Firs, and behind it, the dwelling would be substantially obscured from view from the point of access onto Old Wantage Road to the east. The western end of the site is well enclosed by established trees and planting meaning that longer views into the site from the west are also restricted.

The Inspector found at paragraph 11 above, that the design of the dwelling would be of a high quality, creating an appearance that would be in-keeping with its surroundings. Overall, he considered that the development would sit comfortably in its surroundings and would integrate well into the existing pattern of the built form of Eastbury. For these reasons, he concluded that the proposed development would cause no harm to the character and appearance of the AONB and would consequently conserve its special landscape qualities. The Inspector therefore found no conflict with Policy ADPP 5 of the CS or with the Framework insofar as it seeks to conserve and enhance the natural environment.

Other Matters

Self-build nature of the proposal

The appellants have stated a clear intention to occupy the appeal proposal as their home and submit that the dwelling has been designed to meet 'Lifetime Homes' accessibility standards to enable them to live there into old age. No development plan policy had been put to the Inspector in this regard but paragraph 50 of the Framework states that local planning authorities should plan for a mix of housing based on the needs of different groups in the community, including people wishing to build their own homes and older people. The Government is actively seeking to increase the supply of custom and self-build housing.

The Inspector's attention has been drawn to a 2015 appeal decision in which the Inspector afforded the provision of self-build housing significant weight in support of proposals for four dwellings. He noted that those proposals offered four self-build properties, as opposed to one in the case before him. In addition, in that case a Unilateral Undertaking provided a mechanism to ensure that the dwellings would be self-build in nature.

The Inspector had had regard to the appellants' submissions that they are registered on the Council's self-build and custom house-building register for the Lambourn area and their documented intention to apply for a self-build exemption from contributions under the Community Infrastructure Levy, both of which provide some indication that the proposal is likely to be pursued as a self-build project. However, the Inspector was mindful that no planning obligation was before him to ensure that the proposal is

implemented as a self-build property. On this basis, he afforded the self-build nature of the proposal limited weight in favour of the development.

Conditions

In addition to the standard time limit condition, the Inspector imposed a condition specifying the relevant drawings as this provides certainty. Given the setting of the proposal within the AONB, it has been necessary to impose a condition requiring adherence with the submitted plan in terms of external materials. In order to protect the living conditions of the occupiers of neighbouring properties and the special qualities of the AONB, he imposed a condition requiring the submission and approval of details of the finished levels of the building. As the levels form the basis of the built form, the details need to be agreed prior to development commencing.

The Inspector also imposed conditions requiring that schemes of hard and soft landscaping are agreed with the Council and subsequently implemented. As existing trees, hedgerows and boundary treatments need to be considered as part of the landscaping, the details need to be agreed prior to building works commencing. In order to ensure the safe and efficient operation of the public highway, it has been necessary to impose a condition requiring the provision of vehicle parking and turning space in accordance with the approved plans. In order to ensure that surface water run-off on the site can be controlled appropriately, He also imposed a condition requiring the approval and implementation of a sustainable drainage scheme.

He reworded the Council's suggested conditions as necessary to ensure precision and compliance with the tests contained in the National Planning Practice Guidance and at paragraph 206 of the Framework.

Conclusions

For the reasons given above, the Inspector concluded that the appeal should be allowed.

Decision

The appeal is allowed and planning permission is granted for a new self-build dwelling on Land at The Firs, The Old Wantage Road, Eastbury, Hungerford RG17 7JR in accordance with the terms of the application, Ref 16/00929/FULD, dated 31 March 2016, subject to the conditions set out in the attached schedule.

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INKPEN 16/01120/HOUSE 16/01121/LBC2 Pins Ref 3159054 and 3159103	Bridgemans, Lower Green, Inkpen Mr and Mrs Stephen Evans	Extension to provide a family room, kitchen, bathroom, utility room and bedroom.	Approval	10.2.17
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Main Issue

The main issues in both appeals are the effects of the proposals on the special architectural and historic interest of the listed building, on the character and appearance of the surrounding area of Inkpen, on the living conditions of neighbours at Holly Tree Cottage and on trees and hedgerows.

Reasons

The development plan includes the saved policies of the West Berkshire District Local Plan (LP) and the West Berkshire Core Strategy 2006 – 2016 (CS). Saved policy ENV.24 of the LP allows for the extension of houses in the countryside, subject to considerations of detailed design, materials, scale, character and effect on amenity including that it shall be of permanent construction, in keeping with the design of the existing dwelling using complementary materials, not have materially greater or more harmful impact on the rural character of the area, and not result in an extended dwelling disproportionate to the size of the original.

Policy CS 14 requires that development proposals must demonstrate high quality and sustainable design that respects and enhances the quality of life in West Berkshire, and should conserve and enhance historic assets. Policy CS 18 resists development that would lead to loss of green infrastructure or harm to its use or enjoyment by the public. Policy CS 19 seeks to ensure that the diversity and distinctiveness of the landscape character of the District is conserved and enhanced.

The Inspector also had regard to the Supplementary Planning Guidance: Replacement Dwellings and Extensions to Dwellings in the Countryside 2004 (SPG). It advises that an increase in floorspace of more than 50% would generally be regarded as disproportionate although development could be acceptable depending on the site characteristics, scale and massing.

Effect on listed and buildings and character and appearance of surroundings

Bridgemans is a Grade II listed timber-framed thatched cottage dating from the 16/17 centuries. The dwelling is modest in appearance, constructed in vernacular building techniques and materials, notably the timber frame and thatched roof. It contains a number of additions and outbuildings to the south and east. In the Inspector's judgement there is no objection to the demolition of these outbuildings, which are not original and which are neither integral nor particularly complementary to the main dwelling. As such, they do not contribute to the significance of the listed building.

The applications sought planning permission and listed building consent for a single storey extension, connected to the southern side of the cottage by a glazed link. A detached garden room is proposed to the far end of the rear garden. The glazed link would separate the main dwelling from the proposed extension by 2 metres at its closest point. The extension would be set back from the front elevation of the main dwelling by 2.2 metres. The external materials proposed are horizontal timber cladding with thatched roof to the main part of the extension. The bedroom at the end would be clad in zinc with a tile roof.

The appeal scheme has been amended from an earlier scheme for which permission was refused, including a reduction in the length of the extension adjacent to the boundary by nearly 2 metres, which in turn reduces the overall scale and massing. The extension has also been set back a further 2 metres, in order to reduce the impact on the listed building, and the increase in footprint has been reduced by nearly 10%.

In his judgement, the proposed extension has been sensitively designed to respect the character, proportions, scale and materials of the original house. The extension would be subservient in scale and set back from the frontage to reduce impact in comparison with an earlier design. The

use of a glass link between the old and new elements has a 'neutral' modern appearance which successfully preserves the distinction between the historic fabric of the original building and the attractive complementary design of the proposed extension. The Inspector agreed with the view expressed in the Council's committee report that 'the revised proposal would not cause any harm to the special character of the Grade II listed building in accordance with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and CS Policies CS14 and CS19.'

Concern was expressed by Committee members that the proposal would be out of character with the more spacious character of nearby housing and the plots in which they are set. In his judgement the proposed extension, which would be accompanied by the demolition of other extensions and outbuildings, would not have a material adverse effect on the character of the surroundings. The building would be well proportioned and utilise materials which are appropriate to the setting of the listed building. While he acknowledged that there is a diversity in the plot size of nearby dwellings, there is no obvious pattern that would be disrupted by the proposed extension.

The Inspector noted that the increase in floorspace would be a little more than the 50% guideline in the SPG. However in view of his conclusion on the design of the extension, he did not consider that it would represent a disproportionate increase, having regard to the particular characteristics of the site.

Concern was also expressed that the proposals would interfere with the view of the historic barn complex from the public footpath which runs in part alongside the garden to the rear of Bridgemans. The Inspector acknowledged that Bridgemans and the adjacent barns appear to have been part of the same group originally making up a historic farmstead. However while the physical relationship between the buildings remains, ownership and use of the barns has changed substantially in the past. In his judgement, the appeal proposal would not result in any further harm to the significance of the original grouping. While the attractive view from the footpath would change, significant and attractive glimpses of the barn complex would be retained, between the rear-most element of the extension and the free-standing garden room. The Inspector considered that the change to the view of the barn complex would not be a sufficient reason to withhold permission for the proposal.

In summary, he did not consider that the proposal would result in harm to the special architectural or historic interest of the listed building, or the character and appearance of the surroundings. The extension would be a well-designed and well-proportioned subordinate structure which would not detract from the setting of the listed building or its surroundings.

Effect on the living conditions of neighbours

The extension would be close to the boundary with Holly Tree Cottage, and concern has been expressed that it would appear dominant and overbearing, particularly when viewed from the rear of the cottage, as well as resulting in loss of light and sunlight.

The ground on which the existing fence stands rises slightly to the south of the proposed extension. The ridge of the proposed extension would rise to a maximum of some 6.2 metres in height. Drawing 3020.P.SK01 shows that the thatched roof would not exceed 4 metres in height within 2 metres of the fence line. The use of hips at either end of the main part of the extension would further minimise the extent to which the extension would impact on the amenity of neighbours.

With regard to privacy, no windows are proposed in the south elevation. The window in the west elevation would be set low in the building and under overhanging eaves. Given the relationship between this window and the boundary fence, and the oblique line of sight between it and the upstairs bedroom window in the Holly Tree Cottage, the Inspector did not consider that there would be any significant potential for intervisibility between the windows, or loss of privacy for the neighbours. With regard to daylight and sunlight, the garden of Holly Tree Cottage lies to the south of the proposed extension. To his mind the distance between the existing fence and the ridge of the proposed extension, together with the use of hipped roofs, would ensure that there would be no significant impact as regards daylight and sunlight.

For these reasons the Inspector did not consider that the proposals would result in conflict with Policies CS 14 or CS 19, or the advice in the SPG. He noted the concern that construction methods may in practice demand a higher ridge. However, a condition could be attached to ensure that this parameter would not be exceeded.

Effect on trees and hedges

At the time of the site visit, much of the hedgerow on the boundary had been removed, though a short stretch of holly hedge had been retained. However, as the Appellant points out, there are no Tree Preservation Orders on the site, and the site does not lie within a conservation area. In his view the boundary between the two properties is not of any great significance for the rural ambience of this part of Inkpen, and the removal of the hedgerow has not resulted in any material harm. With regard to the affected tree, it lies within the garden of Holly Tree Cottage. While there may be some interference with the root ball, he agreed with the assessment of the Council's Tree Officer that minor incursions into the rooting area can be tolerated, and that the protection of the tree from the effects of construction could be secured by condition.

Conclusion

For the reasons given, the Inspector concluded that there would be no material harm to the special architectural and historic interest of the listed building, the character and appearance of the surroundings, the living conditions of neighbours or to trees and hedgerows. The proposals would be substantially in accordance with the relevant policies of the development plan and with advice in the SPG and the National Planning Policy Framework. Accordingly, he allowed the appeals.

In addition to the time limit conditions, conditions specifying the plans to be complied with are necessary to define the scope of the permissions and in the interests of proper planning. Conditions dealing with materials (including thatch and door /window details, the height of the proposed extension, the landscaping of the site and the removal of specified buildings and the shipping container, the removal of spoil from the site, making good the fabric and details of services/fittings are needed to ensure a satisfactory appearance to the development and also that the scheme respects the character of the listed building, surrounding area and the living conditions of neighbours. Conditions addressing the protection of any trees affected by the proposals are necessary to avoid harm to the trees as a result of the approved works. A condition linking the use of the extension to the main dwelling and restricting the use to residential is necessary to secure the character and amenity of the area.

Decisions

Appeal Ref: APP/W0340/W/16/3159054

1. The appeal is allowed and planning permission is granted for extension to provide family room, kitchen, bathroom, utility room and detached garden room at Bridgemans, Lower Green, Inkpen, Berkshire, RG17 9DW in accordance with the terms of the application, Ref 16/01120/HOUSE, dated 26 April 2016, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby approved shall be carried out in accordance with the design and access statement, heritage statement and drawings 3020.P.SK02; 3020.P.100; 3020.P. 102; 3020.P.103; 3020.P.104; and 3020.P.106 received on 9 May 2016, and drawing 3020.P.107 received on 15 June 2016.

3) Notwithstanding what is shown on the elevation drawings the extension hereby approved shall be no greater than 6.2 metres in height to the top of the roof ridge. The height shall be taken from the proposed ground levels shown on drawing 3020.P.107 received on 15 June 2016.

4) The extension hereby permitted shall be used as an integral part of the existing dwelling. The extension shall not be used at any time other than for purposes incidental/ancillary to the residential use of the dwelling known as Bridgemans. The development shall not be used as a

separate dwelling unit, no separate curtilage shall be created, and no trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the extension.

5) No development shall take place until full details of how all spoil arising from the development will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Include measures to remove all spoil (not to be deposited) from the site;
- (c) Include timescales for the depositing/removal of spoil. All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

6) No development of the garden outbuilding hereby approved, site clearance and/or other preparatory works to the garden shed shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection, details of the foundations and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

7) As a first development operation of the extension hereby approved the car port structure, outbuilding and single storey element to the listed building identified on drawing 3020.100 received on 9 May 2016 shall be demolished and removed from site. The car port is shown as a black partially dashed line to the south boundary of the site and west of outbuilding labelled B1. Within 3 months of the completion of the extension hereby approved the shipping container identified to the west boundary of the site on drawing 3020.100 shall be removed from the site. Thereafter the area of land on site between the front elevation of the dwelling and the highway shall be kept clear of any temporary structures.

Appeal Ref: APP/W0340/Y/16/3159103

The appeal is allowed and listed building consent is granted for extension to provide family room, kitchen, bathroom, utility room and detached garden room at Bridgemans, Lower Green, Inkpen, Berkshire, RG17 9DW in accordance with the terms of the application Ref 16/01121/LBC2, dated 26 April 2016 subject to the following conditions:

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

2) This listed building consent relates only to work described on the drawings and/or in the documents identified below received on 9 May 2016, Drawing numbers: 3020.P.SK02; 3020.P.100; 3020.P.102; 3020.P.103; 3020.P.104; 3020.P.106; 3020.P.107 (received on 15 June 2016); Heritage Statement; Design and Access Statement. No work shall be carried out other than in accordance with the above drawings and documents.

3) No development shall take place until samples and an accompanying schedule of all materials and visible finishes external to the building have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

4) No development shall take place until details of all new windows/areas of glazing/external doors, including materials and finishes, at a minimum scale of 1:20 and 1:2, have been submitted to and approved in writing by the Local Planning Authority. The windows/areas of glazing/external doors shall be installed in accordance with the approved details.

5) No development shall take place until full details of the thatch, including ridge details, have 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.

6) All works of making good and repair to the retained fabric, whether internal or external, shall be finished to match original/adjacent work with regard to the methods used and to materials, colours, textures and profiles.

7) No development shall take place until details of services external to the building, including the type and location of any new or modified services, drainage pipework (including soil vent pipe terminations) and accessories, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the new or modified external services shall be installed in accordance with the approved details and thereafter retained as installed.

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Pins Ref 3163952	Straight Ash, Sucks Lane, Ashampstead Common,	Construction of a detached cartshed and store with a home office above	Rec. Approval	Allowed. 10.02.2017
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Procedural Matters

The proposal was amended during its consideration by the Council to reduce its height. The Council states that its amended ridge height would be 6.1m and that its eaves height would be 3m. Although the amended drawing bears the same number as its predecessor (Ref: 150518-10), it is clear that the Council's decision was based on that amended scheme. My decision is also.

The Inspector understood from the appellants' grounds of appeal that The Forge is a Grade II listed building. However, no concerns have been expressed regarding the scheme's impact on that designated heritage asset. Given the distance of the proposal from that building, its limited height and scale, and the presence of boundary treatment, he agreed that its setting would not be harmed.

The Council's first reason for refusal does not refer to the scheme's impact on the North Wessex Downs Area of Outstanding Natural Beauty ('the AONB'). However, it alleges harm to the area's rural character, and its reference to policy ADPP5 of the West Berkshire Core Strategy 2006-2026 (2012) ('Core Strategy'), which deals specifically with the AONB, indicates that it considers that it would be harmed. The Inspector's reasoning therefore addressed this matter.

The Inspector took the application date from the decision notice and the appeal form as the application form was undated; and he cited the appellants' names in accordance with an email from the agent dated 15 December 2016.

Main Issues

The main issues are the effect of the proposal on i) the character and appearance of the host property and the area, including whether or not it would conserve the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty; and ii) the living conditions at The Forge, with particular regard to the outlook from that property.

Reasons

Character and appearance

Straight Ash is a substantial detached dwelling, which has recently been significantly extended. It sits within a large plot, at the periphery of a loose cluster of properties, and in a woodland fringe setting.

The proposed building would be located towards the north-eastern corner of the plot where it would be seen through trees from the public right of way which passes through the woodland close to the site's eastern boundary. However, although a not insubstantial structure, it would be much narrower and lower, and would have a smaller footprint, than the main dwelling (even prior to its permitted extension). The dwelling would form its backdrop in many of those views. Its roofing materials would match the dwelling's roof,

and its predominantly weather-boarded elevations would soften its appearance, ensuring that it would be well-assimilated into its sylvan setting.

The appellants refer to other similar structures in the area, and although no specific examples are cited, the Inspector observed other outbuildings in this cluster of properties on his visit, including a garage structure at The Forge in a broadly similar style, albeit different dimensions, to this scheme.

For those reasons the scheme would not harm the character and appearance of the host property or the area, and would not conflict with Core Strategy policies CS 14 and CS 19, which in broad terms require that development is of a good design, informed by its context, and that the distinctive landscape character of the area is conserved and enhanced. Although the Inspector had not been referred to any specific parts of the Council's Supplementary Planning Document – Quality Design Residential Development 2006 ('SPD'), he noted that it takes a broadly similar approach. As the scheme would be proportionate to, and in keeping with, the dwelling, and would not harm the rural character of the area, it would also comply with policy ENV.24 of the West Berkshire District Local Plan 1991-2006 (2007).

Having given great weight to the conservation of the AONB, as required by paragraph 115 of the National Planning Policy Framework ('Framework'), he was satisfied that its landscape and scenic beauty would not be harmed. Given that conclusion, the scheme would also comply with Core Strategy policy ADPP5.

Living conditions

The Forge sits within a substantial plot, which includes a large area primarily laid to lawn to the north of the proposal. That area includes a pool, and domestic paraphernalia indicative of its use as the dwelling's main outdoor area.

The proposed building would be a significant distance from The Forge's rear elevation. It would be set-in slightly from the boundary on higher ground, and the upper parts of it would be visible above the fence from The Forge's rear garden. However, its upper floor would be contained within the roof which would slope away from the boundary. That would assist in limiting its apparent mass viewed from The Forge's garden. Consequently, having regard to the size of The Forge's garden, and regardless of whether any meaningful landscaped screening could be planted between the structure and the boundary, the scheme would not have a significant overbearing or dominating impact on the occupants of the adjoining property.

The north-east roof would contain two rooflights. The section drawing shows that they would be a minimum of 1.5m above the finished first floor level. At that height, and in that location, there would be some potential for overlooking of sensitive parts of the neighbouring property's rear garden, unless they were obscurely-glazed, and fixed or with restricted openings. However, that is a matter that could be addressed by a suitably worded condition. The scheme's gable would limit any view from the external staircase to the end section of The Forge's garden, and in normal use that view would be transient.

For those reasons the scheme, which would provide the appellants with storage, parking and office space, would not result in a significant impact on the living conditions at The Forge due to overbearance or overlooking. Consequently it would not conflict with Core

Strategy CS 14's broad requirement that development respects its context and contributes to quality of life, or with the SPD's objective of ensuring that the living conditions of neighbouring properties are not compromised by an unduly restricted outlook.

Other matters

Whilst Ashampstead Parish Council raises concerns regarding the need for the proposal having regard to the permitted extension, the Inspector had dealt with the scheme on its merits.

Conditions and conclusion

The Inspector had considered the Council's suggested conditions against the Framework's tests. In addition to the standard time limit condition, as it provides certainty, he imposed a condition specifying the relevant drawings.

Condition nos. 3 and 4 are necessary in the interests of the area's character and appearance and to ensure that the proposal would be assimilated into its surroundings. Although permitted development rights should only be exceptionally withdrawn, given the proximity of the proposal to The Forge's rear garden, and the difference in ground levels, it is necessary, in the interests of the neighbours' living conditions, to withdraw permitted development rights for the construction of additional windows in the north-east elevation only – that being the side which would directly face the boundary.

The Council's suggested Condition no. 6 would prevent the use of the structure as sleeping accommodation or for any trade or business. In the Inspector's view, a condition requiring it to be used for purposes incidental to the dwelling would be sufficient to protect the neighbours' amenities. Other uses, or the creation of a separate planning unit, would in any event require planning permission.

Although the Council has suggested a condition stating that a planning application should be made for any external lighting, minor domestic external lighting, even if it were to be sought here, would not normally constitute development. Consequently he had not imposed that condition.

Given the Framework's objective to enhance biodiversity, and with regard to the site's setting and the consultation response from Natural England, he imposed the Council's suggested condition no. 8 requiring the provision of bat roost voids.

Given the scheme's proximity to trees, which form a significant component of the area's character, the Council's suggested condition nos. 9 and 11 are necessary. These require the retention (or replacement) of trees in accordance with the submitted Arboricultural Impact Assessment, and that no potentially damaging activity take place within an area of protective fencing. However, given the requirements of those conditions, and for this relatively modest scale development, suggested condition no. 10 is unnecessary and unduly onerous, and he had not imposed it.

Finally, the Inspector understood from the Committee Update Report that the appellants suggested that the rear roof lights could be obscure-glazed. That was considered as a possible condition in the Committee report. For the reasons given here, such a condition, which would also require the rooflights to be fixed or to have a restrictive opening, is necessary to protect living conditions at The Forge.

Summing up, for the reasons above the scheme would not harm the area's character and appearance, would conserve the landscape and scenic beauty of the AONB, and would not cause significant harm to the adjacent occupiers' living conditions. Consequently, and having regard to all other matters raised, the appeal is allowed.

Decision

The appeal is allowed and planning permission is granted for a detached cartshed and store, with a home office above at Straight Ash, Sucks Lane, Ashampstead Common, Reading RG8 8QT in accordance with the terms of the application, Ref 16/00784/HOUSE, dated 16 March 2016, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 842-03 Rev B, 150518-01 and that version of drawing no. 150518-10 which depicts a lower ridge height and which includes a section through the building.
- 3) No development above the brick plinth of the building hereby approved shall take place until details, including samples, of the timber, including finishing colour, to be used in the construction of the external surfaces 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.
- 4) The materials to be used in the external finishes of the roof of the development hereby permitted shall match those on the existing dwelling in colour, size and texture, and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed at floor level or within the roof on the north-eastern elevation of the building hereby permitted, without planning permission being granted by the Local Planning Authority on an application made in that regard.
- 6) The building hereby permitted shall be used solely for purposes incidental or ancillary to the use of the existing dwelling.
- 7) No development to the roof of the building hereby permitted shall take place until detailed construction drawings showing two new bat roost voids and means of access have been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the bat roost voids and means of access have been provided in accordance with the approved details, and shall be retained thereafter.
- 8) Protective fencing in accordance with Appendix D of SJ Stephens Associates Arboricultural Impact Assessment June 2016 shall be implemented and retained for the duration of the development in accordance with drawing no. 842-03 Rev B. Within the fenced area, there shall be no excavations, storage of materials or machinery, parking of vehicles, or fires.

9) With the exception of the recommended works in Appendix B of SJ Stephens Associates Arboricultural Impact Assessment June 2016, no trees, shrubs or hedges shown as being retained on drawing 842-03 Rev B shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.

10) The building hereby permitted shall not be brought into use until the roof lights in the north-east roof have been fitted with obscured glazing, and rendered fixed or capable of being only partially opened in accordance with details to be first submitted to and approved in writing by the local planning authority. Once installed the obscured glazing and opening restriction shall be retained thereafter.

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