

Notice of Meeting

Western Area Planning Committee

Wednesday 5 April 2017 at 6.30 pm
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, 28 March 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 on (01635) 519441 Email: rachel.craggs@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 5 April 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
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Agenda

Part I

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1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 16
To approve as a correct record the Minutes of the meeting of this Committee held on 15 March 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: 16/03061/OUTMAJ - Land to the south of Priory Road, Hungerford.** 17 - 36

Proposal:	Outline application for approximately 100 dwellings, public open space and landscaping. Access onto A338. Matters to be considered; access only.
Location:	Land to the south of Priory Road, Hungerford
Applicant:	Cala Management Ltd and Wates Developments
Recommendation:	The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation



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- (2) **Application No. and Parish: 17/00190/ADV - The IbeX Inn, Chaddleworth** 37 - 42

Proposal:	5 directional fascia board signs
Location:	The IbeX Inn, Chaddleworth
Applicant:	Chaddleworth Parish Council
Recommendation:	The Head of Planning and Countryside be authorised to REFUSE advertisement consent

- (3) **Application No. and Parish: 17/00315/FULD - Woodridge House, Bucklebury Alley, Cold Ash** 43 - 56

Proposal:	Section 73. Variation of Condition 2: Approved Plans in accordance of approved reference 15/03473/FULD [Demolition of existing dwelling and associated outbuildings, and replacement with a new dwelling and garden shed]
Location:	Woodridge House, Bucklebury Alley, Cold Ash RG18 9NH
Applicant:	Mr R Samuels and Mrs J Samuels
Recommendation:	The Head of Planning and Countryside be authorised to APPROVE the application as submitted

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 57 - 68
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, 15 MARCH 2017

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

Also Present: Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Jo Reeves (Principal Policy Officer) and Shiraz Sheikh (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Billy Drummond

PART I

51. Minutes

The Minutes of the meeting held on 22 February 2017 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Page 6 Point 3, last sentence in the first paragraph, to be changed to read 'The plans were inaccurate and the agent had since confirmed there would be juliet balconies'.

A discussion was held regarding the juliet balconies, with some Members recalling that there would be no juliet balconies. Officers agreed to check the plans.

52. Declarations of Interest

There were no declarations of interest received.

53. Schedule of Planning Applications

(1) Application No. and Parish: 16/02529/OUTD - Land Adjacent To Summerfield, The Ridge, Cold Ash

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/02529/OUTD in respect of an outline application for change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works. The matters to be considered were access and layout.
2. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In addition, Derek Carnegie indicated the information in the update sheet regarding a recent High Court judgement regarding affordable housing and advised that the recommendation had been amended from the original report to include the requirement for a Section 106 contribution. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers recommended the Committee grant planning permission.

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3. In accordance with the Council's Constitution, Mike Munro, Parish Council representative, Simon Vanstone, objector, and Kirstin Gray, applicant/agent, addressed the Committee on this application.
4. Mr Munro in addressing the Committee raised the following points:
 - The Parish Council has opposed proposed development on the site ever since its inclusion in the Housing Sites Allocation Development Plan Document (DPD).
 - The National Planning Policy Framework (NPPF) stated that ridge lines and gaps needed to be protected.
 - The proposed development was for five homes and if refused would not have a significant impact on the Council's land supply as thousands of new homes were needed in the District.
 - The Cold Ash Village Design Statement set out a preference for smaller affordable dwellings as infill development. The proposed development was for five executive houses, of which Cold Ash had many.
 - Smaller dwellings were needed to attract and retain younger people to the village and also to offer downsizers suitable accommodation.
 - The development would be intrusive and interrupt views over the Kennet Valley.
 - The development would be unsightly.
 - The development was not in a sustainable location; there were no footpaths on the road and it was 0.75 miles to the nearest shops and there was no bus service.
 - The village already had an issue with the speed and volume of traffic at peak times.
 - Developers usually sought a rapid sale of new properties and in Mr Munro's experience larger properties took a long time to sell in Cold Ash.
5. Councillor Paul Bryant noted that Mr Munro had mentioned affordable housing and asked whether there was a bus service along the Ridge. Mr Munro replied that there was not.
6. Councillor Virginia von Celsing noted that Mr Munro had advised that Cold Ash needed smaller properties and asked whether the Parish Council had conducted a housing needs survey; Mr Munro replied that they had not but the local housing market, with larger houses remaining on the market for long periods of time, indicated that there was a low demand for that type of property. He was aware of a number of residents in the village who would like to downsize but there was not a supply of smaller properties.
7. Councillor Clive Hooker asked if the Parish Council had made Mr Munro's points in their response to the DPD consultations; Mr Munro confirmed they had, including the point regarding affordable housing.
8. Mr Vanstone, in addressing the Committee, made the following points:
 - He was the owner of Ridge End Barn which would be adjacent to the fifth plot at the eastern side of the site and was speaking on behalf of nearly fifty residents who had signed a petition against the proposed development.
 - Residents were concerned about the level of ongoing development in and around the village and were of the view that the character of the village was being eroded.
 - Residents were concerned that the development would cause the loss of views.

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- The application should include the scale of the proposed development so that the appropriateness of the layout could be properly assessed.
 - Should the Committee be minded to accept officer's recommendations when there was not sufficient information regarding the scale of the development, it might prejudice the reserved matters application and lead to overdevelopment.
 - Any development on the site would be highly visible across the village.
 - The proposed layout indicated a frontage in a built form with insufficient gaps between dwellings. It would not allow views across the valley and did not accord with the Council's existing and proposed policies.
 - Policy HSA7 in the emerging DPD allowed for up to five 2 to 2.5 storey dwellings, however the Landscape and Visual Impact Assessment (LVIA) had concluded that a ridge height of 5-6m would change the skyline of the village. Mr Vanstone questioned how a 2 to 2.5 storey building could be accommodated within 5m to 6m.
 - If the Committee approved the application the damage could not be undone at the reserved matters stage.
 - The objectors suggested that a single access point to the site would mitigate some of the potential traffic impact.
 - The site might have been allocated in the DPD but that did not mean that the development should be approved.
9. Councillor Pick enquired what type of property Ridge End Barn was, Mr Vanstone advised that it was a barn conversion with approximately 70% of the building being single storey and the remaining double storey part being the original barn. Councillor Pick asked what traffic incidents had occurred on the Ridge; Mr Vanstone advised that he did not know of any but it was only a matter of time.
10. Councillor Bryant recalled that at the site visit he had observed the stunning views but that they were only visible from the gateway. The hedgerow blocked the views elsewhere so they were not publically accessible. Councillor Bryant asked what type of development the objectors would find appropriate. Mr Vanstone advised that it was a partly deciduous hedge so the views were available for half of the year. He further suggested that low ridge houses would be appropriate for the site because larger homes had proved difficult to sell in the village.
11. Councillor Hilary Cole noted that Mr Vanstone was speaking on behalf of fifty residents and asked whether those residents had responded to the Council's DPD consultations; Mr Vanstone advised that he knew a number of them had.
12. Ms Gray, in addressing the Committee made the following points:
- The proposed site was one of two Cold Ash sites in the DPD and no objections had been raised by the Inspector when examining the DPD. The DPD now held substantial weight in supporting up to five houses to be built on the application site.
 - The development proposed five dwellings which would follow the established pattern of development along the Ridge of low density housing.
 - The development maintained the importance of the hedgerow whilst providing access with good visibility splays and turning space for vehicles so that they could enter the carriageway at full gear.

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- There would be ecological benefits informed by the LVIA including a strip outside the red line of the application to protect wildlife.
 - The application met the objectives of sustainable development.
 - There would be a contribution to local amenity and the development would be in-keeping with the village.
 - There had been no objections raised by the Council's statutory consultees.
13. Councillor Jeff Beck asked for more detail regarding the wildlife mitigation strip of land south of the site, including who would be responsible for maintaining it. Ms Gray responded that surveys had revealed that there were grass snakes and slow worms on the site and to mitigate any potential harm caused by the development an uninterrupted strip of land outside the curtilage of the dwellings would be introduced. It was likely that this land would be maintained by the current landowner who maintained ownership of the remaining part of the field. Further detail was available in the plans and conditions had been proposed by the officers.
14. Councillor Pick expressed concern regarding the impact of the development on the neighbouring dwellings Summerfield and Ridge End Barn and asked what the distance was between the proposed dwellings and the existing dwellings. Ms Gray advised that there would be 7.6m between Summerfield and the dwelling on plot one and 16m between the dwelling on plot 5 and Ridge End Barn, making the point that the scale of the development was still to be determined.
15. Councillor Garth Simpson noted that in paragraph 6.2.6 of the officer's report, the LVIA recommended new planting to the south of the site and queried how this would be done while mitigating any harmful impact on views. Ms Gray advised that the landscaping would be determined under a reserved matters application. Councillor Simpson further questioned whether mitigation of the harm of the development would be completed through its design in addition to vegetation. Ms Gray responded that it would.
16. Councillor Cole noted the amended recommendation as outlined in the update sheet and queried whether this was satisfactory to the applicant. Ms Gray responded that the information had been received at a late stage but the applicant would work with officers.
17. Councillor Hooker requested that Ms Gray feedback the concerns of residents and Members to the applicant and be mindful of their reservations, should the application progress to reserved matters.
18. Councillor Garth Simpson, speaking as Ward Member, in addressing the Committee made the following points:
- The site was proposed in the Council's DPD and in his opinion was the 'least worst' of the Cold Ash sites included in it.
 - Linear development was a curse in Cold Ash because one of the benefits of living in the village had been the views.
 - Public views were increasingly becoming private views.
 - The cumulative impact of development would be that there were eleven new properties to be built along the Ridge and the limits had been reached.
 - It was with a heavy heart that he accepted the principle of development as Policy HSA7 now held considerable weight.

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- Design mitigation would be required, including lower ridge heights.
 - The demand in the village was for smaller properties that older residents could downsize to rather than large executive houses which would have long lead times to being sold.
 - Smaller houses might be more profitable to the developer.
 - A section 106 contribution would be welcomed but it would not cover the cost of building one affordable home.
19. Councillor Adrian Edwards noted the concerns expressed in the letters of objection regarding the traffic impact and safety of school children and asked whether there had even been a footpath along the Ridge. Councillor Simpson responded that a footpath was inconsistent. Councillor Edwards asked what impact there might be on traffic in the area should the application be approved. Councillor Simpson advised that cars already tailed back along the Ridge when dropping off children at St Finian's primary school and the development would cause an incremental impact.
20. Councillor Bryant asked whether there was any scope to apply a condition at this stage the heights of the proposed dwellings and their proximity to neighbouring properties. Derek Carnegie advised that the Council could not make demands regarding the scale of the dwelling at this stage but was confident that the agent would report the committee's concerns to the applicant. Councillor Bryant asked whether an informative could be applied to prevent an unsatisfactory application being submitted at the reserved matters stage. Derek Carnegie advised that officers would not recommend approval of a reserved matters application if it was not satisfactory.
21. Councillor Pick further questioned why the Committee were not able to put in writing their strong wish that any reserved matters application was sensitive to the issues raised, particularly as this outline application would determine the framework for the development. Derek Carnegie advised that he would rely on the quality of the architecture and assessment of officers to ensure any reserved matters application was appropriate. Councillor Pick further expressed his wish to include some phraseology to protect the concerned residents as without it an unacceptable application might be made.
22. Councillor Beck supported the views of Councillors Bryant and Pick and recalled that there had been the situation in the past where an application at reserved matter stage was unsatisfactory. Councillor Beck queried who would maintain and pay for the mitigation strip. Derek Carnegie advised that Condition 15 would ensure that measures would be retained by the Local Planning Authority.
23. Councillor Simpson made the point that the existing hedgerow disrupted the roadside view of the valley and the ridge height of the proposed building might be an issue. Derek Carnegie advised that the Local Planning Authority had not control of the height of the hedge and he was confident that the architect would design a scheme to maintain uninterrupted views over the valley.
24. Councillor Edwards noted that there was no information in the officer's report regarding a potential risk to the safety of schoolchildren should the application be approved and asked Paul Goddard to comment. Paul Goddard advised that there would not be a sufficient level of impact to successfully defend refusal of the application at appeal. There would be three to four additional peak time movements and while the road could become busy at peak times the development

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would not cause an impact so harmful that Highways would recommend refusal of the application.

25. Derek Carnegie made a commitment to bring the reserved matters application before the Committee, should they approve the outline application.
26. Councillor Simpson stated that he hoped the architect would reflect the concerns of the Committee in the design and accepted the principle of the development but was concerned about the loss of gaps. He expressed the view that the offer to bring the reserved matters application to the Committee was pragmatic and that wording in the decision notice would be helpful.
27. Councillor Cole expressed her frustration that the Committee was receiving outline applications for sites that were in the DPD, stating that applicants had ample time to put a proper application together. She stated that she had utter faith in officers to achieve a good outcome but wished to send out a strong message to applicants that she would like properly thought out applications.
28. Considering the application itself, Councillor Cole noted the concerns regarding school children but advised that St Finian's School had a wide catchment and children walking to school was not a big issue for that particular school. She noted the potential issues regarding the relationship between plot one and Summerfield, however hypothesised that Summerfield could submit an application to build an additional storey.
29. Councillor Edwards stated that he had listened carefully to the arguments on both sides of the debate and proposed that the Committee accept officers' recommendation to approve the application. Councillor Bryant seconded the proposal.
30. Councillor Pick asked why the Committee could not make a statement requiring sensitivity to the residents' concerns. Derek Carnegie explained that conditions had to be specific, reasonable and enforceable; the type of wording that Councillor Pick was requesting was too imprecise. He offered assurance that the applicant would still be required to comply with the reserved matters and officers would review the design to ensure it complied with the Committee's wishes.
31. Councillor Hooker invited the Committee to vote on the proposal of Councillor Edwards, as seconded by Councillor Bryant to accept the Officers' recommendation as outlined in the update sheet and including the conditions laid out in the report. At the vote this was carried.

RESOLVED that the Head of Planning and Countryside be authorized to GRANT Conditional Outline Planning Permission subject to the completion of a S106 planning obligation in respect of affordable housing provision in accordance with Policy CS6.

Conditions

1. Reserved Matters

Details of the appearance, landscaping, and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority no later than the expiration of three years beginning with the date of this permission, and no building or other operations shall start on site until the Reserved Matters have been approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved details and with the requirements of any conditions attached to any approved reserved matters application. This condition shall apply irrespective of any indications as to the reserved matters which have been given in the application hereby approved.

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Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). 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 development plan.

2. Time limit

The development to which this permission relates shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Plans approved

The development hereby approved shall be carried out in accordance with:

Site location plan 1686/P02

Block Plan 1686/P01 rev C

Visibility Splay Plan 1686/P03 rev B – received via email 3.11.2016

Site survey

Associated Documents

Planning, Design and Access Statement, Sept 2016

Phase I Ecological Assessment, PV Ecology, April 2016

Phase II Bat and Reptile Report, Issue 03, PV Ecology, Sept 2016 - received via email 6.10.2016

Landscape & visual impact assessment, April 2016

Flood Risk Assessment, Issue 3, Glanville, 6 Oct 2016, - received via email 6.10.2016

All received with the application 13.09.2016 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS 13, CS 14, and CS 19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006, and HSA DPD Policy HSA7.

4. Hours of work (construction)

Demolition or construction works shall not take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

5. Unforeseen contamination

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Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately in writing via a condition discharge application. Any subsequent investigation/remedial/protective works deemed necessary by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local Planning Authority in writing via a condition discharge application. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development via a condition discharge application.

This is in accordance with the NPPF, and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006 - 2026.

6. CONS1 - Construction method statement

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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

7. HIGH7 - Surfacing of access (YHA15)

No development shall take place until details of the surfacing arrangements for the vehicular access(es) to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access(es) for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. 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).

8. HIGH9 - Visibility splays before development (YHA21)

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

9. HIGH11 - Vehicle parking provided to standards (YHA23)

No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. HIGH16 - Access construction (plans required)

No development shall take place until details of all access(es) into the site have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the access has been constructed in accordance with the approved details.

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

11. HIGH20 - Cycle storage (YHA41)

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

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

12. Storage of refuse

No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

13. External lighting

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The development hereby permitted shall be carried out in accordance with the external lighting mitigation measures as set out in paragraph 6.1 of Phase II Bat and Reptile Report, PV Ecology, Sept 2016. Any proposed external lighting shall ensure that dark corridors for bats are retained and thereafter the development shall incorporate and be undertaken in accordance with the approved details.

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

14. Ecology - new boundary hedgerow

No development shall take place until details of a new boundary hedgerow along the southern boundary have been submitted to and approved in writing by the Local Planning Authority. The new hedgerow shall be designed to create and enhance bat foraging and commuting habitat on site using native species and retained in accordance with the recommendations as set out in Appendix J of Phase II Bat and Reptile Report, PV Ecology, Sept 2016.

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

15. Reptile mitigation strategy

The development hereby permitted shall be carried out in accordance with the reptile mitigation strategy as set out in paragraphs 6.4 to 6.12 and appendix K of Phase II Bat and Reptile Report, PV Ecology, Sept 2016 and shall be implemented in full and the measures shall thereafter be retained.

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

16. Removal of permitted development rights.

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 Policies CS14, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 and HSA DPD Policy HSA7.

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.

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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

3. HI 1 Access construction

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

4. HI 3 Damage to footways, cycleways and verges

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

5. HI 4 Damage to the carriageway

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

6. HI 8 Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

7. H 100 Developer Coordination Requirements

"Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980."

WESTERN AREA PLANNING COMMITTEE - 15 MARCH 2017 - MINUTES

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

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	16/03061/OUTMAJ Hungerford Town Council.	15 February 2017	Outline application for approximately 100 dwellings, public open space and landscaping. Access onto A338. Matters to be considered; access only. Land to the south of Priory Road, Hungerford. Cala Management Ltd and Wates Developments.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/03061/OUTMAJ>

Ward Member(s):

Councillor Hewer
Councillor Podger

Reason for Committee determination:

The Council has received well in excess of 10 letters of objection.

Committee Site Visit:

30th March 2017.

Recommendation.

The Head of Planning and Countryside be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.

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

15/03186/screen - EIA Screening Request. Not required. Date - November 2015.

2. Publicity of Application

Site notice displayed 29th November 2016. Expiry 20th December 2016.
Amended plans notices. Erected 2nd March 2017. Expiry 16th March 2017.
Advertised as a Departure.

3. Consultations and Representations

Hungerford Town Council.

Objection. The Town Council feels very strongly that the application should be refused. The application is premature since the Inspector has not finally pronounced upon the allocation in the HSADPD. Too much of the field is being developed. Original plans for 119 dwellings - too many in regard to the overall allocation. The site location is the worst for the town in terms of traffic impact on the High Street at peak periods. Accident risk, economic damage to shops. In addition the highest impact on AONB landscape and no exceptional circumstances have been shown to permit a major site such as this in the AONB. Alternative sites exist within the town itself. To permit the application would be thus contrary to the NPPF. Infrastructure impact on services such as the schools and surgeries. Flooding concerns.

Amended plans. Maintain their strong objection. Although the number of dwellings has fallen, this will still mean a considerable and harmful impact on traffic flows/congestion at peak periods in the High Street. The proposed mitigating measures will make little difference. The possible alternative route through Charnham Park is not supported by the Council. Brown field sites can still come forward in the Town e.g. Oakes Bros for 32 dwellings.

Highways

The proposal is generally acceptable with regards to access and layout. The site is within good proximity to schools. There will be an impact on junctions along the A338 through Hungerford, especially the A4 Charnham Street / A338 Bridge Street junction. However highway officers have put forward some potential solutions. Conditions recommended. Plus s278 works. Nil s 106.

Environmental Health

Conditional permission is recommended.

Fire and Rescue

Additional hydrants are required on the site. Condition accordingly.

Planning Policy

The application complies in principle with the policy designation of HSA19 in the HSADPD. The Inspector at the Local Plan Inquiry has not raised any fundamental objections to the site allocation and so, in principle, the application is acceptable and complies with the Council's Local Plan. Assuming all technical objections are overcome, approval is consistent with policy.

Housing

Support – up to 40 units of affordable housing is required via the application of policy CS6 in the Core Strategy at 40% of the proposed 100 dwellings. Obtain via s106 obligation. Homes should

be built to lifetime homes standard. 30% should be shared equity, 70% for social rent. Homes should be pepper potted through the application site. There is a very high demand for such housing in the parish and surrounds.

AONB Unit	Objection. The application if approved will harm the AONB landscape to its overall detriment. Contrary to the NPPF. The presumption in favour of sustainable development does not apply to the AONB, in their view. Other alternative sites should be considered.
Ward Member [Cllr. Podger].	Cannot support the application at the present time as the Inspector has not reported his conclusions of the HSADPD so to determine the application now would be premature. The decision should be deferred, accordingly.
Tree Officer	Conditional permission is recommended.
Waste Management	No objections. Conditional permission. It is understood that at this stage layout is not being considered. Layout must be satisfactory at the reserved matters stage.
Ramblers Association.	Objection. The site is in the AONB. Hungerford FP No. 31 traverses the site and users will be adversely affected. The route is very popular locally. Long distance views will be disrupted.
Rights of Way.	Similarly strong objections to the application, but understand that the site is allocated in the HSADPD.
CPRE Berkshire Branch.	Objection to the application. Not in conformity with the NPPF. No exceptional justification for major development in the AONB nor with section 85 of the CROW Act 2000. Believed to be contrary to Council Local Plan e.g. ADPP5. Significant harm to landscape will occur and loss of long distance views. Alternative housing sites should be found in the District outside the AONB.
Thames Water	Currently there are outstanding concerns about the capacity of the local waste network to accommodate the additional dwellings and the same applies to water supply. Grampian conditions to be applied should the application be approved to resolve these issues. No concerns re. surface water run off.
Education	In terms of impact on local schools, CIL alone will be adequate to mitigate the education impact, i.e. no s106 required.
Natural England	No objection. Do not consider that the application will harm the purpose behind the designation of the AONB. Council decision should be guided by the advice in para 115 of the NPPF.
SUDS	Details requested via amended plans. Comments awaited on the revised plans.

Public Open Space No objections. The proposed two plays areas can be adopted with a commuted maintenance sum of £68,200. Combine into s106, if approved. Sufficient public open space on site for the number of dwellings proposed.

Public Representations 111 objections received at the time of writing this report. Concerns based upon prematurity, application for further housing not required, alternative sites in the town are available, wrong side of the town, very poor access via High Street, impact on local services and infrastructure, impact on schools, impact on local landscape, loss of views, impact on local footpath, flooding problems. Loss of pleasant open space. Why build in the AONB? Contrary to local and national policy. Other roads through town will be come rat runs. Traffic congestion and danger will result. Parking in town will be impacted as will local businesses. The planting around the site will not mitigate the visual impact that will arise. Damaging effect on local wildlife. Increase in light pollution.

One petition submitted in addition. 148 objections, 6 in support and 1 no preference. Submitted via HTC. Similar issues to the above.

NB - for clarity the above includes the additional objections to the amended plans re consultation.

12 letters of support to the application. It will provide much needed additional housing [including affordable] in the town. It is a good location for the main secondary school. Will assist the town economy. Acceptable impact upon local AONB landscape. Traffic impact in the town will be acceptable. Will revitalise the town for younger people who could now afford to live in the area. The alternative sites in the town are not acceptable to be built upon.

4. Policy Considerations

National Planning Policy Framework 2012.
National Planning Practice Guidance 2014.
West Berkshire Core Strategy 2006 to 2026.
HSADPD November 2015. Policies GS1 and HSA19 – Land east of Salisbury Road.
Policies ADPP1, ADPP5, CS1, CS4, CS6, CS13, CS14, CS16, CS18, and CS19.

5 Description of development.

- 5.1. The application site comprises open fields immediately to the south of the built up area and settlement boundary of Hungerford, on a site to the east of Salisbury Road - the A338. The site area is 7.12ha in extent within the defined red line plan as submitted on the amended drawings in March 2017. For clarity, the original application submitted in 2016, indicated 119 dwellings to be constructed on the site, but, at the behest of the case officer, this was amended down to approximately 100 dwellings - in order to be consistent with the wording of the policy allocation by the Council. As noted above, these revised plans have been re-consulted upon last month, and hence the slight delay in progressing the application since its registration / validation last year. If the application is approved one of the officer recommended conditions is that no more than 100 dwellings can be built out on the site via any reserved matters application subsequently submitted.
- 5.2. Again for clarity, the sole matter for the Committee to determine at this juncture in the outline application is the means of access to the A338 in the west and other pedestrian

routes through the site. However, should planning permission be granted, that will be for the 100 dwellings, with matters of appearance, landscaping, layout and scale to be determined at the subsequent reserved matters stage.

- 5.3. Notwithstanding, in terms of the submitted detail, a notional layout plan has been submitted by the applicants, indicating how the 100 units can be accommodated on site. There will be a meandering central spine road for the access, with two local areas of play noted, with associated landscaping belts to the south and the west alongside the A338. The land lying between the red line application site and the shelter belt to the south will remain as open agricultural land. In addition the existing footpath “splitting” the site on a north /south axis will be retained with access into the northern estate retained. There is to be a new pedestrian access into the John O Gaunt School to the east. The road access onto the A338 will be via a major new roundabout, paid for by the Developer. On the eastern edge there is to be a new footway linking into the north i.e. widened.
- 5.4. In terms of the types of housing proposed, it is envisaged that of the 60 market houses, 4 will be 2 bed, 24 will be 3 bed and 32 4 bed plus. Of the 40 affordable units, 5 will be 1 bed, 28 will be 2 bed, 7 will be 3 bed and nil 4 bed plus. These will be “pepper potted” through the site, to be agreed at a later stage. In addition, although not shown it is anticipated that the on site parking will be in accord with policy P1 in the as approved [but not yet adopted] HSADPD. This will ensure there is no potential for any off-site parking pressures.
- 5.5. Finally, in accord with the Town and Country [Environmental Impact Assessment] Regulations of 2011, as amended, on 30th November 2015, the Council informed the applicant that NO Environmental Statement was required to accompany a planning application for 100 dwellings on the site, notwithstanding the location in the AONB.

6. Consideration of the application.

The application will be examined under the following headings/issues.

- 6.1 - Planning policy.
- 6.2 - Access /highways matters.
- 6.3 - Landscape/visual impact.
- 6.4 - Other issues.

6.1. Planning policy.

6.1.1 Section 38 [6] of the Planning and Compulsory Purchase Act of 2004 requires Planning Authorities to determine planning applications in accord with the Development Plan unless material considerations indicate otherwise. The Committee will know that, not only is the West Berkshire Core Strategy [CS] now been adopted for almost 5 years, since 2012, but the HSADPD of November 2015 is itself now nearing adoption, once the Inspector’s final report is received.

6.1.2 In the CS, the first relevant policy is ADPP1 which notes, inter alia, that most new development [including housing] will be within or adjacent to existing settlements. In this case the allocated site is clearly adjacent the settlement boundary of Hungerford. The latter is also identified as being one of the Rural Service Centres where the majority of new housing will take place after the principal urban areas. It is apposite to note that whilst 74% of the District area is designated as AONB, only 29% of the population live in that area, and only 19% of the overall housing provision has been located in the AONB. This fact is important having regard to the concerns of some objectors about the need to avoid any further housing in the AONB which is clearly not sustainable. This theme is emphasised in policy ADPP5 which examines policies in the AONB. Indeed bullet point 4 in the policy text notes that, in the western part of the AONB, new development will be focussed on Hungerford as being the most sustainable location. This is due to the good road links, the

presence of the rail line, and the opportunities for employment, shopping and education in the town, being self evident. The capacity for future growth on the edge of the town has been assessed, and this has consequently resulted in the allocation under HSA19.

- 6.1.3 In the environment section under ADPP5, the following is relevant in terms of the final location of this new housing site: the historic character of the medieval burgrave plots will be protected, as will the Kennet and Avon canal, Portdown Common, Freemans Marsh, and the River Kennet itself. This by definition leaves little room elsewhere to allocate any substantial sites, other than the current site in question. It is noted that HTC consider sufficient brown field sites are / will be available in the future to accommodate a similar number of dwellings over the plan period to 2026, within the Town confines, but the Council disagrees with this view point in the light of no such large available sites coming forward.
- 6.1.4 The next most relevant policy is CS1 corresponding to the future delivery of new homes across the District, in order to meet intrinsic and external demand, in accord with wider Government policy as set out in the NPPF of 2012 and the NPPG of 2014. It notes [inter alia] that new homes will be primarily developed upon a range of options, with land allocations being the “last” option. This is only in recognition of the fact that given the high demand for housing in West Berkshire, in common with virtually all of the South East Planning Authorities, it is not sufficient to simply allow continued infilling on brown field sites for example to meet this inherent demand: new green field sites must also be found. This need has become even more pressing since the CS adoption in 2012, given that the “agreed” annual housing requirement of 665 net additional dwellings pa is now recognised. The original figure in the CS was 525 dwellings. This places in suitable context the level of allocation on this site, i.e. less than one sixth of the District annual need.
- 6.1.5 Policy CS4 considers in more detail the housing type and mix to be promoted in applications. Strictly speaking this is not relevant to this outline application, as this will be detailed matter for the reserved matters stage. However the applicants have helpfully indicated the notional split of dwelling types proposed as identified above. Officers conclude that the variations noted are consistent with the purpose of policy CS4 in meeting the varied local demand for housing. In addition the site allocation has a very low density of housing [i.e. 14 per ha gross] which is in recognition of the rural character of the site. This is the lowest density range noted in the policy i.e. below 30 units per ha. It could be argued that this does not make the best use of land, but the allocation recognises the AONB location on open down land.
- 6.1.6 Policy CS6 considers the provision of affordable housing. On green field sites the level will be 40% i.e. 40 dwellings in this case. The applicants have not prayed in aid any possible viability constraints, given the nature of the application site, so, should this application be approved the s106 obligation will secure the affordable units in perpetuity, in accord with policy CS6. Given the high level of local demand for such housing [534 on the Common Housing Register for the Town], and the fact that the District need for additional affordable homes is set at a net gain of 160 units pa, it is clear that the provision of 40 affordable dwellings is a substantial planning gain to be balanced in the permission [or otherwise] of this application.
- 6.1.7 Policy CS11 sets out the agreed hierarchy of centres across the District. Hungerford is a town centre, one below major town i.e. Newbury. The policy seeks to retail the vitality and viability of such centres. It is apparent that the introduction of 100 additional dwellings into the town catchment, which means approximately 247 people, will improve local trading demand and so be consistent with the policy identified.
- 6.1.8 Policy CS13 relates to transport and highways matters. This issue will be considered in more detail in the transport section to this report. In addition, policy CS16 relates to flooding issues. Whilst the required report has been submitted by the applicants, it is anticipated that there will be no flooding or SUDS issues, and this is recognised in the consultee responses.

Similarly, in regard to policy CS17 [Biodiversity] Natural England have no ecological or indeed other objections to the development of this open agricultural land. Policy CS18 relates to green infrastructure and the need to protect it where possible. Under the definitions of such GI in the Plan, it is noted that [inter alia] amenity green space is included. The application site has been apparently used as informal open space by the local community for dog walking etc. Unless on the designated rights of way this is not “legal” per se with no “de jure” access being in place, although clearly the landowner has allowed it. It is accordingly difficult to argue under this policy that the loss of GI will occur, although clearly open land will be lost. The existing public footpath however will certainly remain in place and be protected - and not diverted. Finally policy CS19 is pertinent to the landscape impact issues arising. The site lies in a prominent location in the AONB so this is an important topic, to be examined later.

6.1.9 Finally, policy HSA19 in the submitted HSADPD of 2015, upon which the Council has since consulted upon and held a Public Inquiry, is relevant to the submitted application detail. The principal points to note are as follows.

1 - Site to be accessed off the A338.

2 - Woodland buffer to the north to be retained and the buffer to the west also with new landscaping strip to the south planted up.

3 - Retention of the existing footway. Links to the school to be set up.

4 - The submission to be informed by a Landscape Visual Impact Assessment, and Historic / Archaeological report. Retention of existing open views where possible/feasible.

Officers consider that the applicants, in their submission, have satisfactorily achieved the above criteria. One point of note however is that the application site is now just over 7ha whilst in the policy it notes 5.7 ha. This is clearly an increase of 1.3ha, but this means that the associated public open space can be incorporated into the scheme and, at the same time, a lower overall housing density achieved on the site, so fully respecting the character of the development to the north. Also - see point 5 below.

5 - One further point which the Inspector has raised is the potential possibility of allotments being provided on the application site. Given that this application is at outline stage only, with no layout being approved as yet, it is expected that this option can be explored at the subsequent reserved matters stage. An informative can be placed on any permission to this effect.

6.2 Access and Highway matters.

6.2.1. The proposed development of 100 houses has been accompanied with a Revised Transport Assessment (TA). Vehicular access will be provided onto the A338 Salisbury Road via a new roundabout junction. Final details of the roundabout will be approved during detailed design. It is proposed to relocate the 30 mph speed limit further to the south. An emergency access is also provided onto Salisbury Road to the north of the vehicular access.

6.2.2. Pedestrian routes include footways onto Salisbury Road, via the existing Public Right Of Way footpath 31 Hungerford connecting the site to Priory Road and an additional footpath that will link directly into the John O’Gaunt School. The link to the school will open only during school opening and closing times. There are bus stops in nearby Priory Road connecting the site to the town centre, Newbury and Marlborough.

6.2.3 Car parking and cycle storage will comply with standards set by West Berkshire Council and be subject to a reserved matters planning application.

6.2.4. To project expected traffic levels to and from the proposal, the Trip Rate Information Computer System (TRICS) has been used. TRICS is a UK wide database of traffic surveys from many different land uses including residential. This is a very standard approach. Most houses within the development will be in possession of circa 2 cars per house on average. It must be stated that future residents do not all travel to and from their homes at once, but

will do so spread over a period of two or three hours. The hours of 08.00 to 09.00 and 17.00 to 18.00 will be the busiest. The following rates are projected:

During the AM 08.00 to 09.00 peak travel period 0.409 vehicle movements per house are projected

During the AM 17.00 to 09.00 peak travel period 0.526 vehicle movements per house are projected

6.2.5. There rates were confirmed by surveys of the nearby Kennedy Meadow where rates of 0.42 and 0.70 were recorded. Members may also recall surveys recently completed by Council Highway Officers at Yates Copse and Harrington Close on the northern outskirts of Newbury where rates of between 0.37 and 0.65 were recorded. The projected AM rates are quite low for the proposal, but then the site is in close proximity to schools that would result in lower car journeys. The following traffic levels can be expected to and from the development of 100 residential units:

AM Peak 08.00 to 09.00			PM Peak 17.00 to 18.00		
Arrive	Depart	Total	Arrive	Depart	Total
7	34	41	35	18	53

Projected traffic generation

6.2.6. Traffic has been distributed using the census 2011 data, which again is a very standard approach. 96% of traffic is projected to travel to and from the site via the A338 through Hungerford. Highways do suspect that some traffic will travel via Hungerford Common, but for traffic modelling purposes within the centre of Hungerford, the 96% does provide a worse case scenario.

6.2.7. Traffic surveys were undertaken during March 2016 and included the following junctions:

- A338 Salisbury Road / Kennedy Meadow
- A338 High Street / Bridge Street / Church Street
- A338 High Street / Park Street
- A4 Charnham Street / A338 Bridge Street

6.2.8. To assess the impact of the additional traffic models of all of the junctions listed above Junction 8 software developed by the Transport Research Laboratory was used. Using traffic count and traffic queue data, a 2016 year base model is created. The model is validated by ensuring that it compares well to the survey data. 2021 year models are then provided by adding on additional traffic growth to create 2021 base models. Finally models are created that include the development.

6.2.9 By 2021 with the development, it is projected that the A338 Salisbury Road / Kennedy Meadow Roundabout will work well within capacity, the A338 High Street / Bridge Street / Church Street mini roundabout will be near, but not over capacity and the A338 High Street / Park Street mini roundabout will remain within capacity. Of greater concern is the A4 Charnham Street / A338 Bridge Street mini roundabout.

6.2.10. The following traffic modelling results are produced for A4 Charnham Street / A338 Bridge Street mini roundabout:

	2021 without development		2021 with development	
	Traffic flow capacity	Maximum length of traffic queues	Traffic flow capacity	Maximum length of traffic queues
A4 Charnham Street (East)	0.78	4	0.78	4
A338 Bridge Street	0.85	6	0.88	8
A4 Charnham Street (West)	1.02	40	1.05	57

AM peak 08.00 to 09.00

	2021 without development		2021 with development	
	Traffic flow capacity	Maximum length of traffic queues	Traffic flow capacity	Maximum length of traffic queues
A4 Charnham Street (East)	0.87	7	0.89	8
A338 Bridge Street	0.96	16	0.98	23
A4 Charnham Street (West)	0.85	6	0.86	6

PM peak 17.00 to 18.00

Notes: traffic queue lengths in passenger car units. 1 passenger car unit is 1 car. Larger vehicles have greater values. Traffic flow capacity or Ratio to Flow Capacity. Values less than 0.85 are preferred to give some residual capacity. A value above 1.0 indicates over capacity.

- 6.2.11. According to the traffic model, there will already be a traffic congestion issue by 2021 without the development. This will be made even worse by the development. This could be considered as “severe” under paragraph 32 of the NPPF.
- 6.2.12. What would assist is to move the stop line of the A4 Charnham Street forward to improve visibility up the A338 Bridge Street, but this will offer only a marginal improvement. The applicant’s highway consultants tested the provision of traffic signals at the junction, but such a solution would actually significantly increase the length of traffic queues. A further option could be to divert the A4 around through Charnham Park, but this would need to be a decision that the Council would need to make outside of this planning application, and it is accepted that some businesses along Charnham Street may not be in favour. A preferred option could be to provide Visual Message Signing (VMS) that could activate during times of congestion to divert traffic around Charnham Park.
- 6.2.13. Along with the moving of the stop line mentioned above and the VMS, highway officers consider that there is a potential solution on offer that would be funded by the developer through CIL. On this basis highway officers will not be raising objection.
- 6.2.14. Other items that could be funded via CIL could be:
- a. remarking the following with a more resin based paint for greater longevity:
 - Mini-roundabout at the junction of High Street / Church Street;
 - Mini-roundabout at the junction of High Street / Park Street;
 - Zebra crossing on High Street, between Park Street and Church Street;
 - Zebra crossing on High Street, between Everland Road and the canal bridge.
 - b. Redesign of the Kennedy Meadow access roundabout on Salisbury Road to reduce speed of traffic passing through;
 - c. Improved pedestrian crossing facilities over the A338 Salisbury Road within the vicinity of the site;
 - d. Potential improvements to parking in town centre.
 - e. Additional cycle facilities at Hungerford train station
- 6.2.15. A Section 278 Agreement will be required for the following improvements::
- a. Amended junction arrangement at the mini-roundabout at the A4 Charnham Street / A338 Bridge Street mini roundabout to move the stop line forward on the A4 Charnham Street west arm;
 - b. Widen the existing footway on Salisbury Road, across the site frontage, to two metres, extending north to the Kennedy Meadow junction with possible lighting;
 - c. Improvements to the footway link with Priory Road, including an all-weather surface and lighting.

- 6.2.16 There will be a Travel Plan that will encourage more walking, cycling by residents to and from the development. This will be secured by condition
- 6.2.17 Taking all the above into consideration highways officers will not be recommending refusal to the revised scheme for 100 dwellings , but will be recommending conditional permission with associated s278 works .

6.3 Landscape and Visual Impact.

- 6.3.1 It is apparent that the application site is green field, lies outside any defined settlement boundary, and lies in the North Wessex Downs AONB, a nationally designated landscape identified in the NPPF and many other planning documents. Accordingly in “normal” circumstances, the Council would not be considering the development of the site for new housing, or indeed any other form of new build, unless exceptional reasons arise. The Committee, in determining this application need to consider the planning balance having regard to the undoubted visual and landscape harm which will result from the scheme, should it be permitted. Officers do not resile from the fact that such harm will occur, as in fact do the applicants own landscape consultants in arriving at their own conclusions. It is the extent of this harm, having regard to the landscape mitigation to be put in place / has already been put in place, which is the important test.
- 6.3.2 In accordance with policy HSA19, the applicants have submitted a comprehensive Landscape and Visual Impact Assessment [LVIA]. This concludes as follows - in summary:

1 - Due primarily to the visual containment of the site, by topography and trees, it is considered that the effect of the scheme on landscape and visual receptors should not form a reason to reject the application.

2 - It is assessed that the level of effect on the local landscape character will be major / moderate, which however will be confined to the boundaries of the site itself. Moderate impacts will be identified up to 1km distant from the site however.

3 - The level of the effect on the local character is not in itself surprising: the conversion of any green field site to housing by definition will cause significant change which, in terms of perception, will “automatically” cause visual harm, i.e. adverse impact.

4 - Having noted that, the effects on local character will be localised and contained largely within the red line site.

5 - With respect to any impacts upon local visual amenity, there will be an adverse effect on users of the footpath [prow] as has been identified by the Council’s Rights of Way Officer (see above). In addition there will be loss of open views for residents living to the south of the Town, so the effects will be significant. It is important for Members to recall that no person has an automatic right to a view in planning legislation/guidance.

6 - Given the local separation and low density of the scheme, the above effects will not be so overbearing as to merit rejection of the scheme.

7 - In relation to policy compliance, the applicants, notwithstanding the above, consider that the scheme will comply with ADPP5 in the Core Strategy, and nor does it conflict with Policy CS19. This is because of the discrete local impact, which will only be experienced at the immediate settlement level and will not have a wider adverse impact upon the wider AONB character.

8 - The scheme complies with policy HSA19 in the HSADPD, as the applicant has complied with the stated criteria in that policy.

- 6.3.3 The officers, in arriving at their recommendation to approve this application, are required to examine the above conclusions, in the light of the objection from the AONB unit, and indeed the many objections from the local residents. In summary the AONB unit consider that there will be harm to the area, and no exceptional circumstances have been promoted by the LPA in allocating this site for further housing. In doing so the Unit prays in aid the advice in paragraphs 115 and 116 of the NPPF, stating that the presumption in favour of development does not apply in AONBs, as required in paragraph 14 of the NPPF. Accordingly, since great weight should be applied to the conservation and enhancement of the AONB landscape quality, in determining applications, the Unit considers that it follows that, if harm will arise, applications should be refused.
- 6.3.4 What the AONB unit do not do, is to apply the appropriate balancing exercise: the Council accept that there will be a degree of visual harm and impact, BUT, this has to be measured against the other benefits accruing. These are significant i.e. the provision of 40 affordable dwellings and the provision of a further 60 market dwellings to meet local and wider demand for such housing across the District, but in particular to serve the needs of the western sector around the Hungerford catchment – in the interests of the sustainability principles espoused within the NPPF.
- 6.3.5 In terms of examining the precise detail of the impacts the following is relevant. The application site is surrounded on two boundaries by existing built form - being housing to the north and the Community College to the east. Secondly, as Members will have noted from the site visit, there is a strong natural buffer strip to the south and west, already planted up, which will mature over time. This will assist in mitigating the impact of the development. In addition, around Sanham Green to the south east of the site, a larger block of woodland will screen views from this aspect, although it is acknowledged that this land is not in the applicants control.
- 6.3.6 On the negative side, it is acknowledged that the new roundabout to the west on the A338 will by definition, due to the required street lighting, have an adverse impact as does the present roundabout serving Kennedy Meadow to the north. In addition the application site is elevated in relation to surrounding countryside, being a plateau site, so the wider impact will be greater from the south, in terms of much longer distance views. Notwithstanding the boundaries mentioned, views of the roofscape of the housing will be visible, much as Kennedy Meadow is now - bearing in mind this was a past allocation for housing in the former Local Plan.
- 6.3.7 Taking all the above factors into full consideration, and having regard to the policy background for major new development in the AONB, the officers conclude that, on balance, the impact will be acceptable, taking into consideration the policy allocation and the wider benefits identified.

6.4 Other issues.

- 6.4.1 Policy CS5 in the adopted Core Strategy seeks to ensure that all new development impacts will be mitigated, in terms of local infrastructure, facilities, and services. A number of local objectors are concerned about this issue, and this is a legitimate concern. However the Education Section have clearly stated that CIL will be sufficient to mitigate the impact on the local primary school, which is understood to be under pressure in terms of capacity, although the Community College does have capacity. Flooding has been raised by some objectors and a response from the EA will be on the update sheet.

7. **Conclusion**

- 7.1.1 The 2004 Act makes it clear that all planning applications must be determined in accord with the Development Plan unless material considerations indicate otherwise. In addition, the NPPF stipulates that all applications should be measured against the three golden threads of

economy, environment and social impacts. In terms of the environmental impacts, officers do not resile from the view that there will be local visual harm, and a degree of contained harm to the local AONB landscape arising. There will also inevitably be a degree of traffic harm, particularly during peak periods, as identified in the transport section. In terms of the social impacts, there will be a degree of increased pressure on local facilities such as Doctors Surgeries and the primary school, but this needs to be balanced against the clear advantage of the 40 additional affordable homes in the community. Finally, in economic terms, there will be a clear benefit, not only during the construction phase creating many jobs, and demand for building materials, but also by the additional spending of the 100 additional households created – circa 247 occupants. The latter of course will be long term, not short term. In addition, officers do not consider that the determination of this application is premature in any way, as the Planning Inspector has not indicated any fundamental objection to the allocation, and indeed the Council has already approved a number of allocated sites last year e.g. Coley Farm in December 2016.

7.1.2 Taking all the above into account, having regard to the strong reasons to approve the application, the development is recommended for approval, subject to the conditions noted below and the relevant s106 obligation being first completed.

7.1.3 For information, as with the other allocated sites already determined by the Council, should the Committee be minded to refuse the application, the matter will automatically be referred up to the District Planning Committee for decision by the Development Control Manager, under his delegated authority in the Council constitution. This is because a refusal would be clearly contrary to adopted Council policy irrespective of whether or not the Inspector has published his final report at the time of this meeting.

8. Recommendation:-

The Head of Planning and Countryside be authorized to GRANT Conditional Planning Permission subject to the first completion of a s106 planning obligation. That obligation to deliver the 40% affordable homes, the public open space commuted sum [£68,200] and the relevant s278 highways works.

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.

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) 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).

Fire hydrants

7. 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.

8 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;
- d) Include a drainage strategy for surface water run-off from the site;
- e) 1. 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;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) 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;
- i) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) 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;
- n) 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;
- p) Include a Contamination Risk Assessment [if required] for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- r) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc)
- v) 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;

- w) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development;
- x) 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;
- y) 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 dwellings hereby permitted 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.

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.

Access

9 No development shall take place until details of the proposed access into the site has 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).

Amended plans

10 The development must be carried out in strict accord with the amended application form and plans submitted on the 1st March 2017 - plan number 15-917-001-K refers. In addition this permission shall ensure that no more than 100 dwellings in total shall be constructed on the application site.

Reason: To clarify the planning permission, in accord with the advice in the DMPO of 2015 and the advice in policy HSA19 in the Council HSADPD of November 2015.

Water impact studies.

11 No development shall commence until an impact study of the existing water supply infrastructure has been submitted to and approved in writing by the Local Planning Authority, in concert with Thames Water.

Reason: To ensure sufficient future water supply to the prospective residents on the application site, in accord with the advice in the NPPF of 2012.

12 Access –footway.

No development shall take place until details of a two metre wide footway to be constructed on the east side of Salisbury Road, along the site frontage and northwards to the Kennedy Meadow junction has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway/cycleway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. 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).

13 Cycle storage

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

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

14 Section 278

By completion of the 50th dwelling, the following works shall be provided by the developer through a Section 278 Agreement:

- a. Amended junction arrangement at the mini-roundabout at the A4 Charnham Street / A338 Bridge Street mini roundabout to move the stop line forward on the A4 Charnham Street west arm;
- b. Widen the existing footway on Salisbury Road, across the site frontage, to two metres, extending north to the Kennedy Meadow junction with possible lighting;
- c. Improvements to the footway link with Priory Road, including an all-weather surface and lighting

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists, and mitigating traffic impact. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

15 Travel Plan.

No development shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the development first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. 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)

Waste disposal

16 No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

INFORMATIVE:

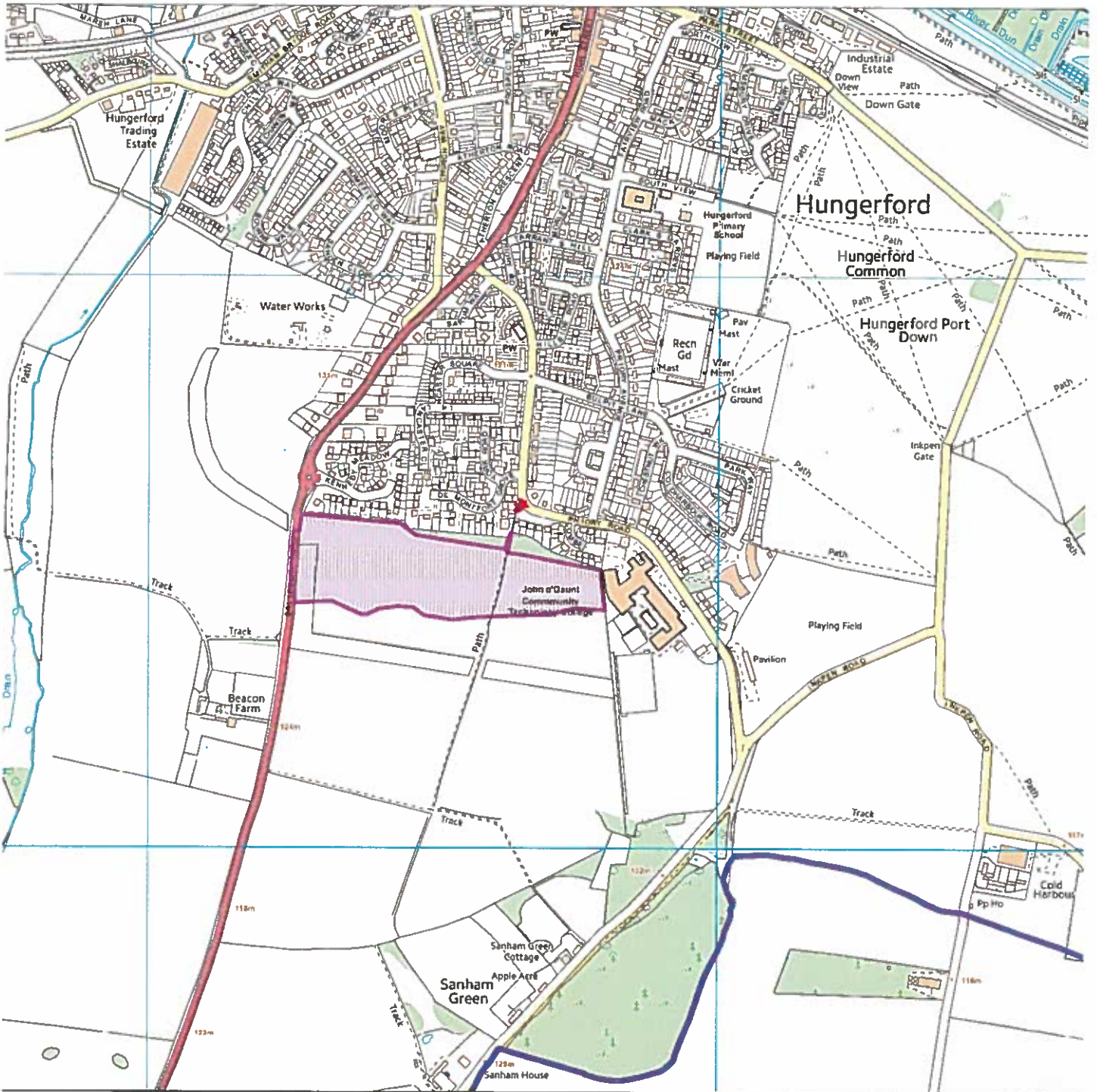
- 1 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, 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
- 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.
- 4 The Council will explore the potential for new allotments within the application site during the consideration of the reserved matters application to be submitted.

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16/003061

Land South of Priory Road, Hungerford



Map Centre Coordinates :

Scale : 1:10027

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Organisation	West Berkshire Council
Department	
Comments	
Date	23 March 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)	17/00190/ADV Chaddleworth	4 April 2017	5 directional fascia board signs, The Ibx Inn, Chaddleworth. Chaddleworth Parish Council

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/00190/ADV>

Recommendation Summary: **The Head of Planning and Countryside be authorised to REFUSE advertisement consent.**

Ward Member(s): Councillor C Hooker

Reason for Committee determination: Called in by Cllr. Hooker – refusal will not support the attraction of trade for the public house and village store.

Committee Site Visit: 30th March 2017

Contact Officer Details

Name: Liz Moffat
Job Title: Assistant Planning Officer
Tel No: (01635) 519336
E-mail Address: emoffat@westberks.gov.uk

1. Site History

04/02547/ADV – Double sided sign for The Stag Inn at land adjacent to B4494 (opposite Egypt Cottages) APPROVED at Committee 16.02.05

2. Publicity of Application

Site Notice Expired: 9 March 2017

3. Consultations and Representations

Parish Council: Unable to comment

Highways: No objections to Signs 1, 3, 4 and 5
Object to Sign 2 – within highway land and therefore unacceptable.
Suggest relocating sign to the south side of the road, beyond the boundary.

Archaeology: Evidence suggests that there will be no major impact on any features of archaeological significance.

Correspondence: One letter of objection – whilst sympathetic to the commercial difficulties suffered by pub trade, advertisement hoardings should be resisted in the AONB. Regarding proposed sign at Egypt turning on B4494 – dangerous junction with several bad accidents.

4. Policy Considerations

National Planning Policy Framework 2012 – Paragraph 67
West Berkshire Core Strategy 2006 - 2026 - Policies ADDP 5 – North Wessex Downs Area of Outstanding Natural Beauty (AONB), CS14 - Design Principles, CS19 - Historic Environment and Landscape Character

5. Description of Development

Advertisement consent is sought for 5 identical non-illuminated, directional board signs for Ibex Inn in Chaddleworth. The proposed locations are:

- Sign 1 – B4494 to Newbury (Egypt) **(3000 metres from the Ibex Inn.)**
- Sign 2 – Hangman's Stone Lane (nr West Berks Golf Club) **(1,250 metres)**
- Sign 3 – Farnborough Copse (B4494) **(5,000 metres)**
- Sign 4 – Trindledown Copse (A338) **(3,500 metres)**
- Sign 5 – Buckham Hill (A338) **(3,300 metres)**

The signs are proposed in open countryside within the AONB. The figures shown in bold represent the approximate distances (by road) between the Public House and its advertisement.

The proposed signs will be aluminium on 2 - 2.5 metre high posts, and measure 700mm in width and 565mm high.

6. Consideration of the Proposal

Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

6.1. The impact on the visual amenity

6.1.1 The application sites are situated in sensitive, rural locations as detailed above. Therefore it is important to ensure that any development within these areas is appropriate. The NPPF discusses supporting a prosperous rural economy and local and neighbourhood plans should promote the retention and development of local services and community facilities in villages such as local shops and public houses. The impact of advertisements on the visual amenity of these sensitive areas is an important consideration, particularly given the fact that the sites are located within the AONB and therefore afforded a greater level of protection.

6.1.2 Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. In assessing the impact on amenity, the Local Planning Authority should have regard to what impact, including cumulative impact, the proposals will have on the surrounding area. Whilst businesses in the countryside will expect to advertise their whereabouts, care should be taken to ensure that a proliferation of individually acceptable signs does not spoil the appearance of the open countryside. Although it is acknowledged that businesses in rural locations such as this may require some form of advertisement in order to prosper, it is not considered that this form of advert is appropriate or acceptable, particularly given the remoteness of the signs from the Public House they are advertising.

6.1.3 It is considered that the use of an officially approved highway sign may be produced to meet the needs of the community, which may not require planning permission. Further consideration could be given to the use of a brown 'tourism' sign, if the Public House fulfils the necessary requirements (a matter which the Local Planning Authority is not directly involved with and which would require research on the part of the applicant to confirm whether this is an option).

6.1.4 If the application were allowed, it would not be unreasonable for further advertisements for similar signage in the vicinity or across the district to be sought, which the Local Planning Authority would then find difficult to resist. This would lead to an unacceptable proliferation of signage in the open countryside which would harm the character and appearance of such sensitive, rural locations.

6.1.5 Consideration has been given to a sign for the Swan Public House in East Ilsley which is located to the west side of the A34, just south of the East Ilsley junction. It should be noted that in 1993 the Planning Inspectorate stated that the decision to allow the sign "should not be taken as an indication that a comparable advertisement in another location would necessarily be regarded as acceptable." The primary reason for granting this consent is the fact that this sign had been in situ for many years.

6.2 The impact on highway/public safety

6.2.1 The Council's Highways team have no objections to the proposed locations, apart from Sign 2. This sign could be easily relocated to the south of the highway boundary to be considered acceptable.

6.2.2 The sign for the Stag Public House at Leckhampstead which is sited in a similar location to that proposed for Sign 1, was approved in 2005. On this occasion the Council's Highways team objected to the design and siting as it would distract drivers and could result in sudden and unpredictable vehicle movements to the detriment of road safety.

7. Conclusion

7.1. Having taken account of all relevant policy considerations and the material considerations referred to above, it is considered that there are clear reasons why the development proposed is unacceptable. There is no justification to allow the signs in this sensitive rural location.

8. Full Recommendation

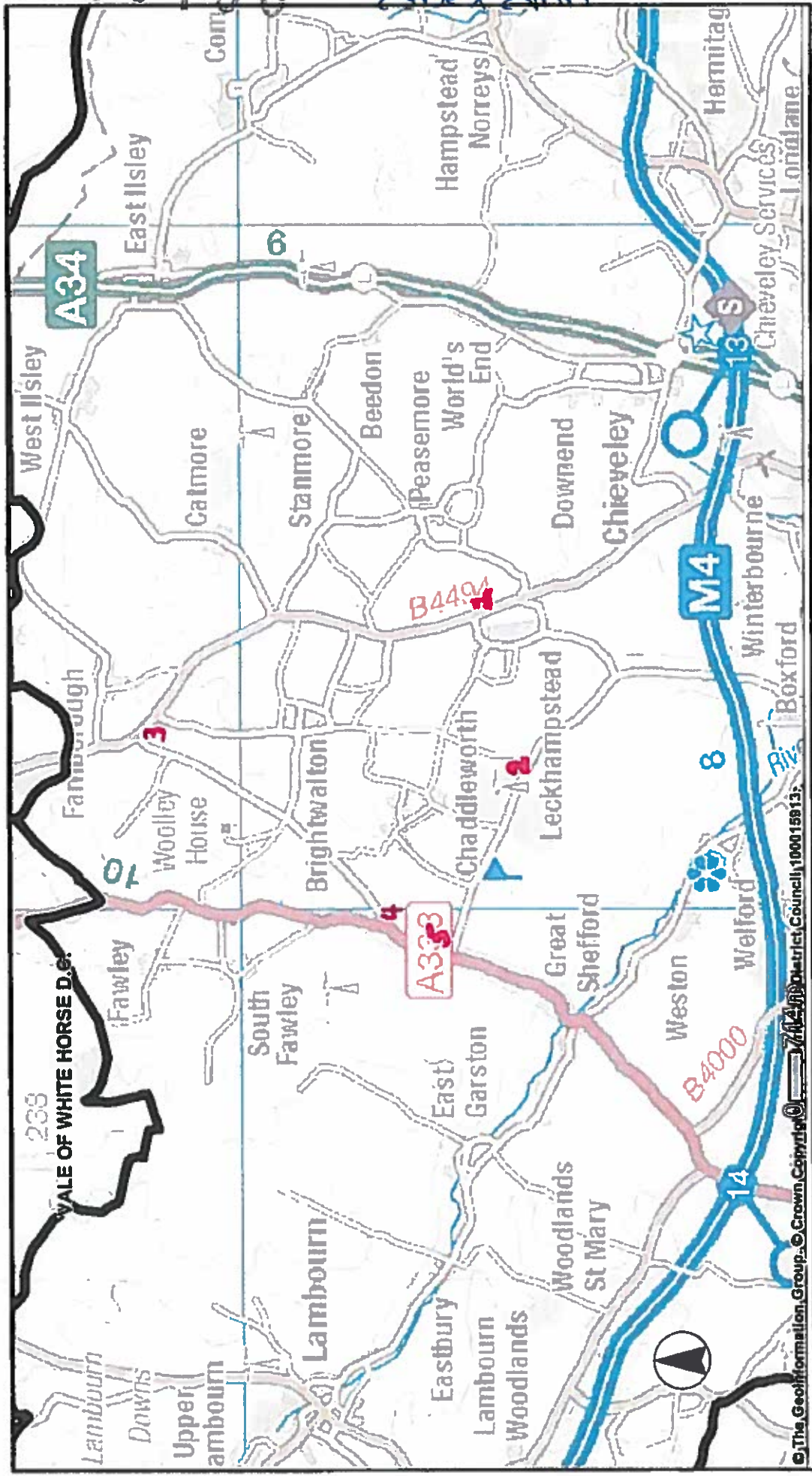
8.1 The Head of Planning and Countryside be authorised to **REFUSE** advertisement consent for the following reasons:

1. The proposed signs, due to their size and siting in an isolated countryside location would have a detrimental impact on the visual amenity of this nationally designated sensitive Area of Outstanding Natural Beauty. There is no justification to allow these advertisements, which will be situated a considerable distance from, and will therefore be unrelated to the Public House they seek to advertise. As such the proposal is contrary to the provisions of the National Planning Policy Framework 2012 and Policies ADDP5, CS14 and CS 19 of the West Berkshire Core Strategy 2006 -2026. These policies and government advice seek to ensure that, inter alia, advertisements, and proposals within Areas of Outstanding Natural Beauty, do not lead to a detrimental impact on visual amenity.
2. If this application were allowed it would not be unreasonable for further advertisements for similar signage in the vicinity or across the district to be sought, which the Local Planning Authority would then find difficult to resist. This would cumulatively lead to an unacceptable proliferation of signage within the open countryside, a matter which is specifically referred to within the National Planning Policy Framework Paragraph 67 and which would harm the character and appearance of such sensitive, rural locations.

DC

* No.s represent/correspond to 5 locations

17/00190 - Alex Stan



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Agenda Item 4.(3)

Item No	Application and Parish	No. 8/13 Week Date	Proposal, Location and Applicant
(3)	17/00315/FULD Cold Ash Parish Council	4 th April 2017	Section 73. Variation of Condition 2: Approved Plans in accordance of approved reference 15/03473/FULD [Demolition of existing dwelling and associated outbuildings, and replacement with a new dwelling and garden shed] Mr R Samuels and Mrs J Samuels Woodridge House, Bucklebury Alley, Cold Ash RG18 9NH

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/00315/FULD>

Recommendation Summary: **The Head of Planning and Countryside be authorised to APPROVE the application as submitted.**

Ward Member(s): Councillor Garth Simpson

Reason for Committee determination: More than 10 letters of objection

Committee Site Visit: 30th March 2017

Contact Officer Details

Name: Mrs Sue Etheridge
Job Title: Senior Planning Officer
Tel No: (01635) 519111
E-mail Address: Susannah.etheridge@westberks.gov.uk

1. Site History

- 15/03473/FULD Demolition of existing dwelling and associated outbuildings, and replacement with a new dwelling and garden shed. Approved 29th March 2016.
- 16/01706/COND Application for approval of details reserved by Conditions 3 - Materials, 4 - Hard Surfacing, 5 - External Spoil, 7 - External Lighting, 11 - Temp Parking, 12 - Construction Method Statement, 13 - Landscaping, 15 - Arboricultural Method, 16 - Arboricultural Supervision, 17 - Landfill Gas, 21 - Shed of approved application 15/03473/FULD Split Decision issued 2nd August 2016 (details of shed location still to be agreed).
- 14/02878/FUL Demolish existing single dwelling and associated outbuildings and erect new detached house with detached garage as single dwelling. Refused and appeal dismissed 3rd September 2015.
- 14/00967/FUL Demolish existing single dwelling and associated outbuildings and erect new detached house with detached garage as single dwelling. Refused 27th June 2014.

2. Publicity of Application

Site Notice Expired: 9th March 2017.

Neighbour Notification Expired: 6th March 2017.

3. Consultations and Representations

Cold Ash Parish Council	No objection. 5 in support 2 against.
Highway Officer	No objection Conditions regarding gradient of drive and set back of gates suggested
Waste Management	No objection
Trees	No objection - subject to conditions in respect of Tree protection, Arboricultural Method Statement and Watching Brief and Landscape Scheme
Environmental Health	No objection
No other consultation responses received	No comments received from North Wessex Downs Management or Drainage Engineer
Representations.	13 letters of objection and 4 letters in support received. Objection comments summarised as follows: <ul style="list-style-type: none"> • Impact from construction traffic • Impact on neighbouring privacy • Impact on trees and hedgerow • Impact on character of the area/overdevelopment • Disturbance from headlights and use of ramp • Precedent • Working hours • Loss of views • Surface water drainage • Asbestos • Spoil Removal • Plant Room Details

4. Policy Considerations

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006- 2026 (WBCS) and the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
 - National Planning Practice Guidance (NPPG)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
 - Area Delivery Plan Policy 5: North Wessex Downs AONB
 - CS 1: Delivering new homes and retaining the housing stock
 - CS 4: Housing Type and Mix
 - CS 5: Infrastructure requirements and delivery
 - CS 13: Transport
 - CS 14: Design Principles
 - CS 16: Flooding
 - CS 17: Biodiversity and Geodiversity
 - CS 19: Historic Environment and Landscape Character
- 4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:
- OVS.5: Environmental Nuisance and Pollution Control
 - OVS.6: Noise Pollution
 - HSG.1: The Identification of Settlements for Planning Purposes
 - TRANS.1: Meeting the Transport Needs of New Development
- 4.5 In addition, the following locally adopted policy documents are relevant to this application:
- Supplementary Planning Document Quality Design (June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.

5. Description of Development

- 5.1 This application seeks the variation of Condition 2 (approved plans) of planning permission 15/03473. The extant planning permission is for the replacement of an existing two storey dwelling with the erection of a new two storey dwelling with car parking within a basement and garden shed. This current application is for the same development, with the same siting for the main dwelling and the same scale. However the position and shape of the basement will be below the new dwelling, with the access point to the basement and access ramp moved toward the eastern boundary of the site. In addition externally there will be slight changes to the position/design of approved windows and the chimney stack will be widened to take two pots. There are also internal alterations to room layouts proposed. The revised basement design will mean that proposed piling will no longer be required and there will be less spoil to be removed from the site.

- 5.2 The application site is located within the upper western part of Bucklebury Alley to the south side of the lane, within the settlement of Cold Ash. The southernmost part of the application site and further land within the applicant's control lies outside of the settlement. The site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This part of Bucklebury Alley is characterised by large detached dwellings set in substantial plots, with most dwellings set well back from the lane, centrally located within the plots and space to the side boundaries. The area is very well treed, with important specimen trees and planting dominating the boundary with the lane and front gardens. There are some verges but no pavements. These features all add to the rural character of the area. Dwellings to the south tend to be built on the ridgeline with rear gardens dropping to the south, these rear gardens have extensive views toward woodland to the South.
- 5.3 Woodridge House is one of four dwellings built at the same time in the 1950's which have a strong building line and are located over 25 metres from the lane. This set back with established trees and planting in the foreground contributes positively to the sylvan character of the lane. Further to the East dwellings are more densely sited with smaller gaps between each other and the lane. It is noted that whilst most plots benefit from quite deep gardens which extend into the adjacent woodland, the settlement boundary dissects these plots acknowledging the change in both topography and landscape. The southern edge of the settlement boundary is set parallel to the lane, at the end of the immediate residential curtilage, approximately 50 metres from the highway. Access to the site from the lane is at the eastern side of the plot and is shared with the dwelling known as Pine Lodge. The side boundary within the site then separates the two properties. The site contains a number of important trees. Some within the front garden and boundary to the lane are protected by a Tree Preservation Order.
- 5.4 During consideration of this application additional details showing the levels of the new ramp and relationship with retained trees, tree protection and a comparison between approved and proposed plans have been received. This application has been submitted to seek to address some local concerns expressed regarding traffic generation and parking on Bucklebury Alley during construction, including spoil removal and potential noise disturbance from piling construction methods for the approved basement

6.0 Consideration of the application.

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

- 6.1. The principle of the development
- 6.2. The impact on the character of the area including the North Wessex AONB
- 6.3. The Impact on neighbouring amenity
- 6.4. Highway impact
- 6.5. The impact of trees
- 6.6. The impact on Ecology
- 6.7. Community infrastructure Levy
- 6.8. The assessment of sustainable development

6.1 The Principle of Development.

- 6.1.1 The NPPF takes the development plan as the starting point for all decision making, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy (adopted 2012) and the Saved Policies of the West Berkshire District Local Plan 1991-2006.
- 6.1.2 The site lies within the identified settlement of Cold Ash, where there is normally a presumption in favour of development subject to consideration of material planning

constraints and relevant policy considerations. Policy CS1 of the WBCS attracts full weight as a development plan policy adopted since the introduction of the NPPF. It states that new homes will be located in accordance with the district settlement hierarchy, and primarily developed on suitable previously developed land, and other suitable land, within settlement boundaries. Policy ADPP1 of the WBCS promotes the redevelopment of brownfield land. This site currently contains one dwelling. The proposal is for a single replacement dwelling and is therefore acceptable in principle and will ensure the retention of housing stock.

6.2 The Impact on the Character of the area including The North Wessex AONB

- 6.2.1 Policy CS14 of the WBCS states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The site is situated within the North Wessex AONB where the sensitive nature of the landscape and special qualities of the area are conserved under Policy ADPP5.
- 6.2.2 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD). Part 1 of SPDQD provides design guidance including key urban design principles. Part 2 of SPDQD provides detailed design guidance on residential development. Part 3 of SPDQD provides a residential character framework for the prevailing residential developments in the district.
- 6.2.3 The design of the proposed new dwelling is similar to the extant permission. The only external changes are to the design of approved windows, widening of the chimney stack and changes to the access point and form of the approved basement. The window alterations omit glazing bars, fan lights and triangular feature windows. The chimney stack will be widened to take a double pot. The position and design of the approved basement is to be altered. It will now be more centrally positioned beneath the new house. The access into the basement will be via a ramp constructed to the eastern side of the site. The ramp will be constructed at a gradient of 1:8, with a retaining wall on either side. Existing trees and hedges along this eastern boundary will be retained, with the new ramp and wall outside of the approved root protection areas. The entrance to the ramp will be taken from the existing driveway enabling an additional area of landscaping between the ramp and front boundary with the lane.
- 6.2.4 The proposed changes will ensure the siting and architectural form of the new dwelling will remain as approved. This will ensure that the building line is respected and gaps between above ground development and side boundaries respects the established character of development within this part of Bucklebury Alley. Changes to the windows and chimney are minor amendments to the original design concept. The new basement will be of similar size to that approved, however its position directly underneath the dwelling, will mean that previously approved piling will not be required. This in turn will reduce the amount of spoil which is to be removed from the site. The access into the basement will be via a ramp constructed close to the eastern boundary of the site. Retaining walls will be constructed either side of the ramp to a height varying between approximately 900mm and 1700mm high. The walls will be constructed outside of the root protection areas of trees and hedges to be retained. There is also opportunity for further landscaping between the ramp and lane.
- 6.2.5 These changes in design will not have an adverse impact of the character of the area, street scene nor visual distinctiveness of this part of the AONB. Whilst the ramp to the basement will be moved from the central position to the eastern boundary, the new position will enable further landscaping within the front garden and removing potential views toward the basement garage parking.
- 6.2.6 The development will therefore comply with development plan policies ADPP5, CS 14 and CS 19 and advice set out within the NPPF.

6.3 Amenity

- 6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the WBCS states that new development must make a positive contribution to the quality of life in West Berkshire. The West Berkshire Quality Design SPD and the West Berkshire House Extensions SPG provide guidance on the impacts of development on neighbouring living conditions.
- 6.3.2 The revised layout to the basement and access will bring development closer to the neighbouring dwelling at Pine Lodge. There is currently an ancillary building on this boundary. The new ramp and retaining wall will be constructed 2 metres from the boundary at its closest point, outside root protection areas and providing space for new hedging to be planted and existing hedging retained. Comments from the Tree Officer are considered in the section below. Given the distance to the boundary of two metres, existing and proposed hedge planting it is not considered that the amenity of the neighbouring dwelling, Pine Lodge, would be unduly harmed by this ramp and retaining wall. It is noted that concern has been expressed regarding possible disturbance from headlights, engines revving and use of the basement and plant room. However the distance to boundaries, retaining walls and existing /proposed planting would minimise any potential disturbance. This design solution will lessen the impact of the development during construction on neighbouring amenity than the consented scheme, by removing the need for piling and reducing the level of excavation and associated lorry movements removing spoil. With regard to the plant room, equipment installed within the plant room would be domestic in scale and would need to comply with Building Regulations in terms of noise emissions. The plant room will be positioned 7 metres from the boundary with Pine Lodge, below ground level and in excess of 16 metres from the dwelling. The Environmental Health Officer has raised no objection to the amended scheme. A condition to limit hours of construction, as previously applied is suggested.
- 6.3.3 The development will therefore comply with development plan policies ADPP5, CS14, OVS.6 and advice set out within the NPPF.

6.4 Highway Impact

- 6.4.1 This application is for a one for one replacement dwelling within settlement. The application provides for basement car parking and storage, and parking and turning above ground. This would meet the requirements set out within development plan policies TRANS 1 and CS13. The Highway Officer has raised no objection.
- 6.4.2 The extant permission included details in respect of a construction method statement and parking for contractors on site during construction. These details have been approved through condition discharge application 16/01706/COND1 and submitted as part of this current application. It is noted that there is local concern regarding construction traffic and impact on the highway and verges. This revised scheme with new basement design and access point would allow more space within the site for parking off the highway during construction. Furthermore the change in design will mean that a piling rig will no longer be required and there will be far fewer lorry movements to take spoil away (a 75-100 lorry movement reduction has been estimated by the agent). A suitably worded condition to secure the on site contractor parking could be attached.
- 6.4.3 The development will therefore comply with development plan policies CS13, TRANS1 and advice set out within the NPPF.

6.5 The Impact on Trees

- 6.5.1 The area is characterised by mature tree cover and established hedgerows. The proposal will not see the position of the approved dwelling altered. Trees and hedging within the site will be retained and protected in accordance with previously agreed details. Whilst the new ramp and retaining wall will be constructed closer to the eastern boundary it will be outside of the root protection area. In addition further landscaping can be secured for the front garden.
- 6.5.2 It is noted that concern for the retention of trees and hedgerow has been expressed. However the new ramp and retaining wall will include the use of a protective metal barrier which will ensure the long term survival of trees or hedgerow. This method is very successful and better than hand digging where roots are exposed to the air. It will be necessary that the proposed tree protection, arboricultural method statement and watching brief are adhered to in full. These details have been agreed through condition discharge application 16/01706/COND1 and are submitted for consideration as part of this current application along with further arboricultural details. Suitably worded conditions to ensure compliance with these details are suggested. It is also worthy of note that in the Planning Inspectors decision letter for an earlier application, where a garage was proposed within approximately 1 metre of the eastern boundary, there was no concern expressed regarding impact on trees/hedging within the site and on boundaries, subject to further details which follow established arboricultural practice.
- 6.5.3 The Tree Officer has raised no objection. The development will therefore comply with development plan policies CS14, CS18, CS19 and advice set out within the NPPF.

6.6 Ecology

- 6.6.1 Policy CS17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced, this is in accordance with national and European legislation. Consideration to the impact of the replacement dwelling was made through the extant consent. The Phase 1 Ecology Survey is dated 10th February 2014. Given the survey results, with no protected species being directly affected this is still relevant. Previously applied conditions and an informative regarding legislative requirements plus consideration to enhancements for bio and geo diversity area suggested.

6.7 Community Infrastructure Levy

- 6.7.1 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations the proposal is liable for CIL. The CIL Charging Schedule sets out that the amount calculated is to be determined under the AONB Residential Rate of £125 per m². The proposal represents a slight change in the figure previously sought. A new CIL Notice will be sent.

6.8 Presumption in favour of sustainable development

- 6.8.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 6.8.2 Future residents would make a contribution to the local economy, and the development would provide employment in construction for a short period. The environmental considerations have been assessed in terms of the impact on the character and appearance of the area and the AONB, and neighbouring amenity and for the reasons given above are considered acceptable. The development would bring social benefits in terms of providing housing required to meet the needs of present and future generations.

As these have been found acceptable the development is considered to constitute sustainable development.

7. CONCLUSION.

- 7.1. Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered the proposal is acceptable and a conditional approval is justifiable for the following reasons.
- 7.2. The proposal will not unduly harm the character and appearance of the surrounding area and the AONB, or neighbouring amenity, and there are no other material considerations that indicate planning permission should otherwise be refused. It is recommended that the application be approved.

8. RECOMMENDATION.

The Head of Planning and Countryside be authorised to APPROVE Planning Permission subject to conditions:-

8.1 Schedule of conditions

1. Time to Implement

The development hereby permitted shall be begun on or before 29th March 2019, this date being three years from the date of the first permission (15/03473/FULD).

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

2. Plans approved

The development hereby approved shall be carried out in accordance with:

Site Location and Block Plan	1584.01
Proposed Site Plan	1584.30-A
Proposed Plans and Elevations	1584.29
Proposed Shed and Gate Details	1584.06
Site Section and Street Scene	1584.07-A

Associated Documents

Planning, Design and Access Statement, (MWA 1584 revision A Dated 2nd February 2017)

Phase I Habitat Survey (Arbtech 10th February 2014) First received as part of application 14/02878

All received with the application validated on 7th February 2017 unless otherwise specified.

Reason: To ensure that the development is carried out in accordance with the submitted details in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS 13, CS 14, and CS 19 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document: Quality Design 2006.

3. Materials

The following external materials shall be used in the development hereby approved unless alternative details are agreed, through a condition discharge application, in writing with the local planning authority:

Facing Brick	Michelmersham Dark Victorian Red
Tile Hanging	Marley Plain Clay Ashdowne (Aylesham Mix)
Roof	Dark Grey Natural Slate (Forna Especial)

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. Hard Surfacing

The development hereby approved shall include the hard surfacing areas and materials shown on drawing 1584.Land 2.

The hard surfacing shall be completed in accordance with the approved scheme before the dwelling hereby permitted is occupied. The approved hard surfacing shall thereafter be retained.

Reason: In the interests of visual amenity. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5. Spoil removal

Spoil arising from the development, hereby approved shall be disposed of in accordance with the details first received through discharge of condition application 16/01706. Finished ground levels shall be in accordance with the details shown on approved drawing 1584.30-A. All spoil arisings will be taken off site and Top soil will be temporarily stockpiled on site pending re-use at the completion of the project as soil around the building, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

6. External Lighting

The development hereby approved shall include the external lighting details shown on drawing 1584.Land 2 and as approved through discharge of condition application 16/01706.

The external lighting shall be installed in accordance with the approved scheme before the dwelling hereby permitted is occupied. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development/To protect the amenities of adjoining landusers and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

7. Temporary Parking, Turning and Construction Method Statement

The construction of the development hereby approved shall be in accordance with the details shown on Site Management Plan 1584.SM2 and as set out in the MWA 1584 Construction Method Statement dated 2nd February 2017.

The approved parking and turning area and Construction Management 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 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).

8. Landscape Scheme

The development hereby approved shall be landscaped in accordance with the details shown on drawing 1584.Land 2. The approved scheme shall ensure:

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

9. Arb Method Statement and Watching Brief

The development hereby approved shall be carried out in accordance with the approved Arboricultural Method Statement and Watching Brief, first received through condition discharge application 16/01706 (Fulford-Dobson Associates dated 22nd June 2016), Tree Protection Plan 1584.05 and supplemental statement from Fulford-Dobson Associates (Jasper Fulford-Dobson) dated 8th March 2017. This statement includes details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

10. Protective Fencing

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing number 1584.05. Within the fenced areas, there shall be no excavations, no storage/mixing of lime based products or fuels, no storage of materials, or machinery, no parking of vehicles, no fires.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

11. Hours of work (construction)

Demolition or construction works shall not take place outside the following hours:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026.

12. Piling

No piling shall take place until details of the type of piling to be used has been submitted to and approved in writing by the Local Planning Authority.

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

13. Parking and Turning

The dwelling shall not be occupied until the vehicle parking and turning space have been surfaced, and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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).

14. Gradient of Private Drives

The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

15. Gate Set Back

The gates to be provided at access where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 5 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 (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

16. Wildlife protection

At all times during the construction of the dwelling when works is not taking place all unfilled excavations created during construction shall either be:

Completely covered by solid materials, or
Have a rough sawn plank place in the then.

Reason: To ensure the protection of wildlife. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

17. Shed Location

No works to the shed shall take place until details of the proposed location of the shed within the red line has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interests of visual amenity. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

18. PD Rights Windows

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at first floor level on the east and west (side) elevations of the dwelling hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

Informatives

1 NPPF

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 Community Infrastructure Levy (CIL)

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

3 HI 3 Damage to footways, cycleways and verges

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

4 HI 4 Damage to the carriageway

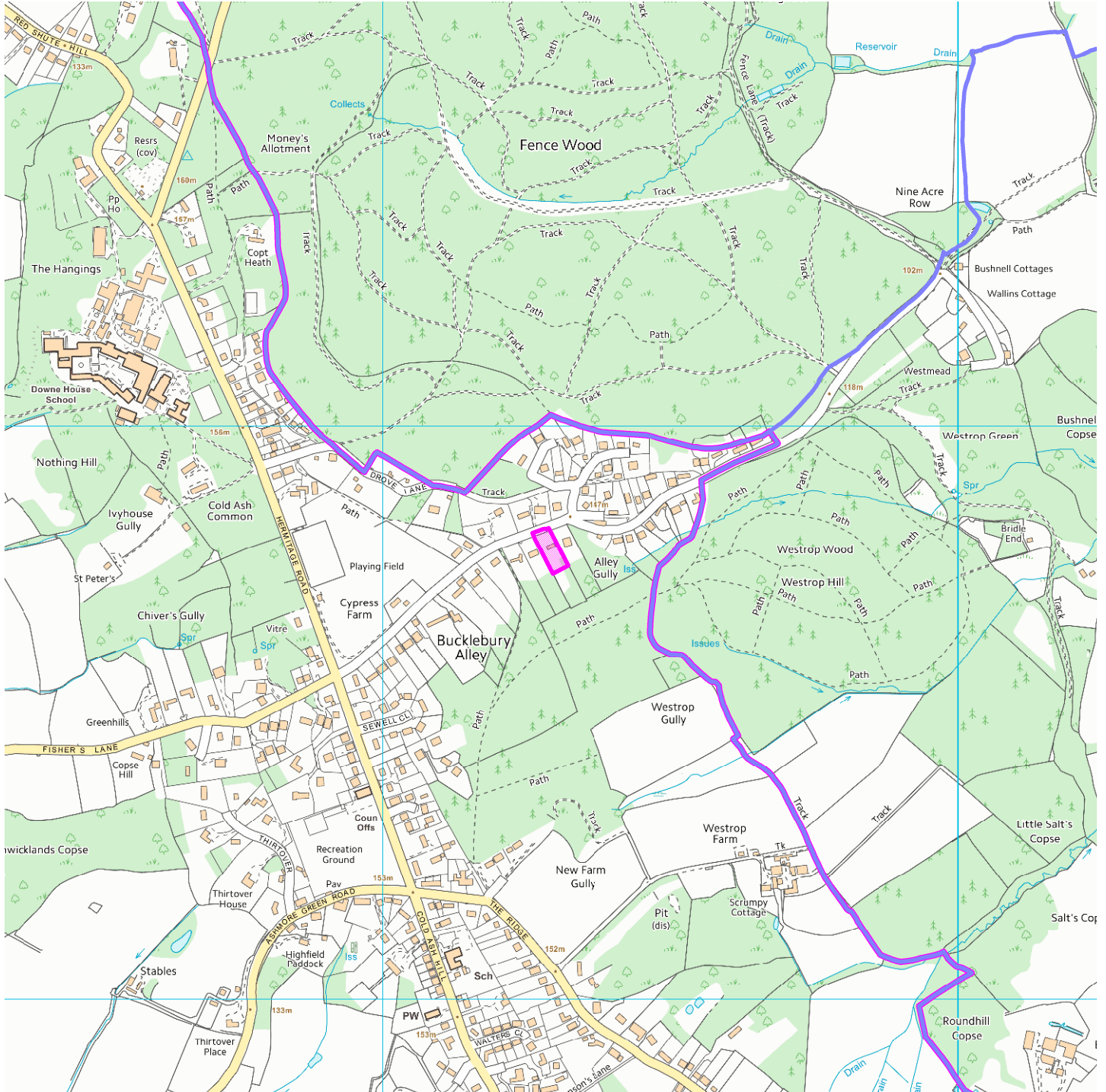
The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

5 Wildlife enhancement

The applicant is advised that the opportunity should be taken to introduce bio and geo diversity enhancements such as the introduction of bat boxes and swift boxes within the house design/garden

DC

Woodridge House, Bucklebury Alley, Cold Ash



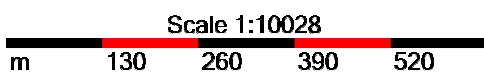
Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	
Date	23 March 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
SHAW-CUM-DONNINGTON 14/02480/OUTMAJ Pins Ref: 3143214	Land Adjacent To Hilltop, Oxford Road, Donnington CEG Land Proms Ltd Mrs G E Mather And BLG Reads Trust Co Ltd	Outline application for mixed use scheme on 23.1ha of land, comprising up to 401 dwellings on 11.35ha of land. A 400m2 local centre (Use Classes A1/A2/D1/D2 - no more than 200m2 of A1) on 0.29ha of land, one form entry primary school site on 1.71ha of land, public open space, landscaping and associated highway works. Matters to be considered: Access.	Refusal	Allowed 20.3.17

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Pins Ref 3143214	North Newbury - Land adjacent to Hilltop, Oxford Road, Donnington, Newbury.	Mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 – no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works.	Dele. Refusal	Allowed 20.03.2017
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Procedural matters

The application is in outline, with only the means of access to be determined, along with the principle of the development.

A Unilateral Planning Obligation (UPO)¹ was discussed in full draft at the Inquiry. The Inspector allowed a short period of time after the close of the Inquiry for it to be signed, and the final document was dated 27 January 2017. It deals with, amongst other matters, open space / play space, affordable housing, transport, education and ecology. There was no need for further consultation on the final UPO as it had been discussed at the Inquiry.

The Council's decision notice included a reason for refusal related to the capacity of the A339 and highway mitigation measures. However, in the light of further modelling and subject to the provisions of the UPO, this matter was not pursued by the Council, as announced at the start of the Inquiry and as set out in the Highways Statement of Common Ground (HSOCG). At this stage the Council also no longer argued that the grant of planning permission for the appeal scheme would be premature. The remaining reasons for refusal, dealing with settlement policy and the emerging development plan, access by sustainable modes of travel and the linkages with the town centre, and the adequacy of the underpass beneath the A339 remained part of the Council's case as set out in the Planning Statement of Common Ground (SOCG).

On the sixth day of the Inquiry, after the case for both parties had been part heard, the Council withdrew all its objections to the appeal and recommended that conditional planning permission should be granted, subject to the UPO. An Additional Statement of Common Ground (ASOCG) was produced. The Council took no further part in the Inquiry and did not submit a Closing Statement. The Inspector heard from the remaining witnesses for the appellant, so he could seek clarification on a number of matters, and he heard a Closing Statement from the appellants.

After the close of the Inquiry the Government published a Housing White Paper entitled "Fixing our broken housing market". The main parties were consulted on this document. The Council stated that it did not materially alter the assessment of the appeal. The appellants stated that it placed even greater emphasis on housing delivery, particularly given the agreed absence of a five year housing land supply. The Inspector took these responses into account.

Decision

The appeal is allowed and planning permission is granted for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400

sq.m. local centre (Use Classes A1/A2/D1/D2 – no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works on land adjacent to Hilltop, Oxford Road, Donnington, Newbury, in accordance with the terms of the application, Ref 14/02480/OUTMAJ, dated 17 September 2014, subject to the conditions set out in the Schedule to this decision.

Main issues

The main issue in this case is the suitability of the site for the proposed development, in the light of the development plan, national policy and the emerging development plan.

Reasons

The site and the proposal

The appeal site is an area of 23.1 hectares of agricultural land immediately to the north of the existing urban edge of Newbury. It is in two parcels on either side of the A339, which is a major road linking Newbury to the M4 and the A34. To the south is the centre of Newbury and the Vodafone headquarters. To the north and east is agricultural land, with the village of Donnington to the west.

There is an existing public footpath running north – south across the site, linking the two parcels by way of an underpass below the A339. In the south this links with footpaths which encircle the Vodafone site, and thereby links with routes into central Newbury. Existing bus services run to the south and west of the western parcel, and provide a limited service into the centre of the town.

The proposal is as described in the heading above. Access would be from both sides of the existing roundabout on the A339, with access for emergency vehicles, buses and a school drop off from Love Lane. The application was supported by a range of technical assessments and includes Parameter Plans, a Concept Masterplan, and a Design and Access Statement. It includes 40% affordable housing, which is shown as being integrated into the overall development.

Policy context

The relevant parts of the development plan are the Core Strategy (CS) (2012) and the saved policies (2007) of the West Berkshire District Local Plan (DLP). The Planning Statement of Common Ground identifies relevant policies in both documents.

The CS provides the overarching policy for development in West Berkshire. CS policies ADPP1, ADPP2 and CS114 provide that development in West Berkshire should follow the existing settlement pattern, with most development within or adjacent to existing settlements. Newbury is intended to accommodate around 5,400 homes over the plan period, with urban extensions at Newbury Racecourse and Sandford Park. The general location of the appeal site was considered as a possible strategic allocation during the CS process, but was not eventually selected. Policy CS1 deals with housing land supply whilst policies CS13 and CS14 encourage more sustainable travel and set out design principles.

The relevant saved policy (HSG.1) of the DLP identifies settlement boundaries, within which development will normally be permitted. The appeal site is outside, but partly adjacent to, the Newbury settlement boundary.

The approach of the CS has informed the emerging Housing Allocations Development Plan Document (HADPD), which has been through Examination and is subject to consultation on modifications. It is described by the Council as a 'daughter document' to the CS and it is not designed to re-assess housing numbers. Rather it will allocate sites on the basis of the requirements of the CS. The appeal site is not allocated in the emerging HADPD.

The Council has adopted a Supplementary Planning Document (SPD) on Planning Obligations. This is relevant to consideration of the UPO, but there is no issue between the parties in this respect. There is also an SPD on Quality Design, which deals with sustainability and accessibility. Although there is no longer an issue between the main parties in this respect, it is relevant to some matters raised by local residents related to the underpass.

Housing Land Supply and its consequences

The main parties agreed a Statement of Common Ground on Housing Land Supply in January 2017. This set out agreed and disputed matters in relation to the housing requirement and housing supply at that time. This document was usefully used at the Inquiry to identify and test the differences between the parties, but it has now been superseded by the ASOCG which was concluded during the Inquiry and which sets out the basis for the Council withdrawing its objection to the proposal.

The balance of the evidence before the Inquiry suggested that the FOAN should be higher than that used by the Council. The main parties do not agree the FOAN figure but, in the light of the existence of an agreed deficit, it was common ground that it would not be useful to debate this further. Nor is there agreement on the appropriate buffer, as the Council's position is based on a 5% buffer, which the appellants do not accept. If the appellant's position, that a 20% buffer should be applied, the shortfall would be significantly worse. However, given the position of the main parties, this need not be pursued further in the context of this appeal.

The main parties agree that there is a deficit of 203 in the five year housing land supply. The Council's position, amended in the light of the evidence at the Inquiry, is that the deficit is no more than 203 and that a number of sites on which it had relied for delivery should be removed from the supply. Based on the Council's assumptions, there is only a 4.74 year supply. The appellants' position is that the deficit is more than 203 and the supply is less, but the parties again agreed that it would not be proportionate to debate the precise difference further.

On that basis, the main parties agree that a five-year supply of deliverable housing sites cannot be demonstrated. The relevant policies for the supply of housing therefore attract less weight and the National Planning Policy Framework (the Framework) paragraphs 49 and 14 are engaged. The presumption in favour of sustainable development in paragraph 14 of the Framework is agreed to apply.

For the purposes of paragraph 49 of the Framework, policies ADPP1 and ADPP2 and DLP policy HSG.1 are agreed to be relevant policies for the supply of housing. Although these policies remain part of the development plan they attract significantly reduced weight due to the limited potential of development soon coming forward to make up the shortfall.

The appeal site considered in the context of adopted and emerging policy

CS policy ADPP1 recognises that most development will be within or adjacent to Newbury. Although the appeal site is outside the settlement boundary it is next to it, and the Council agreed that it is adjacent to Newbury. The policy also states that the majority of development will take place on previously developed land, but that does not preclude proposals on greenfield sites. The proposal is therefore not contrary to CS policy ADPP1.

CS policy ADPP2 states that Newbury is intended to accommodate around 5,400 homes over the plan period, and refers to urban extensions at Newbury Racecourse and Sandlesford Park. It also contemplates other development coming forward through (amongst other mechanisms) the allocation of smaller extensions to the urban area through the HADPD. The appeal site has not come forward by any of the mechanisms envisaged in ADPP2 and, as a consequence, the proposal is in conflict with this aspect of the policy. The HADP also states that a number of sites which have future potential for development have been identified in the Strategic Housing Land Availability Assessment (SHLAA).

There are a number of factors which must be balanced against this conflict with policy ADPP2:

- The appeal site has been considered through the SHLAA process in 2011 and 2013 – an approach which was noted in policy ADPP2. Both these SHLAA assessments identified the appeal site as potentially developable. The 2013 SHLAA noted that it was in a basket of sites from which the most suitable would be allocated through the development plan process. However as a potential strategic site, the appeal site is outside the scope of the HADPD, as noted in the relevant Sustainability Appraisal. Nevertheless, the potential of the appeal site is clearly recognised.
- CS policy CS1 makes reference to at least 10,500 new homes coming forward in the plan period, but the Council accept that this figure is out of date as a requirement for FOAN or five year housing land supply purposes. In addition the approach of the CS Inspector appears to have been that the plan did not provide for all housing needs even at that time, but adopted a pragmatic approach and recommended the adoption of the plan as it stood and encouraged an early review. This approach further reduces the weight which can be accorded to the CS housing and settlement policies.
- As mentioned above, the area around the appeal site was considered during the CS Examination process. The Examining Inspector noted that there was a choice to be made between Sandlesford Park to the south of Newbury and the area north of Newbury (including the appeal site). This was in addition to the development at Newbury Racecourse for which planning permission had already been granted. A number of the concerns which were identified related to the north of Newbury area were apparently not fully investigated by the Council at that time, although the Inspector described highway matters and flood risk as not being 'show stoppers'. However, on balance, the Sandlesford Park site was preferred as it was stated that there was not the evidence to demonstrate that north Newbury was a clearly preferable site. Overall, the Examining Inspector stopped well short of recommending that there were problems associated with the north Newbury area, although preference was given to Sandlesford Park.
- The Inspector heard detailed and uncontested evidence that the Sandlesford Park site is experiencing substantial delays. No party was able to suggest how or when this major development might progress. Before the Council's withdrawal from the Inquiry, the authority had accepted that completions at this site could not be expected in the next five

year period – or perhaps longer. Under these circumstances this loss of around 1000 units makes the achievement of even the limited CS target highly optimistic.

- As noted, the appeal site was in the basket from which the SHLAA envisaged that the most suitable would be allocated through the development plan process. The Council, before withdrawing its opposition to the appeal scheme, accepted that there were no sites of comparable scale which might be preferable and/or more sustainable than the appeal site. In effect, even if the development at Sandford Park were to progress more rapidly than the evidence indicates, the appeal site is next in line to meet the housing needs of the area.

- There is nothing to suggest that, even if the CS figure of approximately 5,400 dwellings were exceeded, this would cause any harm. There is nothing to suggest that the figure was envisaged as a cap on development, as was made clear by the CS Inspector.

CS policy CS1 does not specifically preclude development beyond existing settlement boundaries. The Council, prior to withdrawing their objection, agreed that the development is not contrary to this policy.

LP saved policy HSG1 supports housing within settlement boundaries, but says nothing about development outside the boundaries. It stands rather oddly in isolation at this time, as it was previously linked to a related policy dealing with areas outside settlements. This related policy has not been saved. In any event the appeal scheme does not conflict with policy HSG1.

Moving away from the development plan, emerging HADPD policy C1 would set a presumption against new residential development outside settlement boundaries. However this plan does not carry the weight of the development plan and the soundness of the emerging plan is not for me to consider. It is however based on CS housing targets and is not intended to address the potential inclusion of larger sites such as this.

Conclusion on the principle of the development

Local residents stressed the importance of development being plan led. However in this case the adopted development plan, specifically the CS, is experiencing serious difficulties in terms of the housing delivery it envisaged (which may well be too limited), and it appears that a replacement plan which might identify large sites is some time away.

There is no five year supply of deliverable housing sites and, in this context, the presumption in favour of sustainable development in paragraph 14 of the Framework applies. The Council agrees that the appeal scheme is sustainable development and all the evidence supports this conclusion.

It is accepted that there is a pressing need for housing, and it is clear that Newbury will remain the focus of development. One of the main sites identified in the CS is not expected to deliver during the next five years. The appeal site has a number of specific advantages and is agreed to be next in line.

There is a conflict with CS policy ADPP2 in that the policy sets out the way in which it anticipates further sites coming forward. The appeal scheme has not come forward through the HADPD, as this 'daughter document' to the CS does not allow for the inclusion of larger sites such as this. No other plan-led mechanism is likely to emerge in the near future which would allow for the appeal site to be considered. However no

objection has been raised by the Council on the grounds of prematurity or prejudice to the emerging HADPD.

In any event, there a number of weighty factors, as summarised set out above, which must be set against this limited conflict with policy which attract less than full weight.

Other matters

No objection was raised by the main parties to a range of other matters, even before the Council's changed overall stance. This position is set out in the SOCG and the HSOCG. However local residents have raised a number of matters which the Inspector addressed below.

The design and safety of the underpass, and the consequent extent to which the two parts of the development would be linked in a satisfactory manner was the subject of concern for some residents, although the local cycling group's position was that it would provide a very good route. This matter was originally a reason for refusal and was the subject of evidence for the Council until the authority changed its overall position on the scheme.

The proposed underpass is short, the paths approaching it are in a relatively straight line, and the limited slope means that the visibility into and through the underpass is good, as the Inspector saw on his site visit. Visibility and safety could be further improved when the details of the development were being considered. The evidence is that the dimensions of the underpass comply with Sustrans guidance and the underpass, with improvements, would provide an appropriate and safe link for pedestrians and cyclists alike. The proposal would not conflict with the Quality Design SPD and the two parts of the site would be linked in a manner which would encourage the use of non-car modes of transport.

The footpaths around the Vodafone site, which provide access towards the town centre from the eastern parcel and, via the underpass, from the whole of the development, were also originally criticised by the Council. However as the Inspector saw on his site visit, these are wide paved routes and he saw that they were apparently well used by Vodafone employees. He could see no reason why they should act as a deterrent to cyclists or pedestrians wishing to access the town centre.

The highways consequences of the proposal were summarised in the HSOCG in relation to a number of junctions in the vicinity, the most critical of which is the Robin Hood gyratory to the south of the entrances to the appeal site. Local residents gave clear evidence of the difficulties which this junction currently causes. However a mitigation scheme, full funded through the UPO, has been put forward for that junction and has been tested against various scenarios. The conclusion of the analysis is that the scheme would do more than mitigate the effects of the proposal and would improve the operation of the junction compared to the 2021 Base Case scenario (i.e. including committed development and the scheduled gyratory improvements).

There was also concern from some residents that the proposal would generate traffic along Love Lane which, as he saw on his visit, has recently had chicanes installed. However, although he could appreciate that Love Lane may well be currently used as a rat run between Shaw Hill and Oxford Road, there is no evidence that this would be

substantially increased as a result of the proposal, as new residents would access the development direct off the A339.

Residents expressed concern that the development could flood or increase flood risk elsewhere. However the site is located within Flood Zone 1 and there are no objections to the proposal on this basis from the Council or any other authority. In the absence of any technical evidence this objection carries little weight.

The suggestion was made by some local residents that there is an existing lack of facilities in the area. However in contrast to this view the SOCG notes that the site benefits from access to schools, leisure facilities, shops and other local services within Newbury. There is a local convenience store to the south and two supermarkets are within less than 10 minutes cycling distance. The town centre is around 1.5 miles from the site, which could be regarded as an acceptable walking distance, is certainly an easy cycling distance, and can be accessed by existing bus services.

This current position would be enhanced by the proposed bus service, which would be funded by the developer for the first five years, running from the western parcel of the land, close to the underpass, and provide a link into the town centre. In addition the inclusion of a local centre in an appropriate location within the development would provide opportunities for existing and new residents.

The SOCG confirms that the site is within close proximity of existing primary, secondary and specialist schools. The appeal scheme would deliver a one-form entry primary school in walking distance of both the new and existing dwellings. This would be delivered by way of the UPO26.

There was a suggestion made by local residents that the development would not be supported by employment opportunities in the town, and that it would be inaccessible to employment sites. Given the proximity of the Vodafone HQ adjacent to the site (employing around 5,500 people) and the access to the town centre, this is a difficult argument to make, and no evidence was put forward to support the suggestion.

A few residents objected to the loss of the countryside. However the SOCG confirms that the development could be accommodated within the landscape and that it complies with CS policy CS19 and other policy documents. The area is not the subject of any specific landscape designations. Similarly, subject to the details of the scheme, the development would not affect any important trees within or around the appeal site. The main parties have agreed that the development would provide suitable mitigation and enhancement measures. The objection to the effect on the landscape is therefore not supported by the evidence.

An appeal decision on land south of Man's Hill, Burghfield Common was issued during the latter part of the Inquiry, and was drawn to the Inspector's attention. It is worthy of specific comment as the Inspector in that case dismissed the appeal and found differently to the Inspector on a number of matters. Although he had been provided with the closing submissions in that case, the Inspector did not know the detail of the evidence put to the Inspector. In particular his decision was partly based on a finding that a five year housing land supply existed at that time, which the Council accepts is no longer the case. In addition there was harm to the landscape in that instance, which is a specific planning objection which does not exist in this case. Each appeal must be

decided on its own merits and in the light of the evidence, and there are notable differences between this appeal and that at Man's Hill.

Planning Obligation

As noted above, a UPO was discussed at the Inquiry and finalised shortly thereafter. All the terms of the obligation were agreed at the Inquiry, and deal with the provision of open space / play space, affordable housing, transport matters, education and ecology. These provisions are soundly based on CS policies CS5, CS6 and CS13 and the Planning Obligations SPD.

The Inspector concluded that the UPO meets the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. He therefore had taken it into account and given weight to those matters which go beyond mitigation related to the impact of the development – especially related to highways improvements, educational aspects and open space provision.

Conditions

A wide range of conditions was agreed between the parties and discussed at the Inquiry. I am satisfied that these all meet the tests in the Framework, are necessary, and are fairly and reasonably related to the development.

A number of initial conditions are necessary for clarity related to plans and to provide for the submission of details (2-7). These details should be in broad accordance with the illustrative plans, in the interests of the appearance of the development and highway safety (5). The levels of the development also need to be specifically controlled in the interests of the appearance of the scheme (11). The details should include a strategic landscape plan and define the housing mix and the total number of dwellings (8). The development would be undertaken in phases and a phasing plan needs to be submitted for approval, so as to inform some subsequent conditions (1).

To protect the amenity of adjoining land uses, the hours of construction need to be limited (9), piling needs to be controlled (19), and a Construction Method Statement needs to be submitted for approval (10). This latter would also address any harm to highway safety during construction.

The two accesses of the A339 and the site layout need to be completed before the development is occupied in the interests of highway safety (12, 13 and 17). The secondary access for buses and emergency vehicles, and visitors to the school, needs to be provided for the same reason (15). As discussed above the detail of the improvements to the underpass need to be submitted for approval, in the interests of improving accessibility and safety (14). Similarly improved pedestrian/cycle access needs to be in place before occupation of the development (16) and cycle storage provision needs to be secured (25).

To protect any archaeological remains, a programme of archaeological work needs to be approved and implemented (18).

In view of the presence of trees on the site, an arboricultural method statement, including the protection of trees during development, needs to be approved and implemented (20). For biodiversity reasons a Construction Environmental Management

Plan needs to be approved and implemented (21). For the same reason, a lighting design strategy for biodiversity needs to be produced (22). A Landscape and Ecological Management Plan, dealing with existing and new habitats, is necessary (23). In the light of concerns about water supply, an impact study of the existing water supply infrastructure needs to be submitted for approval (24). To ensure the adequacy of refuse/recycling facilities, details of the provision need to be submitted (26). To ensure that surface water is handled in an appropriate manner, a Sustainable Drainage Strategy needs to be submitted for approval (27). To ensure sufficient sewage capacity is provided a drainage strategy needs to be approved and implemented (28). A waste collection plan needs to be approved (29). Given the lack of public mains in the area, the provision of private hydrants or similar emergency water supplies is necessary (30).

In order to protect the amenities of new occupiers, details of protection from external noise should be approved (31). For the same reason, noise from services associated with new non-residential buildings needs to be controlled (32).

So as to ensure that risks from land contamination to the future occupiers of the land and neighbouring land are minimised, a range of contamination matters need to be controlled (33).

Planning balance and conclusion

The appeal clearly engages paragraph 14 of the Framework, such that planning permission should be granted unless the adverse consequences of doing so would significantly and demonstrably outweigh the benefits. This position is common ground between the parties.

The benefits arising from the development are agreed by the parties and particularly include:

- The provision of up to 241 market homes in an area which lacks a five year housing land supply.
- The provision of up to 40% affordable homes, in an area with acknowledged affordability issues. This is stated in the CS30 and is reflected in the 2016 housing waiting list figures³¹. There is a difference as to the exact extent of the affordable housing need (with the Council putting forward a lower figure based on the SHMA³², as opposed to the CS position). It is agreed that the historical delivery of affordable housing has been significantly below that set out in the CS. Overall the evidence clearly demonstrates that the provision of these affordable homes would be a substantial benefit which would be in line with CS policy CS6.
- A boost to the local economy, as set out in the Economic Benefits Statement³³. In particular there would be short term construction jobs, longer term employment at the school and the local centre, and substantially increased local spend by the new residents.
- The provision of the new school, providing 210 primary and 26 nursery spaces. The evidence indicates that 60 of the primary places would be available for the existing community. The school would be within very easy walking distance of the new dwellings.
- The new bus service, funded by the appellants for five years, will not only benefit new residents, but also existing residents of this part of the town. Prior to the Council withdrawing its evidence there was a dispute as to whether the service

- would be able to stand on its own feet at the end of the funding period, but the evidence of the operator was persuasive in that it should be able to do so.
- The improvements to the Robin Hood gyratory system, at a cost of £700,000, is agreed to be a substantial benefit over the 'no development' scenario. In addition, a further £35,000 would be spent on improvements to the connectivity of the site to the town centre.
 - There would be a significant benefit (£392,000) to mitigation and improvements to a nearby Site of Special Scientific Interest, along with the benefit of planting within the development.
 - The provision of c.6.5 hectares of open space /playspace/ allotments. This is in excess of the 4.3 hectares required by policy.

There are no specific policies in the Framework which indicate that development should be restricted. There is however a limited conflict with CS policy ADPP2 in relation to the manner which this site has come forward, although there are a number of reasons why this would not cause actual harm. In addition this policy carries significantly reduced weight. In addition, emerging HADPD policy C1 would set a presumption against new residential development outside settlement boundaries, but this carries only limited weight and the emerging plan is not designed to cater for developments such as the appeal proposal.

This policy issue is the only adverse impact of granting permission and it falls far short of significantly and demonstrably outweighing the benefits of the development, when assessed against the policies in the Framework as a whole. As agreed by the parties, the proposal represents sustainable development and permission should be granted in accordance with the presumption in favour of sustainable development.

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