

# Notice of Meeting

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## District Planning Committee

**Wednesday, 28th September, 2016 at  
6.30 pm**

**in 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, 20 September 2016

### 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](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Linda Pye on (01635) 519052

Email: [linda.pye@westberks.gov.uk](mailto:linda.pye@westberks.gov.uk)



**Agenda - District Planning Committee to be held on Wednesday, 28 September 2016**  
(continued)

**To:** Councillors Pamela Bale, Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Chairman), Richard Crumly, Clive Hooker, Alan Law, Alan Macro, Graham Pask (Vice-Chairman), Anthony Pick and Garth Simpson

**Substitutes:** Councillors Lee Dillon, Billy Drummond, Paul Hewer, Mollie Lock and Virginia von Celsing

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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 5 - 40  
To approve as a correct record the Minutes of the meeting of this Committee held on 30 August 2016.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. & Parish: 16/00657/FULEXT Land at former Travis Perkins site, Mill Lane, Newbury** 41 - 66

<b>Proposal:</b>	Proposed conversion of extant permission of B1[a] office use to 22 dwellings, 11 of which are to be affordable. Associated access and parking
<b>Location:</b>	Land at former Travis Perkins site, Mill Lane, Newbury
<b>Applicant:</b>	David Wilson Homes [Southern] Limited
<b>Recommendation:</b>	That the District Planning Committee <b>GRANT</b> planning permission to planning application 16/00657/FULEXT subject to the first completion of the required s106 obligation to deliver the 11 affordable units on the site, with the conditions as noted on the agenda reports and update sheet



**Agenda - District Planning Committee to be held on Wednesday, 28 September 2016**  
(continued)

- (2) **Application No. & Parish: 16/00971/OUTD Delamere Stables, Baydon Road, Lambourn** 67 - 96

<b>Proposal:</b>	Outline application for demolition of existing dwelling and erection of three dwellings. Matters to be considered – Access and layout
<b>Location:</b>	Delamere Stables, Baydon Road, Lambourn
<b>Applicant:</b>	Mr. A. Hallows
<b>Recommendation:</b>	That the District Planning Committee <b>REFUSES</b> planning permission to planning application 16/00971/OUTD for the reasons set out in the Western Area Planning Committee Agenda Report of 20 <sup>th</sup> July 2016

- (3) **Application No. & Parish: 16/01603FULMAJ Land North of Winterbourne Farm, Winterbourne** 97 - 136

<b>Proposal:</b>	Replacement of redundant barns with a single dwelling, redevelopment of an existing barn to provide garaging, associated landscaping, provision of a community parking area and additional wider landscaping and biodiversity enhancements to an AONB
<b>Location:</b>	Land North of Winterbourne Farm Winterbourne
<b>Applicant:</b>	PAC Farms Limited
<b>Recommendation:</b>	That the District Planning Committee <b>REFUSE</b> planning permission for the reasons set out in paragraph 8.2 of the report to the Western Area Planning Committee on 31 <sup>st</sup> August 2016

- (4) **Application No. & Parish: 16/01675/HOUSE and 16/01676/LBC2 Long Acre Farm, Seven Barrows, Lambourn** 137 - 164

<b>Proposal:</b>	Erection of two storey extension and single storey glazed link
<b>Location:</b>	Long Acre Farm, Seven Barrows, Lambourn
<b>Applicant:</b>	Mr and Mrs M Preston
<b>Recommendation:</b>	That the District Planning Committee <b>REFUSE</b> planning permission for the reasons set out in paragraph 8.2 of the report to the Western Area Planning Committee on 31 <sup>st</sup> August 2016

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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# Agenda Item 2.

## DRAFT

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

### DISTRICT PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 30 AUGUST 2016

**Councillors Present:** Pamela Bale, Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Chairman), Richard Crumly, Clive Hooker, Alan Law, Graham Pask (Vice-Chairman), Anthony Pick and Garth Simpson

**Also Present:** Derek Carnegie (Team Leader - Development Control), Sarah Clarke (Legal Services Manager), Paul Goddard (Team Leader - Highways Development Control), Bryan Lyttle (Planning & Transport Policy Manager), David Pearson (Team Leader - Development Control), Councillor Anthony Chadley, Stephen Chard (Policy Officer), Councillor Roger Croft, Councillor Rick Jones, Councillor Tim Metcalfe, Linda Pye (Principal Policy Officer) and Councillor Emma Webster

**Absent:** Councillor Alan Macro

#### PART I

#### 7. Election of Chairman

**RESOLVED** that Councillor Hilary Cole be elected Chairman of the District Planning Committee for the remainder of the 2016/17 Municipal Year.

#### 8. Appointment of Vice-Chairman (if necessary)

**RESOLVED** that Councillor Graham Pask be appointed as Vice-Chairman of the District Planning Committee for the remainder of the 2016/17 Municipal Year.

Councillor Hilary Cole took the opportunity to give thanks to Councillor Alan Law, her predecessor as Chairman, both for his work as Chairman of the District Planning Committee and as Executive Portfolio Holder for Planning. Councillor Law had recently stood down from these roles.

#### 9. Minutes

The Minutes of the meeting held on 27 July 2016 were approved as a true and correct record and signed by the Chairman.

#### 10. Declarations of Interest

Councillor Keith Chopping declared an interest in Agenda Items 6(1) and 6(2), but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Jeff Beck declared an interest in Agenda Items 6(3) and 6(4), but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Anthony Pick declared an interest in Agenda Item 6(3), but reported that, as his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

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Councillor Beck advised that he had been lobbied on Agenda Items 6(1), 6(2) and 6(3).

Councillor Richard Crumly advised that he had been lobbied on Agenda Item 6(4).

### 11. Schedule of Planning Applications

In accordance with paragraph 7.13.4 of Part 7 of the Council's Constitution it was agreed that the speaking rights for items 6(1) and 6(2) should be increased to ten minutes for all parties.

#### (1) **Application No. & Parish: 16/01034/OUTMAJ Land Opposite Hall Place Farm Stables, Sulham Hill, Tilehurst**

*(Councillor Keith Chopping declared a personal interest in Agenda Item 6(1) by virtue of the fact that he knew two individuals with an interest in the site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Beck advised that he had been lobbied on Agenda Item 6(1)).*

The Committee considered a report (Agenda Item 6(1)) concerning Planning Application 16/01034/OUTMAJ in respect of an outline application for up to 39 new dwellings with all matters reserved.

In introducing the item, David Pearson, the Planning Officer stated that this application had previously been considered by the Eastern Area Planning Committee on 3<sup>rd</sup> August 2016 where it was refused for the following reason:

*"Whilst the West Berkshire Council Housing Allocation DPD is emerging it has yet to be adopted. The oral examination stage was completed in July 2016 and further work is required in the form of major and minor modifications before the inspector's report is produced and therefore only limited weight can be given to the policies in the emerging Development Plan at this time. The application site lies outside of any defined settlement boundary and is land currently forming part of the countryside. This being the case the greater weight has been given to the saved policies of the West Berkshire District Local Plan 1991-2006 [WBDLP] and the policies contained in the West Berkshire Core Strategy 2006-2026 [CS] and the proposed development runs contrary to the provisions of policy HSG1 of the WBDLP as the site lies outside of any defined settlement boundary and to the provisions of policy ADDP1 of the CS which lists the possible exceptions where such development might be allowed."*

Officers had determined that the issues involved should be considered by the District Planning Committee due to the conflict of the resolution to refuse the application with the emerging Housing Site Allocations Development Plan Document (HSA DPD) and the consequent negative impact on the implementation of the Council's strategic policies for the provision of housing across the District in its ability to demonstrate a five year land supply for housing.

The Planning Officer confirmed that this was an outline planning application for up to 39 dwellings on a 1.4 hectare site on land opposite Hall Place Farm. The site was outside the current Settlement Boundary which was shown on the plan included in the Update Sheet. The site also adjoins the AONB but no part of it is actually within the AONB. The principle for development was being sought although two indicative plans showing accesses had been submitted. The land was currently used by the nearby riding stables.

It was noted that Tilehurst Parish Council had objected to the application as set out in the report and around 200 objections had been received from third parties. However, many more people objected to the site being included in the DPD.

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The Planning Officer confirmed that the site had been identified as a preferred housing site through the HSA DPD process which had formally been adopted by Full Council in November 2015 which meant that the site was suitable for development and site specific issues such as the impact of the development on the surrounding area and the highways network had been considered in detail prior to adoption. The sole reason for refusal at the Eastern Area Planning Committee was based on prematurity as it was felt that greater weight should be given to the existing Local Plan and the Core Strategy policies rather than to the emerging DPD. The application had therefore been referred to this Committee due to the strategic implications for the plan led delivery of housing across the district. The Eastern Area Planning Committee was of the opinion that its decision was supported through recent appeal decisions. In the Officers' view the appeal that was quoted at Committee was not directly comparable to this application as it dealt with a single dwelling within an existing settlement boundary in East Ilsley. The appeal decision came out in April and the key factor in the Inspector's decision to give limited weight to the DPD was that it had not been to examination. The DPD had now been to examination and although the Inspector had raised some questions and had not yet issued his report, the Officers' view was that they did not amount to an in principle objection to the site and therefore significant weight could now be given to the HSA DPD.

David Pearson referred to page 2 of the Update Sheet which set out Annex 1 of the National Planning Policy Framework and which explained the Government's view on how weight could be given to policies in emerging plans. It stated that '*... arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits ....*'.

A further concern for Officers was the lack of consistency between the decision to refuse this application on the grounds of prematurity and the previous decisions taken by both Eastern and Western Area Planning Committees to grant planning permission for sites allocated in the DPD at both Pangbourne Hill and Newbury Racecourse.

Taken as a whole, the fact that the HSA DPD had been through examination, taking account of the Government guidance on prematurity, and the previous decisions to grant planning permission for sites included in the DPD, Officers believed that a refusal on the grounds of prematurity would be unlikely to be successfully defended at appeal and might well put the Council at the risk of an award of costs. It would also threaten the Council's ability to demonstrate a five year land supply for housing and to resist applications and appeals relating to housing on unallocated sites across the district. Accordingly, Officers were recommending that planning permission should be granted subject to the conditions set out on the original agenda and to the completion of a s106 Agreement by 30<sup>th</sup> November 2016, or should the s106 Agreement not be completed by that date then the application should be refused.

Bryan Lyttle, Planning and Transport Policy Manager, advised that the Core Strategy had set out a minimum of 10,500 dwellings in four spatial areas and the HSA DPD was a daughter document to that to provide the certainty as to where those 10,500 dwellings should go and on how that development would be built. In the Officers' opinion greater weight could now be attached to the emerging plan.

According to paragraph 216 of the NPPF, decision-makers could also give weight to relevant policies in emerging plans according to (1) the stage of preparation of the emerging plan the more advanced the greater the weight that could be given; (2) the extent to which there were unresolved objections to relevant policies. The less significant the unresolved objections the greater the weight that could be given, and (3) the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

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The closer the policies in the emerging plan to the framework the greater the weight that could be given and that had been tested at the examination.

In relation to the Examination, Hearing session 1 had been held on 21<sup>st</sup> June 2016 at Newbury Rugby Club at which the Inspector had asked five questions which were pertinent:

- The purpose of the HSA DPD and the Council's approach to housing numbers;
- The weight to be attached to the Council's selection of a mid point figure of 595 dwellings per year in terms of calculating the five year land supply position;
- The Council's approach to development within Settlement Boundaries;
- The flexibility and resilience of the plan's housing allocations; and
- Potential density of development of the residential sites.

He also looked at the distribution of development across the four spatial areas, the appropriateness of that strategy, the conservation of landscape and the scenic beauty of the North Wessex Downs AONB, the Council's approach to Brownfield Sites and the Council's approach to the settlement of Boundary Reviews.

In the third week of the Examination on 5<sup>th</sup> July 2016 at Pincents Manor, Calcot questions were raised around evidence regarding the soundness of all the elements of the proposed developments at Tilehurst, Purley on Thames and Calcot, namely the east of Sulham Hill, Tilehurst (HSA8), Stonehams Farm, Long Lane, Tilehurst (HSA9) and Stonehams Farm, Long Lane, Tilehurst (HSA10). Only two of those sites were the subject of the discussion at this Committee.

Following on from those discussions the Inspector had set the Council 60 pieces of homework.

- Piece 1 – consider references to the Objectively Assessed Need (OAN) requirement of the NPPF in the DPD and provide clarity for the purposes of the DPD setting out any proposed changes to the DPD.
- Issue 8 – Summary for the reasons for the reduced number in the Eastern Urban Area compared to the Core Strategy target. Signpost to other documents where reasons for this would be set out.
- Issue 10 – Overview of the Core Strategy to the distribution or development in the AONB including consideration of paragraph 116 of the NPPF.
- Issue 19(1) – Confirm visibility splays at Sulham Hill and Long Lane junction EU33 were acceptable.

Bryan Lyttle confirmed that that was the total of the Inspector's questions in relevance to the applications being considered at this Committee. In relation to Issue 8, the Core Strategy in 2012 had identified the need for some 1,400 dwellings in the Eastern Urban Area and as part of the third options document, a number of sites had been put forward and consulted upon, and consequently formed the Core Strategy proposed submission document. Three sites in the Eastern Urban Area had been removed – EUA007, EUA031 and EUA033 – and as a result of that the number of proposed dwellings in the Eastern Urban Area was 1,200 and not the 1,400 that the Core Strategy required. This was the reason that the Inspector had set the homework (Issue 8) which asked for a summary of the reasons for the reduced number in the Eastern Urban Area compared to the Core Strategy target, signposting to other documents where the reasons for this would be set out. Officers had put forward a case defending the 1,200 dwellings which included existing sites identified. Bryan Lyttle would argue that under paragraph 216 of the NPPF



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there were no overwhelming reasons for refusing the application in terms of prematurity. The Inspector had debated these issues and through homework and as a result of the questions posed to the Council it was clear that his main concern was that the Eastern Urban Area had too few houses allocated to it.

Bryan Lyttle referred to the five year land supply. The Government had not provided a clear definition of how to make a five year land supply as there were numerous calculations and it seemed to be tested at appeal at every stage. In the Update Sheet Bryan Lyttle confirmed that he had included a best attempt at what the five year land supply would be. The Core Strategy requirement of an average of 525 dwellings per annum was no longer seen as up to date for the purposes of the five year land supply. The requirement of 665 was therefore shown on the basis of the Objectively Assessed Need (OAN) from the Strategic Housing Assessment (SHMA) on the 'intermediate' requirement (which met the demographic and economic-led projections) as well as on the Core Strategy requirement. If those figures were multiplied out on a five year basis they ranged from 2,625 up to 3,325. It would also be necessary to add in the shortfall of housing, which was the housing where the number of completions did not equal the target, and they would need to be added back in to the figure. In addition to that the Government required the Council to either have a 5% buffer or a 20% buffer where Councils were persistently under delivering. West Berkshire had always managed to argue successfully that a 5% buffer was appropriate and that had also been included in the figures.

Set against the housing requirement was the supply side which included allocated sites in the Core Strategy, planning permissions which were outstanding, identified sites without planning permission such as Market Street, sites identified through prior approval process of converting offices to residential accommodation and a windfall allowance. Bryan Lyttle took Members through the calculations as set out in the Update Sheet.

In summary Bryan Lyttle advised Members that there were a substantial number of other appeals coming forward and based on the first two days of the Examination where the OAN was being questioned, and also as a result of the Firland's appeal decision in which the Inspector agreed with the proposals there that a figure of 833 dwellings per annum should be used, it could be considered that all the site allocations in the HSA DPD were at risk from being included by a Planning Inspector and therefore the figure would go down to between 5.7 and 4.4 years. If it dropped below the five years plus the buffer then the Council would be subjected to planning by appeal and not determining applications for development where the Council would like it.

Paul Goddard, Principal Development Control Engineer, Highways and Transport, stated that paragraph 32 of the NPPF March 2012 said that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments were severe'. In relation to access two layout plans had been submitted by the applicant for illustrative purposes – one showing an access off Sulham Hill and the other for access from Clements Mead. The Highways Officer confirmed that either option would be acceptable but that the preferred option was from Clements Mead. Layout and parking was not being considered at this stage. Traffic generation had been measured via TRICS and the following figures were provided on the number of additional trips per household as a result of the development:

<b>Morning</b>		<b>Evening</b>	
<b>Time</b>	<b>No. of trips per house</b>	<b>Time</b>	<b>No. of trips per house</b>
7am – 8am	0.354	4pm – 5pm	0.507

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8am – 9am	0.553	5pm – 6pm	0.610
9am – 10am	0.376	6pm – 7pm	0.489

In respect of traffic distribution which had been taken from journey to work census data, 62% of traffic would be going to and from the Greater Reading area and 34% to and from the M4.

In conclusion a development of 39 dwellings was relatively small the impact on the highways would be minimal and therefore there were no substantial reasons on highways grounds for the application to be refused.

Councillor Anthony Pick noted that reference was made in the report to an LVIA and he queried what this meant. In relation to landscape assessments, Bryan Lyttle advised that there were three types of assessments:

- Landscape Capacity Assessment (LCA) looked at the ability of a landscape to accommodate different amounts of change or development of a specific type.
- Landscape Sensitivity Assessment (LSA) looked at the degree to which the character and qualities of the landscape were affected by specific types of development and land-use change. Sensitivity depended on the type, nature and magnitude of the proposed change as well as the characteristics of the landscape.
- Landscape and Visual Impact Assessment (LVIA) was an assessment of the landscape and visual effects of a proposed development.

The LSA/LCA work that was undertaken for the HSA DPD looked at whether or not the principle of development on the submitted sites was acceptable and if it was, specified general measures that development would need to comply with in order to continue to make it acceptable in landscape terms. The LCA/LSA work also specified that planning applications for development on all sites would need to be further informed by more detailed LVIAs. This requirement was carried forward into policy GS1. Applications for development on the allocated sites therefore needed to be accompanied by an appropriate LVIA. The LVIA should inform the development design and layout of the site. This requirement was set out in both policy HSA8 (EUA031) and policy HSA10 (EUA008).

Paragraph 6.3.12 of the report noted that the proposed scheme density would be 26.3 dwellings per hectare and that a Landscape and Visual Impact Assessment had not been submitted at this outline stage. Access, appearance, landscaping, layout, design and scale were all to be considered at the reserved matters stage where the LVIA would be required and assessed in relation to the proposal. Given the landscape work in relation to the HSA DPD, and noting the application was outline for principle only, the proposed development was considered to comply with Core Strategy Policy CS19 and the emerging site-specific policy HSA10 in terms of its landscape and visual impact.

Councillor Anthony Pick then referred to the comments from the Lead Local Flood Authority on pages 26 and 27 of the agenda where it was stated that they were not satisfied with either of the two drainage options into the public sewer due to capacity issues. David Pearson responded that these concerns had been noted and would be dealt with through the planning conditions.

Councillor Paul Bryant queried what would happen if the Committee approved the application tonight and then the HSA DPD was changed. What would the Council's position be. Bryan Lyttle confirmed that the Inspector through homework only referred to numbers and particularly those in the Eastern Urban Area and he mentioned that those

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numbers could be made up by increased density. David Pearson confirmed that the same dilemma had arisen at the Western Area Planning and Eastern Area Planning meetings when they considered the applications for the Racecourse and Pangbourne Hill. However, the view taken was that the risks were lesser than if planning permission was not granted. Councillor Bryant asked about minerals on the site and if they would be extracted. The Planning Officer confirmed that the developer would undertake an assessment to see if the deposit was viable to extract and that would form part of the full planning application.

Councillor Pamela Bale noted that this was an outline application and therefore very little detail had been provided as to what any development on the site would look like. The details would be dealt with via conditions which were determined by Officers and she felt that the application should be delayed in order to enable the developer to work up a full planning application in order that the application could be assessed properly. David Pearson responded that the applicant was entitled to lodge an outline application which would be considered on its merits. In respect of the reserved matters the applicant could submit reserved matters applications which would also be considered on their own merits and would be considered at Committee if they were called in or subject to more than ten letters of objection. This application was purely to establish the principle of development on the site. Councillor Hilary Cole said that the principle had been established once the site had been included in the HSA DPD rather than the development control process. David Pearson confirmed that in the DPD the Council had set out the preferred sites that it would like to come forward for development but that they would all have to come through the development control process.

In accordance with the Council's Constitution, Mr. Kevin Page, Parish Council representative, Mrs. Rowan Martin/Mr. Iain Jones (Keep Tilehurst Green) and Mr. Richard Churchill, objectors, and Ms Angela Miles, applicant/agent, addressed the Committee on this application.

Mr. Page in addressing the Committee raised the following points:

- Mr. Page confirmed that local residents had put forward various reasons as to why the application should be rejected;
- Until the DPD was adopted Mr. Page felt that it was premature to prejudge the Inspector and that there were current policies in place to protect the AONB and settlement boundaries and these should take precedence;
- The site was outside of a settlement boundary and bordered the AONB;
- The proposed footpath to the Cornwell Centre would not be allowed by the Parish Council due to security issues;
- The proposed exit onto Sulham Lane would be dangerous as it was a narrow road and it would be opposite the entrance to the stables and near the brow of a hill;
- Flooding risk in the area would be exacerbated;
- The infrastructure around Tilehurst was stretched to breaking point and there was no opportunity to build new ones i.e. schools, doctors, dentists and libraries;
- There were concerns in relation to the attenuation pond in relation to health and safety and maintenance;
- The HSA DPD only referred to 35 dwellings on this site but the application was for 39 and therefore the developer was already pushing the boundaries;

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- The fact that this was an outline application was frustrating as very little detail was defined;
- The site was very close to the Cornwell Centre and noise could have an impact on the new residents. If complaints were received in respect of the noise then this could affect the income for the Parish Council.

Councillor Anthony Pick noted that the North Wessex Downs AONB had not raised any objections to the application and the site only adjoined the AONB. Mr. Page noted that there had been no objections from the North Wessex Downs AONB but as the site was close to the AONB there were significant concerns and it was very difficult to pin down specifics with an outline planning application as the appearance of the development was unknown at this stage.

Councillor Graham Pask referred to the risk of noise from the Cornwell Centre and he noted that there were existing dwellings which were close to the site. Mr. Page confirmed that complaints had not been received from the existing dwellings in the area but there would be more houses in close proximity.

Councillor Garth Simpson referred to Sulham Hill which was a road without pavements and he asked whether that was significant for children getting to and from school. Mr. Page confirmed that most children travelled to and from school either by bus or car. When the recent site visit had taken place this had been outside the school term time when traffic would be lighter. He was sceptical about the system used to gauge the additional traffic generation and he referred to the example of the new IKEA store.

Councillor Pamela Bale noted that the preferred access to the site was from Clements Mead and she asked whether any public consultation had taken place on that. Bryan Lyttle confirmed that further consultation would be run by the Council. Mr. Page said that neither Sulham Hill or Clements Mead were suitable and that public opinion seemed to be split down the middle on that issue.

Mrs. Martin, Mr. Jones and Mr. Churchill in addressing the Committee raised the following points:

- Mr. Churchill confirmed that he had been a resident in the area for ten years;
- The Eastern Area Planning Committee had rejected the application on 3<sup>rd</sup> August 2016;
- The application site was not in the AONB but it was relevant to the AONB setting and this was therefore a material consideration;
- Specific concerns had been raised on existing sites in relation to prematurity and there were too many uncertainties to allow this application;
- The impact of the development on the AONB had yet to be assessed and it was impossible to weigh the benefits or disadvantages at this time due to the lack of detail provided;
- Determination of this application prior to the result of the examination undermined the plan process;
- There would be no disadvantage to delaying a decision until the adoption of the HSA DPD which was scheduled for November 2016;
- The approval of the scheme would undermine the Inspector's decision and therefore there was a clear case for refusal;

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- Mrs. Martin stated that she had lived in the Tilehurst area for 40 years and what had once been a village was now an urban sprawl. She felt that enough was enough and it was important that the green spaces which were valued by so many people were not lost;
- She stated that although only 200 people had objected to this planning application, thousands had objected to the site being included in the DPD;
- Tilehurst was not an area which was well served by public transport and most people tended to use their cars. If sites such as this was built on this would only exacerbate the problem;
- There was no economic advantage to building houses on this site as there was only one doctor's surgery, one private dentist and the schools were at capacity;
- It was felt that services in Reading were already stretched and new residents would not be travelling to Newbury or Thatcham to receive services;
- Mrs. Martin queried what would happen to the Equestrian Centre as this was a facility which was well used both locally and nationally. The proposed application site was used for grazing and by the riding for the disabled group;
- The impact on the site outweighed policy as it was well used by families and dog walkers;
- The traffic in the area was significant particularly at school times;
- It was noted that Tidmarsh Parish Council had objected in relation to the additional traffic which would be generated from the site although it recognised that additional housing was required.

Councillor Jeff Beck referred to the current use of the stables and the fact that the developer had been in negotiations to make an alternative field available which was not too far away from the current site.

Councillor Hilary Cole asked where the objectors lived in relation to the proposed development site. Mrs. Martin confirmed that she lived opposite the site and Mr. Jones and Mr. Churchill both lived about a quarter of a mile away.

Ms. Miles in addressing the Committee raised the following points:

- Ms. Miles confirmed that there had been no objections from the statutory consultees and therefore there were no technical grounds for refusal of the application;
- The key issue was around policy and the weight in relation to the HSA DPD. The HSA DPD was well advanced and it had been the subject of an examination in July 2016. The Inspector had been transparent about where he had concerns. The issue in the eastern area was around the shortfall of housing numbers and to compensate it was suggested that there could be an uplift in sites or in the density of existing sites;
- Where the Inspector had had concerns in relation to other sites he had said so but he had not mentioned any sites in the eastern area and therefore it could be assumed that he had no problems with those proposed sites for development;
- A safe access to the site could be delivered and a reserved matters application would inform the preferred access;
- In relation to affordable housing a target had been set of 1,000 by 2020 and this site would provide 40% affordable housing which equated to 16 dwellings. This

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development would provide new affordable housing in an area where it was much needed and this was in accordance with Policy HSA8;

- Ms. Miles referred to the two applications in respect of Pangbourne Hill which was also a preferred site listed in the HSA DPD. The first application had been refused in 2014 but the second application which was considered at the Eastern Area Planning Committee on 10<sup>th</sup> February 2016 was approved. The circumstances had changed since that application had been considered as the DPD was in an advanced stage of maturity and the argument around prematurity could no longer be maintained;
- Therefore if this application was refused then the Council were not being consistent in its decision making;
- Planning Policy HSG1 carried little weight now as it had been adopted 14 years ago for the period 1991-2006. It was now 2016 and this policy carried little weight in the decision making process;
- This site formed part of the district's five year land supply and had been identified by the Council for early delivery and if refused or deferred the development would not be completed in 2017. The NPPF stated that where a five year land supply could not be demonstrated then planning by appeal would be the default position;
- This site was one of the Council's preferred sites and had been specifically chosen for development. The planning application in question had been submitted to support the plan as the site was available, preferable and deliverable;
- Should the Committee refuse the application then the Council would be vulnerable at an appeal and could be subject to extensive costs.

Councillor Jeff Beck asked about the alternative provision of a field. Ms. Miles confirmed that the land was owned by Sulham Estates and the landowner would negotiate once planning permission had been granted.

Councillor Paul Bryant asked why an outline application had been submitted at this stage. Ms. Miles confirmed that a planning application had been submitted in order to support the HSA DPD which demonstrated that the site was available, preferable and deliverable. It also demonstrated to the Inspector that the DPD was effective as a planning application for one of the preferred sites had been submitted.

Councillor Anthony Pick referred to pages 26 and 27 of the agenda and the comments made by the Lead Local Flood Authority. The SuDS scheme was not fully satisfied and they were not content with the two drainage options put forward. How would the housing development be protected. Ms Miles stated that it was recognised that further work was required in relation to the principles around drainage that had not been considered at this stage. Further details would be forthcoming at the Reserved Matters stage. It was noted that Thames Water had not made any representations.

Councillor Pamela Bale queried why the applicant had submitted an outline planning application at this stage if they were confident that the scheme supported the HSA DPD. Ms. Miles confirmed that an outline planning application had been submitted as the principle for development had not been firmly established as yet. A full application was costly to submit and further discussion on the detail would take place once the principle had been established. Until a planning permission had been agreed for the site the principle in the DPD would not have any value. All parties would be consulted upon and could submit representations when the reserved matters were considered.

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Councillor Alan Law clarified that the planning application in relation to Pangbourne Hill was also outline but that more detail had been submitted in relation to parking etc. It was a different type of application but he agreed that the principle was the same.

Councillor Emma Webster, as Ward Member, made the following comments:

- Councillor Webster referred to the appeal mentioned at the Eastern Area Planning meeting. She had not suggested that it was not comparable but merely to make a point that the DPD was an emerging document;
- Councillor Webster made specific reference to the numbers of housing requirement and supply as set out in the Update Sheet. She noted that the 192 dwellings at Firlands had not been included and nor had the potential 300 homes on the London Road Industrial Estate. She could not believe that removing 30-40 homes would have that much of an impact on the viability of the DPD;
- References made to earlier planning applications which had been approved at Pangbourne Hill and the Racecourse, Newbury were not comparable as they were not adjacent to the AONB;
- In relation to the loss of the riding stables, Councillor Webster stated that as one of the Ward Members she had received a number of different responses in respect of the alternative provision of a field. It was noted that Sulham Estates owned a considerable amount of land but not all of it would be suitable for riding for the disabled;
- This site was not in a Settlement Boundary and she felt that greater weight should be given to current policy.

Councillor Tony Linden, as Ward Member, made the following comments:

- Councillor Tony Linden also questioned what alternative land would be provided for the riding stables;
- Flooding in the area was a concern;
- The Inspector was not 100% clear that the site had been accepted. He had concerns on the impact on the AONB and there was an important issue in respect of highways. He was not sure that the site was suitable for a housing development and that it equated to planning in an inappropriate place;
- He could not understand why the applicant could not wait until the site's allocation in the HSA DPD had been confirmed in November 2016 prior to submitting a planning application and he could not understand why it would be helpful to the Inspector by submitting an outline planning application at this stage.

Councillor Anthony Chadley, as Ward Member, made the following comments:

- Councillor Anthony Chadley stated that his interpretation of the examination was different and that the Inspector was querying how the number of 1,400 dwellings in the Eastern Urban Area had been derived at and were Members of the Committee just guessing what the Inspector was thinking at this stage.

In summary Councillor Webster stated that she believed the current policies outweighed emerging policy and by refusing this application it would not harm the DPD. Residents had also queried why this application was being heard at Committee that evening and not at the District Planning Committee meeting on 7<sup>th</sup> September 2016 which was already scheduled in the timetable of meetings.

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Councillor Jeff Beck referred to the process around the HSA DPD. All Eastern and Western Area Planning Committee Members had looked through the preferred sites put forward for development and he queried what had changed since then. Councillor Webster responded that the number of units had increased when the document was agreed by Council and again the number had increased when this planning application had been submitted.

Bryan Lyttle confirmed that in relation to timescales consultation on the homework would take place over a two week period. If no further hearing sessions were required then the HSA DPD would go to Council in December 2016 for permission to go out to consultation for 6-10 weeks which would take it until January 2017. The Inspector's report was due in February/March 2017.

David Pearson stated that it would be disingenuous to delay development on this site as other similar planning applications had been determined and there were a number of unallocated sites that were currently at appeal. Although this was a small site the decision made would be seen as important for those looking to submit applications for other preferred sites in the HSA DPD.

In considering the above application Councillor Graham Pask declared that he was in a dilemma. This was a premature application which he did not like but the reality was that a planning application had been submitted and it would have to be determined on its merits in the relevant timescales. Ward Members had made a passionate speech about refusing this application but the problem was what message that would send out to developers on other sites not within the DPD and which would be determined in the next 2-3 months. In November 2015 Members had made some tough decisions around the number of extra houses required in the district and the pressures that would bring on the infrastructure. It was necessary to take into account the edict from Government as to the housing numbers required. When the preferred sites had been agreed in the HSA DPD the Council had acknowledged that the site was suitable for development.

Councillor Keith Chopping said that the points made by the Ward Members and the Parish Council had been well made. He felt that the question raised as to why this application could not wait had been a pertinent one. However, the Committee had to make a decision that evening. He was not convinced of the argument about the site being adjacent to the AONB as three quarters of West Berkshire was in the AONB and a number of appeal decisions had gone against the Council when it had refused applications in the AONB. This was a preferred site which had been approved by Full Council in November 2015. Prematurity was not a reason for refusal and if the application was refused then it would put the Council in a vulnerable position at appeal as in practical terms it was a developable site.

Councillor Anthony Pick stated that he was influenced by the fact that the AONB had raised no objections. However, there was a lack of a clear strategy/statement on the issue around flooding and although there was an Informative he felt that this was inadequate and that it should be conditioned.

Councillor Alan Law stated that he had been the Portfolio Holder when this site had been agreed in principle as a preferred site. When the preferred site options had been produced this site was earmarked for 29 dwellings and this had increased since that time to 35 and then to 39 in the current application. He did not understand why the application had been submitted and the Members of the Eastern Area Planning Committee had made it clear that they felt that existing policies should have more weight and had asked for clarification on this issue. He referred to a recent appeal decision which had been received on 15<sup>th</sup> August 2016 which made reference to policy ENV24 which was a policy which would be overtaken with emerging policy in the DPD and this was his dilemma. He



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felt that the application was a pre-emptive strike. The Council had spent a lot of time and money on the DPD through hearings and consultation and that process was nearly at an end. However, if the Council did not make a decision on the application it could be at risk of a Judicial Review and the question was what would be best for the Council.

Councillor Richard Crumly confirmed that he was supportive of the emerging plan. He was now concerned that if the application was refused the Inspector might wonder why it had not been approved. If it went to appeal then it could be costly for the Council as it would have to pay its own costs as well as the applicants and this was a material consideration given the current budget restraints. When the Eastern Area Planning Committee had considered the application it had not had sight of the Government advice and there needed to be substantial reasons for refusal if this Committee was minded to refuse the application. The applicant was trying to support the Council's HSA DPD and Officers had also given their expert advice and were advising that the application should be approved. He therefore proposed the Officer recommendation to grant planning permission and this was seconded by Councillor Anthony Pick.

Councillor Pamela Bale agreed that there was a dilemma in that this piece of land was in the DPD submission. She was objecting to the application as it was not clear what the Council was agreeing to and insufficient information had been provided.

Councillor Paul Bryant felt that the issues around suitability and prematurity had been covered. However, it was not for this Committee to make policy but the issue of prematurity was a concern. He noted that the development at the Racecourse started prior to the Core Strategy and therefore there had been no precedent set in that case.

Councillor Graham Pask noted that the application asked for up to 39 dwellings on this site and he asked if an Informative could be included which stated that the Council would prefer that this site was developed out with 35 dwellings. David Pearson confirmed that a Reserved Matters application would be submitted in the future and it was hoped that this would ensure that all points raised in the DPD were taken into account. It would be necessary for the applicant to demonstrate why 39 dwellings would be acceptable on the site and it was likely that any such application could be called to Committee. The DPD would be guiding the applicant on the likely form of development.

Councillor Hilary Cole summarised that a long debate had taken place on this application. Issues raised included prematurity and the fact that this was an outline application with very little detail included. Any Reserved Matters application would be closely considered. However, she reminded Members that Full Council had voted on 5<sup>th</sup> November 2015 to accept the HSA DPD and this had given it greater weight. She accepted Councillor Pick's concerns around flooding and noted that this was a plan led authority and this application fell within that plan.

The application for residential development for up to 39 new dwellings with all matters reserved was put to the Committee for approval. Seven Members voted for the application, one against and there were three abstentions.

**RESOLVED that** the Head of Planning and Countryside be given delegated authority to grant planning permission subject to the schedule of conditions (Section 8.1 of the report at Appendix 1) and the completion of a Section 106 agreement; OR

If the legal agreement was not completed by the 30<sup>th</sup> November 2016, to delegate to the Head of Planning & Countryside to refuse planning permission, for the reason set out in Section 8.2 of the report at Appendix 1 or to extend the periods of completion if it was considered expedient to do so.

**Conditions:**

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### 1. Reserved matters

Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

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).

### 2. Approval of reserved matters

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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. Reserved matters 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).

### 4. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawing numbers 26004-RG-M19 and 26004-RG-M-04A received 14 April 2016, but only in respect of those matters of means of access and in accordance with any plans and conditions attached to subsequent approved reserved matters applications.

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

### 5. Hours of work (construction)

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

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).

### 6. Layout and Design Standards (YHA1)

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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.

Reason: In the interest of road safety and 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).

### 7. Cycle improvement measures

No development shall take place until details of cycle infrastructure improvements on Little Heath Road, between Sulham Hill and Little Heath School, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until these improvements have been provided in accordance with the approved scheme and if appropriate any statutory undertaker's equipment or street furniture 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).

### 8. 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 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
- (h) Lorry routing and potential numbers,
- (i) Types of piling rig and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations.
- (j) Any temporary lighting that will be used during the construction phase of the development,
- (k) Measures to control dust and procedures in place for liaison with the public, including a hotline number to report incidents if problems arise.

The plan shall be implemented in full and retained in operation until the development has been completed. Any deviation from the Construction Method Statement shall be first agreed in writing with the Local Planning Authority.

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Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and to ensure potential disruption is minimised as much as possible during construction. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 9. **Lighting strategy**

No development shall take place until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall ensure that dark corridors for bats are retained. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

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).

### 10. **Minerals Extraction**

No development shall commence until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

- i. A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site.
- ii. A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, such use to be agreed with the Local Planning Authority.
- iii. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

Reason: The approval of this information is required at this stage because insufficient information has been submitted with the application. To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

### 11. **Unexpected contamination**

During development, if contamination is found at the site, which has not previously been identified, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation scheme for this unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall

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thereafter be implemented in accordance with the approved details. If no unexpected contamination is encountered during the development, written notice confirming this fact shall be submitted to the Local Planning Authority upon completion of the development

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

### **Informatives:**

#### **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

#### **2. 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.

#### **3. 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.

#### **4. Service margin**

Any planting, other than grass, in areas to be adopted by the Highway Authority, may be considered to be an obstruction of the highway and action could be taken to remove it.

#### **5. 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.

#### **6. Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

**7. 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."

**8. Construction / Demolition Noise**

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

**9. Surface Water Drainage**

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

**10. Legal Agreements**

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

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### (2) **Application No. & Parish: 16/01223/OUTMAJ Land adjacent to Stonehams Farm, Dark Lane, Tilehurst**

*(Councillor Keith Chopping declared a personal interest in Agenda Item 6(2) by virtue of the fact that he knew two individuals with an interest in the site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Beck advised that he had been lobbied on Agenda Item 6(2)).*

The Committee considered a report (Agenda Item 6(2)) concerning Planning Application 16/01223/OUTMAJ in respect of an outline application for up to 66 residential units with access from Long Lane. Matters to be considered: access.

In introducing the item the Planning Officer, David Pearson, stated that this application had been considered by the Eastern Area Planning Committee on 3 August 2016 where it was refused for the following reason:

*“Whilst the West Berkshire Council Housing Allocation DPD is emerging it has yet to be adopted. The oral examination stage was completed in July 2016 and further work is required in the form of major and minor modifications before the inspector’s report is produced and therefore only limited weight can be given to the policies in the emerging Development Plan at this time. The application site lies outside of any defined settlement boundary and is land currently forming part of the countryside. This being the case the greater weight has been given to the saved policies of the West Berkshire District Local Plan 1991-2006 [WBDLP] and the policies contained in the West Berkshire Core Strategy 2006-2026 [CS] and the proposed development runs contrary to the provisions of policy HSG1 of the WBDLP as the site lies outside of any defined settlement boundary and to the provisions of policy ADDP1 of the CS which lists the possible exceptions where such development might be allowed.”*

Officers had since determined that the issues involved should be considered by the District Planning Committee due to the conflict of the resolution to refuse the application with the emerging Housing Site Allocations (HSA) Development Plan Document (DPD) and the consequent negative impact on the implementation of the Council’s strategic policies for the provision of housing across the District in its ability to demonstrate a five year land supply for housing.

The Planning Officer also highlighted the following points as part of his introduction:

- This site was located outside the current settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
- Objections had been raised by the North Wessex Downs AONB Consultant to the application, but the Planning Officer pointed out that their concerns primarily related to issues which would be considered at the reserved matters stage. A total of 244 specific objections had been raised against the application, but a good deal more had been lodged as part of the consultation process for the HSA DPD.
- The site was identified within the HSA DPD, approved for submission to the Planning Inspector by Full Council on 5 November 2016, as a preferred site and therefore in principle the site was considered as suitable for development. This Council decision took into account the fact that the site was located in the AONB.
- A separate outline planning application had been registered for up to 15 dwellings on Stonehams Farm itself, with access again to be the consideration. The Planning Officer clarified that this site and the application site were shown as separate within the HSA DPD with separate access points. The HSA DPD was

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only seeking a pedestrian/cycle link between the two sites. The application site therefore needed to be considered on its own merits.

- Concerns had been raised at the Eastern Area Planning Committee that the application was premature when the HSA DPD was emerging policy. In response to this, the update report provided the position of the Department for Communities and Local Government on the refusal of applications on the grounds of prematurity. This stated that refusal on the grounds of prematurity would seldom be justified where a draft local plan had yet to be submitted for Examination (the HSA DPD had been examined by the Planning Inspector) and should an application be refused on these grounds, it would be necessary to indicate clearly how the granting of permission for the development would prejudice the outcome of the plan making process.
- A decision to refuse the application on grounds of prematurity would also be inconsistent with decisions already taken for other sites within the HSA DPD. An example of this was the application approved for Pangbourne Hill which was also located in the AONB.
- The Planning Officer felt that it would be difficult to successfully defend refusal of this application at an appeal when considering these points and the considerable weight that could be given to the emerging HSA DPD, and the Council could also be liable for costs. In addition, if the application was refused, then it would make no contribution to the Council's five year housing land supply.
- The Planning Officer summarised by stating the Officer Recommendation to grant planning permission subject to conditions and the completion of a Section 106 Agreement.

Bryan Lyttle, Planning and Transport Policy Manager, explained that the adopted policies of the Council's Core Strategy included Area Delivery Plan Policy 4 – Eastern Urban Area (EUA) for approximately 1400 new homes and Area Delivery Plan Policy 5 – AONB for up to 2000 new homes. The Planning Inspector had expressed concerns that the HSA DPD was only proposing 1200 new homes in the EUA and had identified over 2000 new homes in the AONB when the windfall allowance was taken into account.

The Planning Inspector's 'homework' from the HSA DPD Examination had therefore asked the Council to look to increase the number of homes in the EUA and decrease those in the AONB.

Mr Lyttle also clarified that the 60 homes identified for this site in the HSA DPD would count towards the total number of dwellings for the EUA (if permission was granted) and not in the figures for the AONB.

He agreed that there had been a high level of objection to this site as part of the HSA DPD consultation, but pointed out that a high percentage of objections had been provided on a template rather than being unique responses.

Finally, Mr Lyttle pointed out that planning applications had to date been submitted for 15 of the 28 sites identified within the emerging HSA DPD.

Paul Goddard, Highways, commented that Highways' Officers were content with the proposed Long Lane access. It was compliant with width and sight lines guidance, and was connected to existing footways.

Increases in traffic on the narrowest section of Long Lane to the south of the site were a concern for residents. These concerns were recognised by Highways, but Mr Goddard advised that applications could only be refused on transport grounds where the impact of



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a development would be severe (as stated in the National Planning Policy Framework (NPPF)). Mr Goddard pointed out that during the morning peak time of 8am-9am, traffic analysis showed an increase of 12 vehicles, and in the evening peak (5pm-6pm) an increase of 14 vehicles. Mr Goddard did not feel that this level of increase could be considered as having a severe impact and recommended approval of the application from a Highways perspective. He added the view that in transport terms the site was sustainable as bus services were available and the site was closely located to local schools.

Councillor Pamela Bale referred to the point made that these homes would count towards the allocation in the EUA and not the AONB. Councillor Bale made the point that it needed to be recognised that these homes, if approved, would be built within the AONB and the impact on the AONB needed to be considered. Mr Lyttle confirmed that this point had been recognised throughout the HSA DPD process.

Councillor Anthony Pick turned to the objections raised by the Public Rights of Way Officer in terms of the additional traffic that would be generated by the development and the impact of this on road safety. Mr Goddard reiterated his earlier point that in his view the increased traffic movements did not amount to a severe impact.

Councillor Garth Simpson referred to the detailed objections of the North Wessex Downs AONB Consultant to this application. This included concerns in relation to the impact on the character of the AONB from the density proposed for this application. The Planning Officer pointed out that these concerns were highlighted as part of the HSA DPD consultation and the Council decision in favour of this site was based on an awareness of the impact on the AONB.

In accordance with the Council's Constitution, Mr. Kevin Page, Parish Council representative, Mrs. Rowan Martin/Mr. Iain Jones (Keep Tilehurst Green) and Mr. Richard Churchill, objectors, and Ms Angela Miles, applicant/agent, addressed the Committee on this application.

Mr. Page in addressing the Committee raised the following points:

- The Parish Council objected to this application which was also strongly opposed to by local residents.
- Its location within the AONB was particularly concerning and the proposal was objected to by the North Wessex Downs AONB Consultant.
- The Parish were of the view that current planning policy should be considered when determining this application, rather than the emerging HSA DPD. This application did not comply with current policy as the site was external to the settlement boundary and was located within the AONB.
- The number of units proposed of up to 66 was an increase from the figure contained within the HSA DPD.
- The area was prone to flooding and this would be exacerbated should the site be developed.
- Local services, i.e. schools, doctors and dentists, were at capacity and therefore these services would not be available locally to residents of these proposed dwellings.
- Traffic increases were a further cause for concern and local residents did not have confidence in the figures provided by Highways. The site visit was held during the school summer holidays when traffic levels were lower than normal and therefore the true impact that would be caused by this proposal on the access road was

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difficult to fully appreciate. This was a dangerous road and Mr Page referred to a near miss traffic accident that was witnessed at the Eastern Area Planning Committee site visit.

Mr. Jones in addressing the Committee raised the following points:

- As already noted, there was much opposition to this proposal. The number of objections to the planning application exceeded 200 and around 1300 objections had been lodged as part of the HSA DPD consultation for this site.
- Residents were pleased with the decision to refuse planning permission at the Eastern Area Planning Committee and District Members were urged to follow this.
- The application was premature when considering that the HSA DPD Examination was still ongoing. No decision should be taken on this application until the HSA DPD was finalised.
- The proposal for up to 66 residential units was an increase from the figure of 60 contained within the HSA DPD. It was also the case that the figure of 60 had increased from an original proposal for 44 units in an earlier draft of the HSA DPD.
- This was a greenfield site within the AONB and this development would be a detriment to the area. The AONB was a well used amenity and should be preserved. This application would neither conserve nor enhance the AONB. The North Wessex Downs AONB Consultant objected both to this application and to the allocation of this site in the HSA DPD.
- The Planning Inspector had stated a need to give weight to the impact on the AONB.
- Increased traffic was a concern on the proposed access road Long Lane. This had flooded in the past and was very narrow in some sections.
- This application should be considered alongside the Stonehams Farm application and not separately.

Mr. Churchill in addressing the Committee raised the following points:

- He reiterated the point that the site was located outside the settlement boundary and within the AONB. This needed to be clearly understood in determining the planning application. The proposal was therefore contrary to existing policy, with the HSA DPD only emerging policy. Limited weight should be given to emerging policy.
- There was significant opposition to the planning application due to its location in the AONB, concerns in relation to traffic increases and a lack of local infrastructure. Any development in the AONB needed to be robustly justified.
- The application would constitute major development in the AONB and this application was therefore not compliant with the NPPF.
- The application was premature as the Planning Inspector's report had yet to be received and the emerging policy not yet tested. While the Planning Inspector had not highlighted any objections to develop this site in principle, the Inspector had not reached any firm conclusions on the HSA DPD and its preferred sites. Further, it was not clear if the Planning Inspector would be satisfied on the proposal to develop in the AONB.
- The application should be refused as it was located outside of the settlement boundary and within the AONB and was therefore contrary to existing planning

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policy. Such a decision would show that West Berkshire Council followed a planned approach.

In response to a question from Councillor Paul Bryant, Mr Jones confirmed that concerns had been highlighted in relation to developing in the AONB by the Planning Inspector in the examination session relating to this site.

Ms. Miles in addressing the Committee raised the following points:

- The principle of development had been established as per agenda item 6(1). Development of the site for 66 dwellings would be in accordance with policy HSG10 of the HSA DPD.
- Access to the site would be achieved via Long Lane and would come between mature trees. These trees would be retained. The access was safe and the necessary sight lines would be achieved. All other matters were reserved.
- Existing pedestrian links would be enhanced.
- Traffic concerns had been a key issue for objectors, but Ms Miles pointed out that the application had been supported by a transport assessment and the proposed access had been accepted by Highways Officers. The cumulative traffic increase arising from the development had been assessed by Highways as being marginal.
- In terms of parking on Long Lane, a number of cars were parked opposite the site at the time of the site visits. However, this was not representative of the normal parking situation. Normal levels were returned to post the site visits with this area of Long Lane near to being clear of parked vehicles.
- The housing from this site would contribute to the five year land supply and subject to planning permission being granted, the new homes would be ready for occupation by 2018/19.
- If the application was refused, this would impact on the land supply and the new homes would not be delivered. This would create a level of uncertainty and could lead to non DPD sites coming forward.
- The site was located within the AONB, but Ms Miles did not believe this application constituted a major development in the AONB. The Planning Officer's Eastern Area Planning Committee report stated that the proposed development did not amount to major development as outlined in paragraph 116 of the NPPF. This view was supported by case law and factors including the scale of the development comparative to the size of the settlement. This proposal for up to 66 dwellings constituted a 1.2% increase within the Parish.
- Ms Miles then made reference to a separate planning application where approval was granted for development on land to the north of Pangbourne Hill. This was also in the AONB and was a larger proportional increase.
- Ms Miles reiterated that the site had been selected within the HSA DPD and was in accordance with policy HSG10. The reason for refusal at the Eastern Area Planning Committee was not sustainable and Members were urged to follow Officers' recommendation to grant planning permission.

In response to a query from Councillor Alan Law, Ms Miles advised that access could be considered for this application as this had already been established via Long Lane. However, this was not as yet clear for the Sulham Hill application.

Councillor Rick Jones, speaking as Ward Member, made the following points:

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- He was concerned that the illustrative layout did not match the layout outlined in the HSA DPD. This could result in the landscape buffer being breached.
- He shared concerns of residents in relation to the highways impact. Long Lane was not fit to accommodate traffic increases and the cumulative impact of additional traffic was a concern when considering existing traffic levels which used the road to travel to Reading/the M4.

Councillor Emma Webster, speaking as Ward Member, made the following points:

- The two mature oak trees referred to alongside the access road needed to be protected and this needed to be confirmed.
- The Planning Inspector's report on the HSA DPD should be awaited before a decision was made and therefore the Council would be a plan led authority. It was not the case that all applications made for HSA DPD sites should be accepted.
- The increasing number of dwellings proposed for this site was a concern. Over time this had grown from 44 to 66 units.
- Reference was made to objections being raised via a set template, however this was acceptable when considering the complexities involved with the HSA DPD consultation.
- The costs of an appeal had been highlighted as a concern should the application be refused, but a decision to approve could also be subject to a Judicial Review.

Councillor Tim Metcalfe, speaking as Ward Member, made the following points:

- He voted in favour of the HSA DPD at the Council meeting in November 2015 and in favour in principle of development at this site based on what was contained in the HSA DPD. However, this proposal differed to the in principle development outlined in the HSA DPD.
- The increasing number of units was a concern.
- Development of the neighbouring Stonehams Farm site should have been included with this application and not progressed separately.
- The Long Lane access was unsafe. Sight lines were hampered due to the mature oak trees and there was not in all places room for vehicles, particularly large vehicles, to pass one another.

Councillor Tony Linden, speaking as Ward Member, made the following points:

- This was a well used greenfield site within the AONB.
- The Planning Inspector had raised the need to give weight to the impact on the AONB.

Councillor Anthony Chadley, speaking as Ward Member, made the following points:

- Approximately 25% of residents had objected to the initial consultation for this site. This number had dropped in subsequent consultation processes but this was partly due to the view of residents that they were not being listened to.

At this stage of the meeting (9.40pm) Councillor Hilary Cole referred Members to paragraph 7.13.5 (Continuation of Meeting) of Part 7 of the Council's Constitution which stated that meetings of Committees should not normally continue past 10.00pm. However, the meeting could extend to 10.30pm at the latest if it was felt that the business of the meeting could be concluded within that time. It was therefore agreed that the meeting could extend, potentially to 10.30pm, to determine this application. However,

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there was not felt to be sufficient time to fully consider agenda items 4(3) and 4(4) and it was agreed that these would be deferred. Councillor Cole apologised to those members of the public present for the deferred items but felt it would be unfair on them to consider these items without sufficient time.

The Planning Officer then responded to some of the points made by Ward Members. Officers could not control the content of planning applications and the Council needed to determine valid planning applications. Plans received with the planning application were illustrative only and therefore no decision would be made on the extent of the landscape buffer as this would be considered in detail at the reserved matters stage and Officers would not want to see this buffer reduced.

The Planning Officer also reiterated the point that this site and the Stonehams Farm site were shown as separate within the HSA DPD. The only connection between the two sites was for a proposed pedestrian/cycle link.

The site was external to the settlement boundary, but it was inevitable that the borders of settlement boundaries would be looked to/reviewed when selecting new sites.

Councillor Law sought assurance from Officers that the Planning Inspector was aware that these proposed dwellings were included within the EUA and did not contribute to the AONB figures. He also wanted to be assured that the Planning Inspector had raised no significant unresolved issues for this site in the emerging HSA DPD. Bryan Lyttle confirmed that there were no remaining unresolved issues with the emerging policy. In addition, the Planning Inspector had not specifically queried whether these homes would contribute to the EUA or AONB figures, but was aware that these homes were coded to the EUA. Mr Lyttle added that, if planning permission was approved, this site would form part of the settlement boundary review for the district.

Councillor Paul Bryant asked for confirmation of the Planning Inspector's view in the Examination sessions on development in this specific area of the AONB. In response, Mr Lyttle commented that the Planning Inspector had made specific comments on proposals for the AONB in Hungerford and Kintbury, but had made no such comments for this or the preceding application site.

Councillor Keith Chopping was concerned should the landscape buffer outlined in the HSA DPD be eroded when considering the illustrative plans for the site for up to 66 dwellings. He queried whether the buffer could be protected if permission was granted for 66 dwellings. The Planning Officer explained that Officers were mindful of the potential impact on the buffer and this needed to be protected where possible. He also pointed out that the developer would need to produce a finalised layout for the full planning application that was acceptable to the Council and which accommodated the landscape buffer alongside the final housing number. Mr Lyttle added that a definition of the landscape buffer would be included in the HSA DPD at the request of the Planning Inspector.

Councillor Bale queried the absence of a Landscape and Visual Impact Assessment (LVIA). Mr Lyttle explained that a Landscape Visual Appraisal (LVA) had been produced for in principle considerations and an LVIA would be provided at the more detailed reserved matters stage. The Planning Officer added his expectation that the detailed application would contain a high level of information around protecting the landscape.

Councillor Hilary Cole commented that a high percentage of West Berkshire was located in the AONB. Members were well aware of the need to conserve and enhance the AONB, but added that it was a living landscape. Objections had been raised by the North Wessex Downs AONB Consultant but it was to be expected that they would object to any development in the AONB.

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Councillor Graham Pask commented that, as with the first agenda item, he faced a dilemma in determining this planning application. The HSA DPD had undergone a detailed consultation process prior to its approval by Council and West Berkshire needed to be a plan led authority. It was however regrettable that this application had been brought forward prior to the Planning Inspector's report on the HSA DPD.

Councillor Pask continued that Members' decisions took account of planning policy and professional guidance from Officers. The potential to incur costs at an appeal were noted, but decisions to refuse were still made where there was a risk of costs if there were grounds for refusal. The site was located in the AONB, but this fact was known when the HSA DPD gained Council approval in November 2015 and Councillor Pask gave his support at that meeting to this site being included.

Councillor Pask proposed acceptance of Officers' recommendation to grant conditional planning permission. This was seconded by Councillor Jeff Beck.

Councillor Anthony Pick commented that he was uncomfortable with this application, with a particular concern being the impact on the AONB and the associated negative remarks made by the North Wessex Downs AONB Consultant. Councillor Pick stated that he would not be supporting the proposal to grant planning permission due to the site being located in the AONB. In addition, the increased number of dwellings would likely impact on the landscape buffer and there was a lack of consistency between the plans contained in the HSA DPD and the illustrative plan which accompanied the planning application.

In addition, Councillor Pick again made reference to the objections of the Public Rights of Way Officer. These objections noted that sections of Long Lane had no pavements, were heavily trafficked and there was not always room for two vehicles to pass one another. Further work was therefore needed in this area.

In response to the point on the landscape buffer, the Planning Officer pointed out that confirmation of the buffer did not form part of this outline application. Should planning permission be granted, this would give no commitment to the size of the buffer.

Councillor Cole made the point that the view of the AONB Consultant would have more relevance when the finalised application was considered.

Councillor Chopping agreed with the point made earlier that the AONB was a living area and added that it was not set in stone. He was in favour with the proposal, but added that the HSA DPD considerations in November 2015 included a requirement for a landscape buffer in this area. This requirement needed to be complied with in the detailed application and housing numbers reduced to achieve this compliance if necessary.

Councillor Law was aware that the Planning Inspector had concerns in relation to access to this site and for overall development in the AONB. However, it had been confirmed by Officers at this meeting that there were no unresolved objections to the emerging HSA DPD and Councillor Law would therefore support the proposal to grant planning permission.

Councillor Richard Crumly commented that it would be difficult to refuse planning permission for this site when the application for the previous item had been approved. He added that the potential costs of a planning appeal was a genuine concern and the professional advice of Officers should be carefully listened to.

Councillor Bale was of the view that the proposed access was an issue. She felt that the number of additional traffic movements on Long Lane would be in excess of the numbers outlined in the highways study and this would negatively impact on Long Lane, in particular the narrow sections of the lane.

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Councillor Cole reiterated the point that Full Council voted in favour of the HSA DPD at the meeting on 5 November 2015. This included development of this site in principle with the Long Lane access. A decision contrary to this on this planning application could give out a concerning message.

**RESOLVED that** the Head of Planning & Countryside be given delegated authority to grant planning permission subject to the schedule of conditions (Section 8.1 of the report at Appendix 1) and the completion of a Section 106 agreement; OR

If the legal agreement was not completed by the 30th November 2016, to delegate to the Head of Planning & Countryside to refuse planning permission, for the reason set out in Section 8.2 of the report at Appendix 1 or to extend the periods for completion if it was considered expedient to do so.

### **Conditions:**

#### **1. Reserved matters**

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

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).

#### **2. Approval of reserved matters**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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. Reserved matters 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).

#### **4. Standard approved plans**

The development hereby permitted shall be carried out in accordance with the approved drawing numbers 26004,SF-RG-M-09 26004,SF-RG-M-11 and TR8140360/04 received 6 May 2016 only in respect of those matters of means of access and in accordance with any plans and conditions attached to subsequent approved reserved matters applications.

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

#### **5. Hours of work (construction)**

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No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

Any deviation from the hours of works shall be first agreed in writing with 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).

### 6. Archaeology

No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

### 7. 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 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
- (h) Lorry routing and potential numbers,
- (i) Types of piling rig and earth moving machinery to be implemented and measures proposed to mitigate the impact of construction operations.
- (j) Any temporary lighting that will be used during the construction phase of the development,
- (k) Measures to control dust and procedures in place for liaison with the public, including a hotline number to report incidents if problems arise.



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The plan shall be implemented in full and retained in operation until the development has been completed. Any deviation from the Construction Method Statement shall be first agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and to ensure potential disruption is minimised as much as possible during construction. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 8. Construction of access first

The construction of the access shall be the first development operation to take place. No other development shall take place until either:

- (a) the access has been constructed in accordance with the approved plans; or
- (b) a temporary construction access has provided in accordance with details in the approved Construction Method Statement.

No more than 50 dwellings shall be occupied until the permanent access has been constructed in accordance with the approved plans.

Reason: To ensure that safe vehicular access is provided before any demolition or building operations take place, 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).

### 9. Visibility splays

No building operations (other than to the access) shall take place until the visibility splays at the vehicular access onto Long Lane have been provided in accordance with drawing number TR8140360/04 (received 6/5/16). The land within these visibility splays shall thereafter (during demolition/construction operations, and following occupation) be kept free of all obstructions to visibility over a height of one metre above the carriageway level.

Reason: To ensure there is adequate visibility at the access, 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).

### 10. Minerals Extraction

No development shall commence until a statement of mineral exploration and associated development management plan has been submitted to and approved in writing by the Local Planning Authority. This statement shall include:

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- i. A method for investigating the extent and viability of the potential construction aggregate mineral resource beneath the application site.
- ii. A methodology that ensures that construction aggregates that can be viably recovered during development operations are recovered and put to beneficial use, such use to be agreed with the Local Planning Authority.
- iii. A method to record the quantity of recovered mineral (for use on and off site) and the reporting of this quantity to the Local Planning Authority.

Reason: The approval of this information is required at this stage because insufficient information has been submitted with the application. To ensure compliance with Policies 1, 2 and 2A of the Replacement Minerals Local Plan for Berkshire as the application does not provide sufficient information in respect of the potential mineral resources located beneath the application site.

### 11. **Ecological management plan**

No development shall take place until a detailed Ecological Management Plan covering non development areas has been submitted to and approved in writing by the Local Planning Authority. This plan will include details of:

- Hedgerow loss and show replacement hedgerow to be provided and how it will be managed long term to ensure a species rich hedgerow is secured
- The eastern boundary attenuation ponds should be partially linked to provide some year round standing water thus maximising their ecological value
- Measures to enhance biodiversity into the design of the new dwellings with the inclusion of bird and bat boxes

The approved Ecological Management Plan shall be implemented in full in accordance with an agreed timetable and its provision permanently maintained thereafter.

Reason: To ensure the protection of 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).

### 12. **Mitigation scheme (to be submitted)**

No development shall take place until a detailed reptile mitigation scheme and enhancement plan, written by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include timings. Thereafter the approved scheme shall be implemented and maintained in full and in accordance with the timings approved.

Reason: To ensure the protection of reptiles 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

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CS17 of the West Berkshire Core Strategy (2006-2026).

### 13. Lighting strategy

No development shall take place until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall ensure that dark corridors for bats are retained. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

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. Land contamination 1: site characterisation

The construction of the dwelling hereby permitted shall not take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:

- (a) A survey of the extent, scale and nature of contamination;
- (b) An assessment of the potential risks to:
  - i. human health,
  - ii. property (existing and proposed) including buildings, pets, and service lines and pipes,
  - iii. adjoining land,
  - iv. groundwater and surface water,
  - v. ecological systems,
  - vi. archaeological sites and ancient monuments; and
- (c) An appraisal of remedial options, and proposal of the preferred option(s).

This report shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 15. Land contamination 2: remediation scheme submission

The construction of the dwelling hereby permitted shall not take place until a remediation scheme for any land contamination identified by the investigation and risk assessment has been submitted to and approved in writing by the Local

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Planning Authority. The scheme shall:

- (a) Provide for the removal of unacceptable risks to human health, buildings and other property, and the natural and historical environment;
- (b) Ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
- (c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and
- (d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16. Land contamination 3: remediation scheme implementation**

Any remediation scheme for land contamination approved under the second land contamination condition (Condition 15) above shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **17. Land contamination 4: unexpected contamination**

In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 14, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of the second land contamination condition (Condition 15) above. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the

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approved remediation scheme, no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **18. Land contamination 5: monitoring and maintenance**

Following completion of the measures for the monitoring and maintenance of the effectiveness of the land contamination remediation approved under clause (d) of the second land contamination (Condition 15) condition above (if any), a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the completion of the measures. These reports shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is imposed in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **19. Water Comments**

No development shall commence until an Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026)

## Informatives

### **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

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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

### **2. 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.

### **3. 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.

### **4. Service margin**

Any planting, other than grass, in areas to be adopted by the Highway Authority, may be considered to be an obstruction of the highway and action could be taken to remove it.

### **5. 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.

### **6. Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

### **7. 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.

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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."

**8. Construction / Demolition Noise**

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

**9. Legal Agreements**

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

**(3) Application No. & Parish: 16/00657/FULEXT Land at former Travis Perkins site, Mill Lane, Newbury**

*(Councillors Jeff Beck and Anthony Pick declared a personal interest in Agenda Item 6(3) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways Committee. Councillors Beck and Pick had been present when this item was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Jeff Beck advised that he had been lobbied on Agenda Item 6(3)).*

This item was deferred due to insufficient time to consider the application.

**(4) Application No. & Parish: 16/00971/OUTD Delamere Stables, Baydon Road, Lambourn**

*(Councillor Jeff Beck declared a personal interest in Agenda Item 6(4) by virtue of the fact that he was a Member of Newbury Town Council and its Planning and Highways Committee. Councillor Beck had been present when this item was discussed, but would consider the application afresh. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Richard Crumly advised that he had been lobbied on Agenda Item 6(4)).*

This item was deferred due to insufficient time to consider the application.

*(The meeting commenced at 6.30pm and closed at 10.10pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.(1)

<b>Item (4)</b>	<b>16/00657/FULEXT</b>
<b>Title of Report:</b>	<b>Land at former Travis Perkins site, Mill Lane, Newbury. David Wilson Homes [Southern] Limited Proposed conversion of extant permission of B1[a] office use to 22 dwellings, 11 of which are to be affordable. Associated access and parking.</b>
<b>Report to be considered by:</b>	District Planning Committee
<b>Date of Meeting:</b>	28 <sup>th</sup> September 2016.
<b>Forward Plan Ref:</b>	N/A

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00657/FULEXT>

**Purpose of Report:** **For the District Planning Committee to determine the application in question.**

**Recommended Action:** **The Western Area Planning Committee, at the meeting on 10<sup>th</sup> August 2016, recommended that the application be approved subject to the first completion of the required s106 planning obligation.**

**Reason for decision to be taken:** The application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026. Policy CS9 refers.

**Key background documentation:** Western Area Planning Committee on 10<sup>TH</sup> August 2016. Agenda Report and minutes, plus update sheet. Application file 16/00657/FULEXT.

## Key aims.

Focus development on the existing urban areas.  
Promote vibrant town centres and local economic growth.  
Achieve sustainability in Council planning decisions.  
Provide new housing on brown field sites.

The proposals contained in this report have to be considered in order to help to achieve the above Council Strategy as set out in the 2013 to 2018 document.

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole
<b>E-mail Address:</b>	Hilary.Cole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	To be advised.

<b>Contact Officer Details</b>	
<b>Name:</b>	Michael Butler
<b>Job Title:</b>	Principal Planning Officer
<b>Tel. No.:</b>	01635519111
<b>E-mail Address:</b>	Michael.butler@westberks.gov.uk

## Implications

<b>Policy:</b>	Core Strategy Policies – ADPP2, CS5, CS6, CS9, CS13.
<b>Financial:</b>	If approved the Council will receive CIL payments via the scheme of circa £48,000, plus new homes bonus and additional rates / Council tax per annum.
<b>Personnel:</b>	N/A
<b>Legal/Procurement:</b>	N/A
<b>Property:</b>	N/A
<b>Risk Management:</b>	N/A
<b>Equalities Impact Assessment:</b>	N/A

## EXECUTIVE SUMMARY

### 1 INTRODUCTION

- 1.1 The Western Area Planning Committee on 10<sup>th</sup> August 2016, considered an agenda report for the application as noted. This comprised the erection of 22 flats in a 3 storey block with 47 car parking spaces, external amenity space and access. The site in question is brown field and vacant. The main report sets out all the details in Appendix 1.
- 1.2 Policy CS9 in the Core Strategy 2006 to 2026 is an employment protection designation on the land in question. This means that essentially non-employment generating developments, such as housing, will not be permitted, unless exceptional circumstances pertain. Clearly in this application, housing is being promoted by the Developer. Accordingly the application, if approved, would be contrary to policy CS9 and so comprise a departure from the Development Plan. The application has been advertised as such, in addition.
- 1.3 In this particular case, officers and indeed the Western Area Planning Committee are recommending to the District Planning Committee, that the application be approved because, within the application, whilst it is duly acknowledged that an approval would mean the loss of employment land in the future, and so be contrary to policy CS9, the planning gain of the additional 11 affordable units [50% rate rather than the normal 30% rate advised in policy CS6] is sufficient to set aside the underlying policy objection and loss of employment land. The detailed reasons are set out more fully in Appendix 1.

### 2 CONCLUSION

- 2.1 Bullet point 1 of paragraph 17 in the NPPF [Core planning principles], notes that inter alia, planning should be genuinely plan led, and should be kept up to date. In addition, paragraph 22 of the same document notes that “planning policies should avoid the long

term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose". Clearly, these two points appear to conflict. In this instance, both officers and the Western Area Committee consider that the present application should be approved, given the benefits arising, identified above, that is, the harm to policy CS9 will be minimal, and it will not be undermined in regard to subsequent applications for housing on policy CS9 sites in the District. In addition, it is a long held tenet of planning advice, and indeed legislation, that every application must be treated on its own individual planning merits.

### **3 RECOMMENDATION**

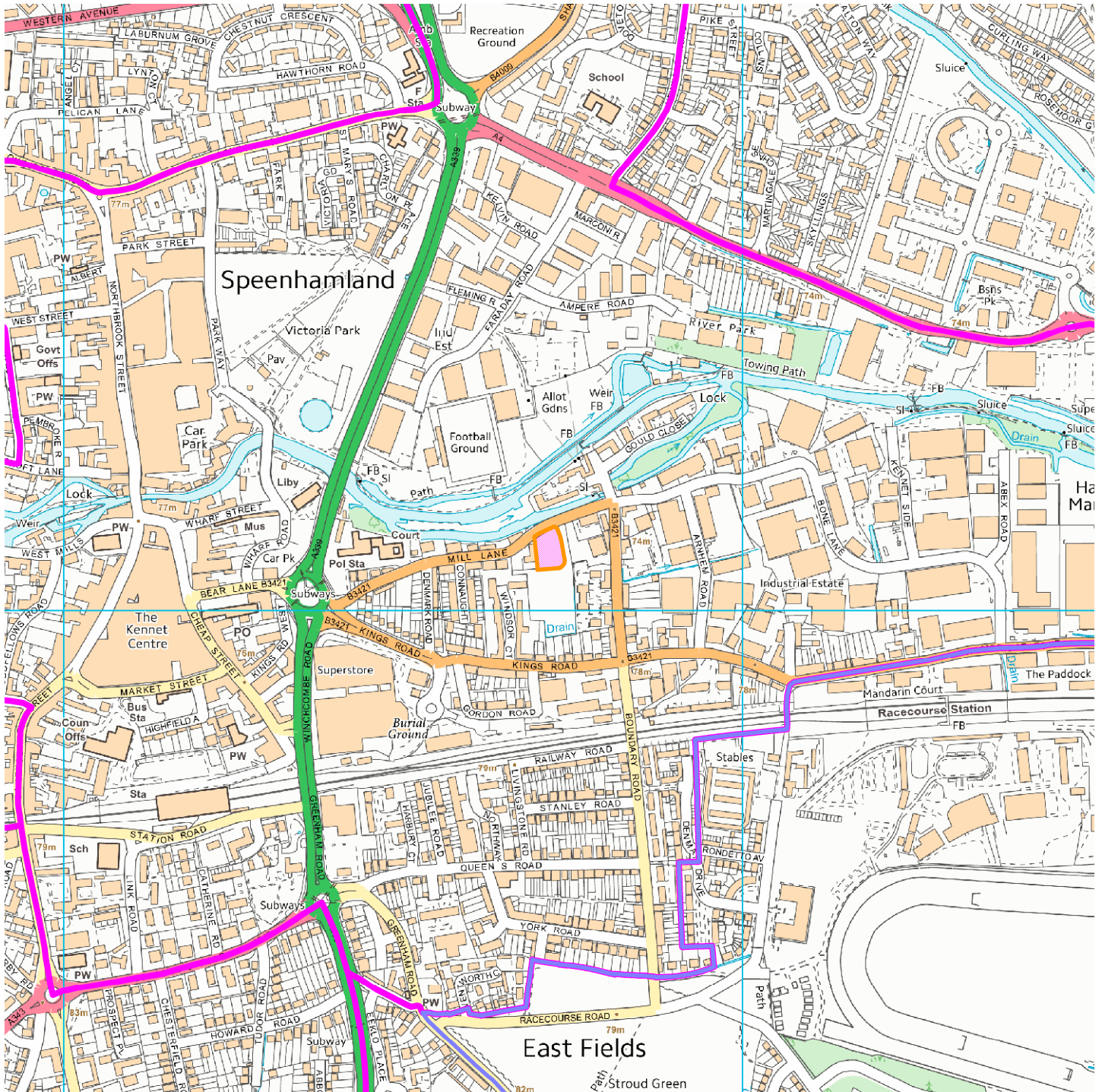
- 3.1 That the District Planning Committee **GRANT** planning permission to planning application 16/00657/FULEXT subject to the first completion of the required s106 obligation to deliver the 11 affordable units on the site, with the conditions as noted on the agenda reports and update sheet.

### **APPENDICES**

- 1 WAP Committee Report of 10<sup>TH</sup> August 2016
- 2 Update report to WAP on 10<sup>th</sup> August 2016
- 3 Minutes of meeting held on 10<sup>th</sup> August 2016.

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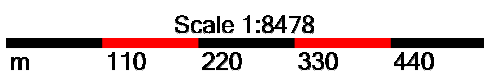
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	28 July 2016
<b>SLA Number</b>	0100024151



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<b>Item No</b>	<b>Application No. and Parish</b>	<b>8/13 Week Date</b>	<b>Proposal, Location and Applicant</b>
(2)	16/00657/FULEXT  Newbury Town Council	6 <sup>th</sup> July 2016 EOT to 31 <sup>st</sup> August 2016.	Proposed conversion of extant permission for B1[a] to residential use. Erection of 22 dwellings, 11 of which are to be affordable, with associated parking and associated works.  David Wilson Homes [Southern] Limited.  Land at former Travis Perkins site, Mill Lane, Newbury.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00657/FULEXT>

**Recommendation Summary:**                    **The Western Area Planning Committee resolve to recommend approval of the application to the District Planning Committee.**

**Ward Member(s):**                                Councillors Benneyworth and Fredrickson

**Reason for Committee determination:**                    The application, if approved would comprise a departure from extant planning policy CS9. This can only be determined by Committee.

**Committee Site Visit:**                                5<sup>th</sup> August 2016.

<b>Contact Officer Details</b>	
<b>Name:</b>	Michael Butler
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:mbutler@westberks.gov.uk">mbutler@westberks.gov.uk</a>

## 1. Site History

13/00835/FULEXT. Redevelopment of the site for 37 dwellings and the erection of 1500m<sup>2</sup> of B1a office space with associated car parking etc. Approval - February 2014.

14/01096/COMIND. Erection of 1500m<sup>2</sup> of B1a space, plus 9 affordable units. Approval - November 2014.

14/02296/FULEXT. s73A application on 13/00835/FULEXT. Variation of conditions corresponding to phasing and visibility splays. Approved - November 2014.

15/02545/COMIND . s73A application to remove Condition 21 [phasing] of 14/01096/COMIND. Approved - November 2015.

## 2. Publicity of Application

Site notice displayed on 15 April 2016. Expiry 6<sup>th</sup> May 2016.

## 3. Consultations and Representations

Newbury Town Council	Support / comment. The applicant has taken all reasonable steps to market the site for offices. Agree that the site should be built out for housing now. The concerns about traffic from neighbours should be carefully considered.
Newbury Society	Welcomes the application. Prefers the site to be wholly residential.
Highways	Conditional permission on amended plans which indicates acceptable parking standards in relation to the HSADPD policy. Traffic generation, access and forward visibility splays acceptable. Under-croft height satisfactory.
Environment Agency	Application should be considered under standard flood risk advice. Officer note - the applicant has already demonstrated that housing on the site is acceptable to the EA.
Archaeologist	No observations to make. Site of little archaeological importance.
BBOWT	Conditional permission. Landscape and ecological management plan.
Natural England.	No objections to the application. Consideration during construction should be applied to the proximity of the River Kennet SSSI.
Thames Water	Grampian condition to be applied re. drainage strategy on site.
Waste Management.	Conditional permission is recommended.
Tree Officer.	Amended plans required regarding the inclusion of larger specimen trees on site. This can be conditioned.
Planning Policy.	Objection. The inclusion of housing on this CS9 site [employment protection] is contrary to adopted Planning Policy. There is no exceptional case which would justify this being set aside, given the emerging Economic Development Needs Assessment [EDNA] of 2016 for the District, which notes that there will be a continuing need for employment space in the District over the Plan period. Approval would be contrary to the NPPF.
Environmental Health	Conditional permission recommended.
Fire Service	No further hydrants required.
Housing	No response received. Officer note - the provision of 11 units is well in excess of the normal 30% applied to brown field sites in policy CS6 in the Core Strategy.
SUDS	Conditional permission is recommended.
Defence Infrastructure.	No safeguarding objections.



Education.	CIL will be sufficient to meet the Council education needs arising, i.e. no s106 obligation needed.
Representations.	5 objections received from the public. Inadequate parking, traffic generation increase over and above the offices, potential increased overlooking of existing dwellings, retain the offices.

#### 4. Policy Considerations

National Planning Policy Framework 2012.

National Planning Practice Guidance 2014.

West Berkshire Core Strategy 2006 to 2026. Policies ADPP1, CS5, CS6, CS9..

West Berkshire HSA DPD. Policy P1 - parking standards.

#### 5. Description of Development

- 5.1 The application site is currently vacant land adjacent an existing housing development of 37 dwellings, now completed and occupied, to the south. The site abuts Mill Lane to the north and would derive access from that route. The site currently has an extant planning permission for a two storey office building of 1500m<sup>2</sup> which has not been implemented. To the west lies an office unit of two storeys and to the east lies a bus depot.
- 5.2 It is proposed to erect 22 dwellings on the site up to 3 storeys in height, 11 of which are to be affordable [50%]. It will be associated with 44 parking spaces, two per unit] with 3 visitor spaces adjoining the principal roadway into the site. The buildings will be relatively contemporary in design as the elevations indicate. No external open space is to be provided, but bin stores and cycle stores are to be laid out on the site. All the dwellings in addition, will be 2 bedroomed. .All will be flats apart from one 2 bed townhouse. For clarity if this application is approved this will mean that the extant permission for offices will not be constructed.
- 5.3 It is appropriate for the Committee to be aware of the planning history for the application site as a whole. Some 7 to 8 years ago, Travis Perkins occupied the application site. Accordingly, it was originally designated under saved policy ECON1 in the West Berkshire District Local Plan of 1991 to 2006, which was an employment land protection policy. Once the Core Strategy was adopted in 2012, policy CS9 effectively superceded this policy but had the same effect. In 2008/2009 Travis Perkins vacated the application site and a string of various housing applications followed. These were refused as no employment generation was created. Application 13/00835/FULEXT was however finally approved by the Council for part development of the site for 37 dwellings [with 11 affordable units] but with 1500m<sup>2</sup> of B1a space on the current application site. The approval of this contained a condition regarding phasing which sought to ensure that prior to the dwellings being completed, the permitted offices would be built out ready for occupation. Application 14/01096/COMIND was subsequently approved which involved a revised office design [still of 1500m<sup>2</sup>] with an associated nine affordable dwellings being part of the original 37 dwelling scheme as permitted above. This was approved, also with a Condition [21] which had the effect of ensuring the office completion prior to the completion of the nine affordable dwellings. This was not however achieved. Accordingly a s73A application was submitted to rectify this situation by the deletion of Condition 21. This was accepted by Council officers on the basis that to do otherwise would have resulted in the nine affordable dwellings being held vacant for an indeterminate period. [14/02296/FULEXT]. This approval did not affect the validity of the office permission which still remained automatically extant in perpetuity, by virtue of the nine dwelling completion. This remains the case up to the present.

#### 6.0 Consideration of the application.

The application should be considered under the following issues:-

- 6.1 The planning policy position.
- 6.2 Other issues raised - parking and amenity.
- 6.3 CIL and s106 issues.

#### 6.1 Planning policy

6.1.1 Paragraph 22 of the NPPF advises Local Planning Authorities to avoid the long term protection of employment sites, where there is no reasonable prospect of a site being used for that purpose. The application site comprises a policy CS9 site which allows for employment uses only to be permitted, unless an exceptional case can be made. In this instance, it is recognised that whilst housing is being provided, on site, the following is apposite:-

- 1 - The site in physical terms is virtually surrounded now by housing as the Committee site visit will evidence.
- 2 - The site is brown field in a highly sustainable location adjacent the town centre of Newbury, being a short walking / cycling distance away - circa 400m. It is thus entirely appropriate for residential uses.
- 3 - The form of the new building [see below] is considered to be acceptable in design / amenity / physical terms, having regard to the adjacent buildings and uses.
- 4 - It is the planning policy issue which is the most important issue under CS9 to be considered.

6.1.2 Paragraph 17 in the NPPF notes that [in bullet point 1] planning decisions should be genuinely plan led, but in addition, in the next bullet point, be a creative exercise in finding ways to enhance and improve places in which people live their lives. It also identifies sustainable economic development should be proactively driven, and encourage the effective re-use of brown field sites, such as the application site concerned. It is clear that there are conflicting currents in this advice in relation to the scheme, given that if the Council were to simply assess the application in terms of local economic growth, the application should be rejected. However, in para 22 of the NPPF Local Planning Authorities are also encouraged to avoid the long term protection of employment sites, where there appears to be no reasonable prospect of a site being used for such a purpose. Given that applications for alternative uses [such as housing] should be treated on their merits.

6.1.3. Next in para 51 of the NPPF Local Planning Authorities are encouraged to approve changes of use of land to residential uses from a commercial use where there is an identified need for more housing - clearly in this location the demand is extremely high, including that for affordable purposes. Next para 173 in the NPPF identifies the point that Councils should not withhold planning permissions on the basis of viability issues; in this case the applicants have submitted a detailed economic viability appraisal which shows clearly that, at the present time, based upon current market values and rents available, it is not profitable to build out the office block, nor will it be in the foreseeable future unless economic conditions improve dramatically in the office market in Newbury. The precise costs cannot be made public in this report but suffice it to say the office scheme has a substantial negative land value running into millions pounds sterling. Officers are satisfied with the report's conclusions and in this instance have not sought separate independent advice, as it is considered that the planning determination does not turn on this viability issue in any event since policy CS9 seeks only to retain the land / premises in question for any employment use, not the particular scheme which has an extant permission on this site.

6.1.4 In addition the applicants have submitted a Marketing Report on the suitability of the application site for offices. The agents have concluded that given the current weight restrictions for HGVs etc on Mill Lane, the nature and quality of competing sites [e.g.

Newbury Business Park] and the fact that local commercial sentiment does not favour the Mill Lane area for office use in any event, the future prospect of a non speculative scheme coming forward is minimal, if not zero.

- 6.1.5 Finally, in examining the wording of the supporting text to policy CS9, it notes [inter alia] that non-employment generating uses on CS9 sites should not be approved if they substantially prejudice the delivery / implementation of the policy. It is argued in this case that the loss of 0.24ha of such land may be harmful [officers wording] but in the planning balance to be assessed, is the application proposal sufficiently exceptional to justify an approval? In this case the officer has negotiated with the applicant successfully in achieving a 50% rate of affordable housing, which is 20% in excess of what policy CS6 normally applies. This will mean the delivery of 4 additional affordable units on the site. **It is on this basis that officers, on balance, can recommend the application favourably to the Committee, given also the other benefits arising from the proposal.**

## 6.2. Amenity and Parking matters.

- 6.2.1. The Council is in the process of adopting [subject to the Local Plan Inspector] policy P1 which sets out local parking standards for new housing. The application site lies just within zone 2, so for 2 bed flats 1.5 spaces are required, plus an additional space per 5 flats. On this basis 36 spaces are required in the development. The applicant is actually providing in excess of this at 47 spaces so this is 11 more than is “required”. On this basis, given the sustainable location of the site, it is difficult to give much weight to local resident objections to the lack of parking in the area.
- 6.2.2 Secondly, concerns have been raised by the potential for increased overlooking caused by the new housing on the south elevation facing existing plots 33 - 37. The proposed separation between these dwellings and the new plots to the north will be 16m. Whilst this is 5m less than the normal “back to back” distance of 21m the planning merits differ in that no private space is involved such as rear gardens. Indeed there is no best practice guidance of “front to front” distance that the officer is aware of and so given the lack of any privacy being compromised by the generous 16m distance, officers have concluded that again on this issue the scheme layout is acceptable, i.e. amenity will not be harmed as such.

## 6.3 CIL and s106 issues.

- 6.3.1 The Education Section has confirmed that should the application be approved, no additional contributions will be required over and above CIL payments. The latter will be approximately £534,000 from the development, bearing in mind that all the affordable units are exempt from such payments. Finally, in order to obtain the affordable units a s106 obligation will be required to be entered into by the applicants. They have stated already in writing that they are willing to do so. It is of course important for this to be secured, since as the permission will not be personal to the applicant and since the officer recommendation is made on the basis that the additional four units are to be supplied, the obligation must be completed prior to any approval.

## **7.0 CONCLUSION**

- 7.1.1. All planning applications must be determined on the basis of the three tenets of sustainability as advised in the NPPF. In economic terms the Committee need to be aware that if the application is approved it will result in the loss of an employment site of 0.24ha and an office permission of 1500m<sup>2</sup>. This potentially would have employed many people, if it had been built out and occupied. [perhaps 75 persons]. This would have been of economic benefit to the town. So the economic impact will be potentially negative. However, in social terms 11 affordable units are to be provided which is a substantial

advantage of the proposal. Finally in environmental terms, not only is the physical form, layout and design of the scheme satisfactory, but it will mean the quick re-use of a vacant site, presently unsightly, which could have remained unused for many years hence. So this aspect is positive.

- 7.1.2 The planning issues are finely balanced, given the fact that policy CS9 must not be undermined, and the District needs to retain its employment land supply. In this case a favourable recommendation is justified however, given the foregoing balance of planning issues to be addressed, having due regard to not only local adopted policy but also that in the NPPF. The application will have to be taken to the District Committee, given that it is a formal departure from the Development Plan.

## **8. RECOMMENDATION.**

**The Western Area Planning Committee resolves to recommend the application for approval to the District Planning Committee with a s106 obligation attached to achieve the 50% affordable housing and relevant conditions as noted below.**

### **CONDITIONS.**

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

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015.

2. The Development shall be carried out in strict accord with the following plan numbers - H3642/ 100 ReV D, h3642/rp/04/Rev A, H3642/RP/05 Rev A, H3642/AH/01.

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

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

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

Reason: In order to protect the amenities of surrounding residents in accordance with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

5. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the refuse 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).

6. No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers in accord with the advice in the NPPF of 2012.

7. No development shall commence until a scheme of sound insulation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the sound insulation of the dwellings against all sources of external noise and the scheme shall be implemented before the development is first occupied. This relates in particular to the bus depot to the east of the application site.

Reason: In the interests of the amenities of the occupants of the building and in accordance with saved policy OVS.6 of the West Berkshire District Local Plan 1991-2006.

8. The development shall not be occupied until a 1.8m high imperforate wall has been erected along the whole of the eastern boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved wall shall thereafter be retained and maintained at the height and position as approved.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties (from noise) in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006.

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the points 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwater and surface waters,

- ecological systems,

- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

## 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accord with the advice in the NPPF of 2012.

10. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This

condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

11. 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).

12. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: In the interest of highway 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).

13. The clearance height within the undercroft shall not be less than 2.6m.

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

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

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

15. 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).

**INFORMATIVE:**

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

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

- 2 This planning permission must be read in conjunction with a s106 legal agreement dated the vvvvv. You are advised to make yourself aware of the contents.

DC



**WESTERN AREA PLANNING COMMITTEE  
ON 10 AUGUST 2016**

**UPDATE REPORT**

**Item No:** (2)                      **Application No:** 16/00657/FULEXT                      **Page No.** 23 - 34  
**Site:** Land at Former Travis Perkins, Carpenters Close, Newbury

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**Planning Officer Presenting:** Michael Butler

**Member Presenting:** N/A

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**Parish Representative speaking:** Councillor Dave Goff

**Objector(s) speaking:** N/A

**Supporter(s) speaking:** N/A

**Applicant/Agent speaking:** Mr Andrew Lehmann - David Wilson Homes

**Ward Member(s):** Councillor Dennis Benneyworth  
Councillor James Fredrickson

**Update Information:**

Amended CIL figure based on updated floorspace figures of net gain of 651m<sup>2</sup> for the market housing only is £48,825.

For clarity in para 6.2.2 there is no best practice guidance for "front to front" minimum distances but the case officer is satisfied that the 16m distance noted is entirely acceptable, having regard to local amenity.

DC

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## **Extract From the Minutes of the Western Area Planning Meeting on the 10 August 2016**

*(Councillor Jeff Beck declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a member of Newbury Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to take part in the debate and vote on the matter).*

*(Councillor Paul Hewer declared an interest in Agenda Item 4 (2), by virtue of the fact that his employer, Sovereign Housing, was the affordable housing provider for the site, and reported that, as his interest was personal and prejudicial and a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter.*

*(Councillor Paul Hewer left the meeting at 7.18pm.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 16/00657/FULEXT in respect of Land at former Travis Perkins site, Mill Lane, Newbury.

In accordance with the Council's Constitution, Councillor Dave Goff, Parish Council representative and Andrew Lehmann, applicant's agent, addressed the Committee on this application.

Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. The application site was vacant land adjacent an existing housing development of 37 dwellings, now completed and occupied, to the south. The site abutted Mill Lane to the north and would derive access from that route. The site currently had an extant planning permission for a two storey office building of 1500m<sup>2</sup> which had not been implemented. It was proposed to erect 22 dwellings on the site up to 3 storeys in height, 11 of which were to be affordable [50%]. It would be associated with 44 parking spaces, two per unit, with 3 visitor spaces adjoining the principal roadway into the site. The buildings would be relatively contemporary in design as the elevations indicated. No external open space was to be provided, but bin stores and cycle stores were to be laid out on the site. All the dwellings would be 2 bedroomed.

In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers on balance recommended the Committee recommend that the District Planning Committee grant planning permission.

Councillor Hillary Cole noted the recommendation to refer the decision to the District Planning Committee and questioned whether the Eastern Area Planning Committee were subject to the same requirements. Derek Carnegie advised that he would draw attention to the need to apply recommendation uniformly but for this particular application and the implication on the District's employment land supply, officers considered they needed to be consistent with previous decisions of this Committee.

Councillor Hillary Cole asked what the current employment land supply number was. Derek Carnegie advised that the number was fluid and the Planning Policy team monitored the situation.

Councillor Jeff Beck referred to condition eight and questioned the purpose of the wall. Michael Butler advised that the wall would have acoustic suppression properties to minimise the impact on residents of the neighbouring bus depot.

Councillor Howard Bairstow challenged the recommendation to build more town centre housing and reduce the amount of town centre office accommodation for residents to work in. He also asked what consideration had been given to the impact on traffic. Michael Butler advised that colleagues in the Highways team recognised that if the site was used for an office, there might be 60-70 employees which would generate a significant amount of traffic at peak times. On balance they had concluded that residential accommodation, with a generous parking allowance, would be preferable to offices. Gareth Dowding further commented that the traffic generated by an office would travel in the opposite direction to traffic generated by housing. It was likely that journeys to an office would occur at the same time, whereas journeys from housing were likely to be more staggered. The location of the site was sustainable and close to local transport links.

Councillor James Cole noted that an objector had commented at the site visit that there were already problems with the parking management and asked what measures could be put in place. Gareth Dowding advised that the road was not at present going to be adopted so the Council would not be able to impose restrictions.

Councillor Goff in addressing the Committee raised the following points:

Newbury Town Council had concerns about the loss of office accommodation from the town centre but recognised that the applicant had taken all steps to market the site for commercial use.

The 50% level of affordable housing was welcomed.

The concerns regarding traffic still needed to be addressed.

Mr Lehmann in addressing the Committee raised the following points:

The site much planning history after David Wilson Homes took ownership of the site in 2007.

In 2013 an application was made for 37 dwellings and 1500m<sup>2</sup> of B1 office space over two blocks. In 2014 an amended application for one block and housing was submitted; it was conditioned that the office space had to be completed before the housing could be built.

The site had been actively marketed for commercial use since 2007, with no interest.

In 2015 the office phasing condition was removed and 37 dwellings were erected.

The applicant's own reports demonstrated that there was over provision of office space in Newbury town centre.

The application for 22 dwellings was submitted and after negotiation the applicant was offering 50% affordable housing.

The application included 44 parking spaces and 5 visitor spaces.

The application, if approved, would provide much needed housing on a brownfield site.

It was difficult to market the site commercially because the 7.5 tonne weight restriction on the road deterred potential buyers.

Councillor Beck asked why the road was not offered to the Council for adoption. Mr Lehmann advised that it had been designed to an adoptable standard but David Wilson Homes did not always choose to pursue road adoption.

Councillor James Cole enquired upon the adequacy of the parking provision, in light of the comments heard at the site visit. Mr Lehmann responded that the road met the required standards but it would be difficult to control unauthorised parking. Councillor Hillary Cole expressed her surprise to hear this as she understood many measures were available to control parking.

Gareth Dowding explained that the road was designed to an adoptable standard but due to a technical issue with drainage it would not comply with the section 38 requirements under the Highways Act 1980. Parking restrictions on a private road could be determined by the land owner.

Mr Lehmann responded that the application included sufficient parking spaces and they did not envisage an issue, but would consider yellow lines if the Committee insisted. Michael Butler clarified that the Committee were not able to apply conditions and in any event the road was outside the red line of the development. He added that the Committee should consider the merits of the application irrespective of the landowner and their approach to parking management. This was because the permission if issued, was not a personal one to any specific company.

Commencing the debate, Councillor Bryant raised the point that residents on a private road might be disadvantaged regarding the services they received but that would not be an issue for the Committee to consider. He went on to opine that the Committee were in a difficult situation and the Local Plan was being compromised by these sorts of decisions. There was a clear need to update the Local Plan to ensure the supply of employment land was appropriate.

Councillor Hillary Cole welcomed the contribution of 50% affordable housing which compensated for the loss of commercial land. She was conscious that much of the land surrounding the site was used for housing and the Council needed to identify quality employment land for future use. The applicant had done what they could to market the site and this application was preferable to leaving the site derelict. Councillor Hillary Cole proposed that the Committee approve officer recommendation to recommend the application to the District Planning Committee for approval; this was seconded by Councillor Bryant.

Councillor James Cole expressed the view that the particular site was more suited to be housing, despite the policy contravention.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Hillary Cole as seconded by Councillor Bryant. At the vote the motion was carried unanimously.

**RESOLVED that** The Western Area Planning Committee recommend approval of the application to the District Planning Committee subject to the following conditions:

**Conditions**

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

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015.

2. The Development shall be carried out in strict accord with the following plan numbers -H3642/ 100 ReV D, h3642/rp/04/Rev A, H3642/RP/05 Rev A, H3642/AH/01.

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

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

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

Reason: In order to protect the amenities of surrounding residents in accordance with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

5. No development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the refuse 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).

6. No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers in accord with the advice in the NPPF of 2012.

7. No development shall commence until a scheme of sound insulation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the sound insulation of the dwellings against all sources of external noise and the scheme shall be implemented before the development is first occupied. This relates in particular to the bus depot to the east of the application site.

Reason: In the interests of the amenities of the occupants of the building and in accordance with saved policy OVS.6 of the West Berkshire District Local Plan 1991-2006.

8. The development shall not be occupied until a 1.8m high imperforate wall has been erected along the whole of the eastern boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

The approved wall shall thereafter be retained and maintained at the height and position as approved.

Reason: To protect the amenity and privacy of the occupiers of adjoining properties (from noise) in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006.

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the points 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwater and surface waters,

- ecological systems,

- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

If required:

### 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accord with the advice in the NPPF of 2012.

10. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.



Reason: In the interests of visual amenity in accordance with Policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

11. 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).

12. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: In the interest of highway 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).

13. The clearance height within the undercroft shall not be less than 2.6m.

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

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

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

15. 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).

**INFORMATIVE:**

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

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

2 This planning permission must be read in conjunction with a s106 legal agreement dated the vvvvv. You are advised to make yourself aware of the contents.

# Agenda Item 4.(2)

<b>Item (2)</b>	<b>16/00971/OUTD</b>
<b>Title of Report:</b>	<b>Delamere Stables, Baydon Road, Lambourn. Outline application for demolition of existing dwelling and erection of three dwellings. Matters to be considered – Access and layout.</b>
<b>Report to be considered by:</b>	District Planning Committee
<b>Date of Meeting:</b>	28 <sup>th</sup> September 2016
<b>Forward Plan Ref:</b>	N/A

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00971/OUTD>

**Purpose of Report:** For the District Planning Committee to determine the above application.

**Recommended Action:** The Western Area Planning Committee, at its meeting on 20<sup>th</sup> July 2016, recommended that the application be approved subject to conditions.

**Reason for decision to be taken:** The application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026.

**Key background documentation:** Western Area Planning Committee on 20<sup>th</sup> July 2016.  
Agenda Report and minutes, plus update sheet.  
Application file 16/00971/OUTD.

## Key aims.

Focus development within established settlement limits.  
Achieve sustainability in Council planning decisions.

The proposals contained in this report have to be considered in order to help to achieve the above Council Strategy as set out in the 2013 to 2018 document.

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole
<b>E-mail Address:</b>	Hilary.Cole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	To be advised.

<b>Contact Officer Details</b>	
<b>Name:</b>	Derek Carnegie
<b>Job Title:</b>	Team Leader (West)
<b>Tel. No.:</b>	01635519111
<b>E-mail Address:</b>	Derek.Carnegie@westberks.gov.uk

### **Implications**

**Policy:** Core Strategy Policies – ADPP1, ADPP5, HSG1 of the Local Plan and C1 of the draft Housing Site Allocations DPD.

**Financial:** If approved the Council will receive CIL payments via the scheme, plus new homes bonus and additional rates / Council tax per annum.

**Personnel:** N/A

**Legal/Procurement:** N/A

**Property:** N/A

**Risk Management:** N/A

**Equalities Impact Assessment:** N/A

## **EXECUTIVE SUMMARY**

### **1. INTRODUCTION**

1.1 At the Western Area Planning Committee meeting on 20<sup>th</sup> July 2016, the Committee considered an agenda report for an application to demolish the existing dwelling on the site and replace it with three two-storey terraced dwellings with associated parking and amenity space together with a revised access arrangement from the Baydon Road, Lambourn.

1.2 The site is located outside of a settlement boundary as defined by the Local Plan Proposals map and is therefore located in open countryside. The Council is able to demonstrate a 5 year housing land supply in accordance with paragraphs 47 - 49 of the National Planning Policy Framework. Accordingly the relevant policies relating to the supply of housing are deemed to be up to date and given full weight. The West Berkshire Core Strategy 2006-2026, seeks to direct new development in accordance with the settlement pattern with most development taking place within settlements defined within the hierarchy as directed by Policy ADPP1. The explanatory text to Policy HSG.1 West Berkshire District Local Plan Saved Policies 2007 states that outside settlement boundaries, development will only be acceptable in exceptional circumstances. Policy CS1 of the Core Strategy states that new homes will be primarily developed on: suitable previously developed land within boundaries, other suitable land within settlements, strategic sites and broad locations identified on the Core Strategy Key Diagram and land allocated through the Site Allocations DPD. The Proposed Submission Version of the Housing Site Allocations Development Plan Document has been submitted for examination (commencing June 2016). It is therefore at an advanced stage of

preparation. Policy C1 of the draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document states that there is a presumption against new residential development outside of settlement boundaries, exceptions to this are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extensions to or replacement of existing residential units. It is noted the proposed site is still outside of the revised settlement boundaries as a result of housing allocations.

- 1.3 The proposed three dwellings do not meet with these criteria and as such their proposal is not in conformity with the current statutory development plan which comprises policies in the West Berkshire Core Strategy 2006 – 2026, July 2012, those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 and the Proposed the Housing Site Allocations Development Plan Document.

## 2. CONCLUSION

- 2.1 Bullet point 1 of paragraph 17 in the NPPF [Core planning principles], notes that inter alia, planning should be genuinely plan led, and should be kept up to date. In this instance, the Western Area Committee consider that the present application should be approved, given the benefits arising, identified above, that is, the harm to Core Strategy Policy ADPP1 will be minimal, and it will not be undermined in regard to any subsequent applications for housing on similar sites in the District. In addition, it is a long held tenet of planning advice, and indeed legislation, that every application must be treated on its own individual planning merits.

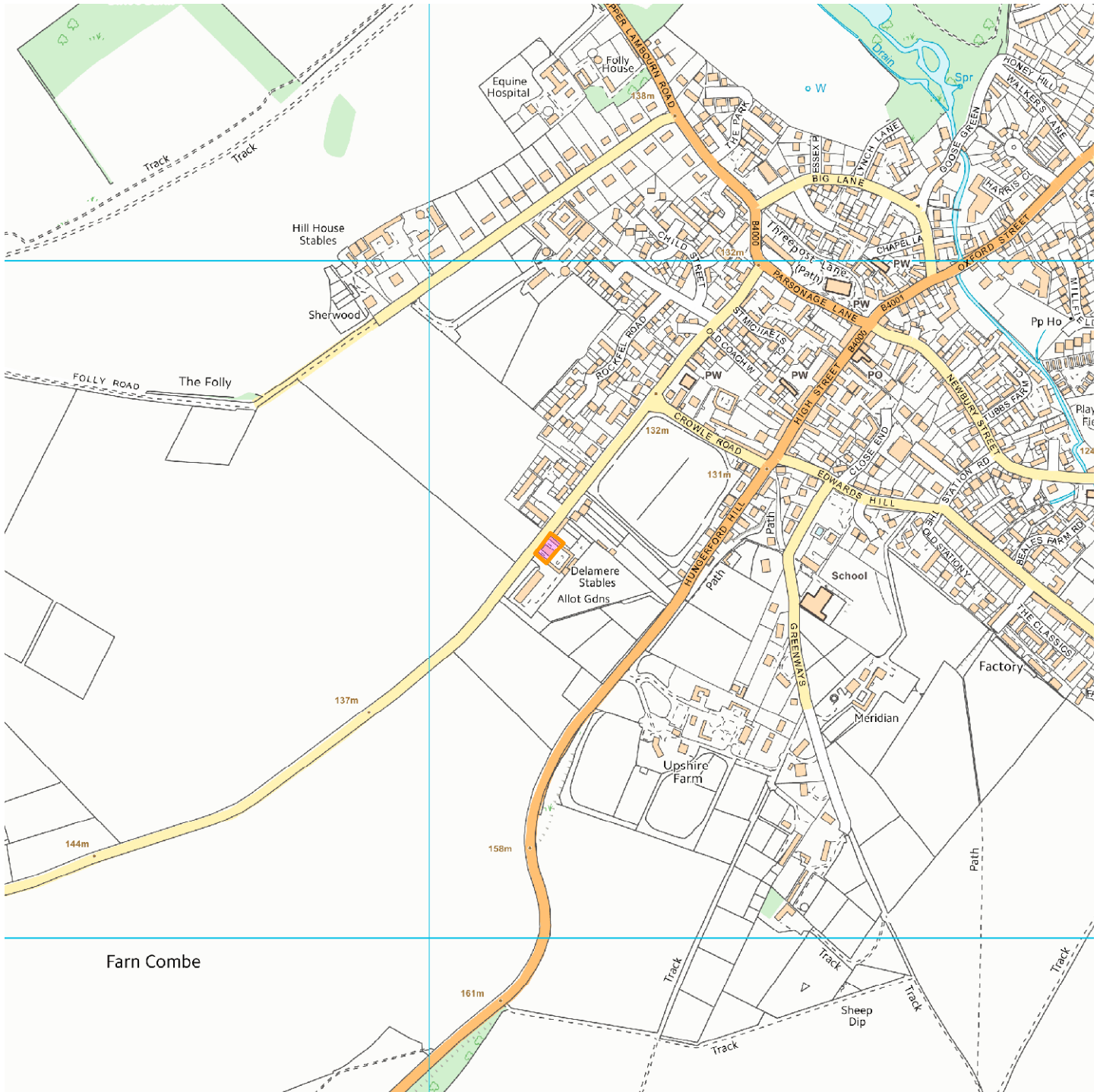
## 3 RECOMMENDATION

- 3.1 That the District Planning Committee **REFUSES** planning permission to planning application 16/00971/OUTD for the reasons set out in the Western Area Planning Committee Agenda Report of 20<sup>th</sup> July 2016.

## APPENDICES

- 1 WAP Committee Report of 20<sup>th</sup> July 2016
- 2 Update report to WAP on 20<sup>th</sup> July 2016
- 3 Minutes of meeting held on 20<sup>th</sup> July 2016
- 4 Lambourn Settlement Boundary DC

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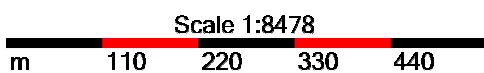
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	
<b>Date</b>	07 July 2016
<b>SLA Number</b>	0100024151



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<b>Item No</b>	<b>Application No. and Parish</b>	<b>8/13 week date</b>	<b>Proposal, Location and Applicant</b>
(1)	16/00971/OUTD  Lambourn Parish Council	2 <sup>nd</sup> June 2016	Outline application for demolition of existing dwelling and erection of three dwellings. Matters to be considered: Access and Layout.  Delamere Stables, Baydon Road, Lambourn, Hungerford  Mr A Hallows

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/00971/OUTD>

**Recommendation Summary:** To **DELEGATE** to the Head of Planning and Countryside to **REFUSE PLANNING PERMISSION**

**Ward Members:** Councillor Graham Jones

**Reason for Committee determination:** Call in by Councillor Graham Jones – Reason: To understand the yard's geography in relation to racing facilities and to discuss the viability of the stables as a racing establishment.

**Committee Site Visit:** 14th July 2016

**Contact Officer Details**

**Name:** Samantha Kremzer  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519111  
**Email:** Samantha.kremzer@westberks.gov.uk

## 1. RECENT PLANNING HISTORY

- 14/01329/MDOPO** Modification of planning obligation of approved application 154152. Refused on 29/10/2014,  
**Appeal Dismissed** on 17/12/15
- 14/01328/OUT** Outline application for proposed reconfiguration and refurbishment of yard comprising of demolition of boxes and construction of new stable blocks and horse walker. Matters to be considered: Access and Layout.  
**Approved** on 27/10/2014
- 15/00482/OUT** Section 73: Variation of Conditions (3) - Racing industry use and (4) - Occupation of dwellings of approved reference 14/01328/OUT.  
Refused on 19/06/2015,  
**Appeal Allowed** on 17/12/15
- 15/00487/MDOPO** Modification of obligation which relates to 154152 - Clause to be modified: The First Schedule - Increase area of land to house (which is excluded from agreement).  
Refused on 19/06/2015,  
**Appeal Allowed** on 17/12/15
- 15/02352/MDOPO** Modification of obligation which relates to 154152 - clause to be modified - the first schedule - Increase area of land to house (which is excluded from agreement).  
**Refused** on 06/11/2015
- 15/02354/OUTD** Demolition of existing house and replacement with four dwellings - matters to be considered access and layout.  
**Refused** on 06/11/2015
- 15/02391/FUL** Redevelopment of Delamere Stables to provide enhanced facilities, generally in accordance with approved outline planning consent 14/01328/OUT.  
**Approved** on 29/01/2016

## 2. PUBLICITY

- 2.1 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) requires that the application be publicised by giving requisite notice.

A site notice was displayed on 4th May 2016 and expired on 25<sup>th</sup> May 2015. Neighbour notification letters have been sent to ten (10) neighbours.

The authority has therefore discharged and exceeded the statutory requirement to publicise applications in accordance with the DMPO.

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

**Lambourn Parish Council:** No objection. Concern over the lack of progress on the comprehensive redevelopment of the site.

## Highways:

**ACCESS** - According to the Technical Note (TN) at Point 3.6, visibility splays of 2.4 metres x 15 metres can be provided to the right when exiting the proposed access to the nearside carriageway edge. An off-set is not considered appropriate in this location due to the potential for cyclists to be utilising this road. According to Table 7.1 *Manual for Streets* a splay of 15 metres is the equivalent of vehicles travelling at 13 mph, a speed which a cyclist could also exceed. Vehicle speeds are clearly significantly greater than this.

To the left, an improved splay of 2.4 metres x 46.5 metres (point 3.9 of the TN) can be provided which is welcomed.

Forward visibility is good in the vicinity of the site.

It is proposed that the access width will be 5.5 metres. This is considered to be appropriate for the vehicles that will be required to utilise it.

Whilst I accept that this layout is as per the approved applications for the stables, this current proposal sees an opportunity to move the access further south-westwards which would improve the splay to the north-east. This is particularly relevant given that vehicles and cyclists approaching from this direction will be approaching on this side of the carriageway. I would still therefore request the applicant considers modifications to the existing access for Delamere House to serve this development to further improve highway safety.

**VEHICLE MOVEMENTS** - It has been estimated within the TN that each of the proposed dwellings could generate around 7 vehicle movements per day – total of 21. This figure is accepted. This is greater than the vehicle movements would be for Delamere House.

However when considering the site as a whole (blue line plan) and the overall use of the access, I generally accept the figures submitted for the previous and proposed uses as outlined in Tables 1 and 2 of the TN, and accept that the level of movements for the previous use as a fully operating Racehorse Training Establishment (RTE) and the proposed new mixed use are likely to be comparable.

It would be difficult to object on this basis.

**CAR PARKING AND CYCLE STORAGE** - In accordance with West Berkshire Council's latest guidance note (copy attached), each 3-bed dwelling in this location (Zone 3) must be provided with 2.5 car parking spaces – total 7.5. As 7 spaces are proposed, this is accepted as a slight relaxation on this.

A shed should be provided within each of the rear gardens for cycle storage. Each store must be able to accommodate a minimum of 2 bicycles. This could be conditioned.

**SUMMARY** - Given the supporting information on vehicle movements for the previous and proposed uses as outlined within the TN I accept that, if the RTE was operating at capacity, the vehicle movements could be comparable. I accept it may therefore be difficult to object to the use of the proposed access as already approved under planning applications 14/01328/OUT and 15/02391/FUL.

I am still concerned about the visibility splay to the north-east. To the nearside carriageway edge a distance of 15 metres is achievable which is the equivalent of vehicles and cyclists travelling at 13 mph. This is clearly not the case in this location. For this site there is an alternative that would improve visibility in this direction. I would request the applicant re-considers the provision of this access further south-westwards, in the location of the existing access for Delamere House, in the interest of highway safety.

**Environmental Health:**

Even with the revised site layout and for the protection of nearby occupiers, the applicant would need to mitigate against dust during demolition and noise during construction.

No objection subject to either a work to a Construction Management Plan or adhere to conditions relating to working hours and dust mitigation measures conditions.

**Ecology:**

No comments to date (8/7/16)

**Ecology from application 15/02354/OUTD:**  
received 15/10/15

I have read the Bat Survey Reports dated 20/8/15 and 3/9/15 for this site by Cotswold Wildlife Surveys. I have considered the implications of this application against The Conservation of Habitats and Species Regulations 2010 I consider that subject to the application of the following conditions, the actions authorised will not be detrimental to the maintenance of the species concerned at a Favourable Conservation Status in their natural range. If you have any queries, please get back to me.

**Waste Management:**

No objection. The application raises no concerns with regard to the storage and collection of refuse and recycling; the proposed new properties have a curtilage on the public highway at Baydon Road.

**Thames Water:**

No objection subject to informative.

### 3.2 Representations

One letter of representation was received outlining the following points:

It is acknowledged that the current application relates closely to the details of permission 14/01328/OUT, for the alterations to the stables. The alternations included the removal of the stables nearest to the highway, and new stabling provided to replace the removed element. Should the proposed residential development be allowed, this shall occupy the area where the stables identified for removal stand. It is important that should the removal of the stables take place, that they are fully replaced in accordance with 14/01328/OUT and therefore a condition should be placed on this application that requires the replacement stables to be constructed prior to the implementation of this application to ensure the provision of horseracing industry facilities is retained throughout.

Should planning permission be granted for the proposed development, consideration should be given to the construction phase of the development. Demolition of buildings and construction work will lead to noise, dust and safety concerns, with the training yard being especially sensitive to these matters. A Construction Phase Management Plan should be required by condition, and fully account for the sensitive nature of the wider site.

## 4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan comprises policies in the West Berkshire Core Strategy 2006 – 2026, July 2012 and those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007.
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
  - The National Planning Policy Guidance (March 2014) (NPPG) is as a web-based resource (<http://planningguidance.planningportal.gov.uk/blog/guidance/>). The Planning Practice Guidance is a material consideration for all planning decisions.
  - By Design: urban design in the planning system: towards better practice (DETR/CABE)
  - Manual for Streets (DfT; March 2007)
  - Manual for Streets 2 (DfT; September 2010)
  - The Wildlife and Countryside Act 1981 (as amended).
  - The Conservation of Habitats and Species Regulations 2010.
  - North Wessex Downs AONB Management Plan (2014-2019)
- 4.3 The West Berkshire Core Strategy was adopted on 16 July 2012 and carries full weight in decision-making as a development plan document adopted since the publication of the Framework. The following policies from the Core Strategy are relevant to this application:
- NPPF Policy
  - ADPP1: Spatial Strategy
  - ADPP5: North Wessex Downs Area of Outstanding Natural Beauty
  - CS1: Delivering New Homes and Retaining the Housing Stock
  - CS4: Housing Type and Mix
  - CS5: Infrastructure Requirements and Delivery
  - CS10: Rural Economy
  - CS13: Transport
  - CS14: Design Principles
  - CS15: Sustainable Construction and Energy Efficiency
  - CS16: Flooding
  - CS17: Biodiversity and Geodiversity
  - CS18: Green Infrastructure
  - CS19: Historic Environment and Landscape Character
- 4.4 The following policies from the West Berkshire District Local Plan, Saved Policies 2007 are relevant to this application:
- HSG1: The Identification of settlements for Planning Purposes
  - TRANS.1: Meeting the Transport Needs of New Development
  - OVS.5: Environmental Nuisance and Pollution Control
  - OVS.6: Noise Pollution
  - ENV.23: Replacement Dwellings in the Countryside
- 4.5 According to Paragraph 216 of the NPPF, decision-takers may also give weight to relevant policies in emerging plans according to: (1) the stage of preparation, (2) the extent to which there are unresolved objections to relevant policies, and (3) the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. The Local Development Scheme (LDS) provides a timetable for the preparation of emerging development plan documents.

4.6 The emerging Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of new West Berkshire Local Plan. It will allocate non-strategic housing sites and sites for Gypsies, Travellers and Travelling Showpeople, and will provide update residential parking standards and a set of policies to guide housing in the countryside. The Proposed Submission Version of the HSA DPD has been submitted for examination (to commence June 2016). According to the LDS, adoption anticipated for November 2016. It is therefore at an advanced stage of preparation. The following policies from the HSA DPD are relevant to this development:

- C1: Location of New Housing in the Countryside
- C3: Design of Housing in the Countryside
- P1: Parking Standards for New Residential Development

4.7 In addition, the following locally adopted policy documents are relevant to this application:

- West Berkshire Supplementary Planning Document Series: Quality Design (SPDQD), (June 2006)
- West Berkshire Supplementary Planning Document: Quality Design: Part 1 Achieving Quality Design
- West Berkshire Supplementary Planning Document: Quality Design: Part 2 Residential Development
- West Berkshire Supplementary Planning Document: Quality Design: Part 4 Sustainable Design Techniques
- West Berkshire Supplementary Planning Document: Delivering Investment from Sustainable Development

## **5. DESCRIPTION OF DEVELOPMENT**

5.1 This application seeks planning permission for the demolition of the existing 4 bedroom Delamere house, with the dwelling being replaced by three 3 bedroom dwellings. The only matters to be considered as part of this outline application are: the principle of development, access and layout, with all other matters (appearance, landscaping and scale) reserved for later approval.

5.2 The site is located to the south west of Baydon Road in Lambourn. It is situated outside of the defined settlement boundary for Lambourn, within the open countryside and North Wessex Downs Area of Outstanding Natural Beauty (AONB), open countryside can be viewed to the north, west and south. The existing dwelling is a detached pitched roof property which is characterised by small rear, side and front garden areas with car parking spaces situated within the rear of the site. The properties within Derby Close to the north of the site are located within the defined settlement boundary for Lambourn, whilst the existing properties located to the east of the site Nos. 35 – 45 Baydon Road are also located outside the settlement boundary.

5.3 The proposed development comprises an area of land containing the main Delamere Stables house and existing stables to the west and the east of the site (now partially demolished). It should be noted that application 15/00487/MDOPO was allowed on appeal for the modification of obligation relating to existing stables to the west and the east of the site, (these are now excluded from agreement with the stable yard). The proposed dwellings will face onto Baydon Road and will have access to the rear gardens from a proposed pathway. The outline of the existing dwelling is shown on the Proposed Site Plan, which also shows an outline of the stables to be demolished to the west and east of the main house outline.

- 5.4 It is proposed that the existing access onto the Delamere Stables yard will be widened to provide access onto a new parking area that will serve the proposed dwellings. The layout indicates a total of 7 parking spaces located to the east of the proposed dwellings.
- 5.5 The application follows an approved outline application: 15/02391/FUL which proposed for the demolition/removal of a number of existing loose boxes, reconfiguration of other existing blocks, 8 new stables including 4 stables within a two storey barn. A horse walker is also proposed within the small paddock and internal alteration of the staff flat. The proposals will create a yard with approximately 17 loose boxes. The proposals to the annex and the cottage include a first floor rear extension incorporating two rear gable features.
- 5.6 The area to the south of Delamere house is not being considered as part of this application, however it has been shown on the Proposed Site Plan for the purposes of completeness and to illustrate how the whole site is proposed for redevelopment.

## **6. CONSIDERATION OF THE PROPOSAL**

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

- The principle of the development,
- The impact on the character and appearance of the site and the North Wessex Downs AONB,
- The impact upon neighbouring amenity,
- On-site amenity and facilities,
- Impact on Highways (safety and use),
- Flood risk and drainage,
- Ecological impacts and biodiversity enhancements,
- Community Infrastructure Levy,
- Sustainable Development,

### **6.1 Principle of the development**

- 6.1.1 The application site is located outside the defined settlement boundary for Lambourn, for planning purposes the site is considered to be located in open countryside within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Core Strategy Policy ADPP1 states that only appropriate limited development in the countryside will be allowed focused on addressing identified needs and maintaining a strong rural economy.
- 6.1.2 Planning Policy ADPP1 of the West Berkshire Core Strategy 2006 - 2026 (WBCS) designates Lambourn as a Rural Service Centre with a settlement boundary within its district settlement hierarchy. These are areas suitable for only limited infill development subject to the character and form of the settlement. The site for development is situated outside of the village settlement boundary and is therefore located within the open countryside.
- 6.1.3 Planning Policy ADPP5 of the Core Strategy re-emphasises Policy ADPP1. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty in which Lambourn is located. Policy ADPP5 permits such development providing it preserves the surrounding environment. It seeks to conserve and enhance the character of the area, ensuring that any development responds positively to the local context.
- 6.1.4 The North Wessex Downs AONB covers 74% of West Berkshire and makes a significant contribution to the uniqueness of the District. The settlement pattern will be maintained as both distinctive and ancient with a small and dispersed population within villages and small towns that have a strong sense of identity.

- 6.1.5 Policy ADPP5 states that Lambourn will be a busy working village that serves as the heart of one of the most important areas for horseracing in the country. As a key service centre for the surrounding rural area it will continue to provide a range of employment, shops and facilities for the local community whilst being well connected via public transport to Swindon and Newbury. A modest level of housing growth will have maintained the viability of services and contributed towards the housing needs of the local people and the local economy whilst respecting the historic built environment and unique character associated with the horseracing industry.
- 6.1.6 Planning Policy CS1 of the WBCS sets out the Council's approach to delivering new homes and retaining the housing stock. It states that provision will be made for the delivery of at least 10 500 net additional dwellings and associated infrastructure over the period of 2006 to 2026. New homes will be located in accordance with the settlement hierarchy outlined in Policy ADPP1. It states that there should be no net loss from the existing stock of homes in West Berkshire whilst new homes will be primarily developed on suitable previously developed land within settlement boundaries
- 6.1.7 Planning Policy HSG1 of the Local Plan states that new housing will normally be permitted within the identified boundary of Lambourn. The development is located outside of a settlement boundary within the open countryside. The development is therefore contrary to Policy HSG1 which states that development outside of settlement boundaries will only be acceptable in exceptional circumstances.
- 6.1.8 Policy C1 of the draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document states that there is a presumption against new residential development outside of settlement boundaries, it is noted the proposed site is still outside of the revised settlement boundaries as a result of housing allocations stemming. Exceptions to this are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extensions to or replacement of existing residential units.
- 6.1.9 The first core planning principle in the NPPF is that planning should be genuinely plan-led, empowering local people to shape their surroundings. In view of the above, the principle of development is unacceptable. The site is located within the open countryside which is outside of a defined settlement boundary. The net increase of two additional dwellings is unacceptable in this rural location. The proposed development is therefore considered unsustainable within this rural area and contrary to Policy ADPP1, ADPP5 of the Core Strategy, HSG1 of the Local Plan and Policy C1 the draft Housing Site Allocations DPD.

## **6.2 Impact upon the character and appearance of the site and conservation area**

- 6.2.1 The NPPF states that good design is indivisible from good planning and attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. The NPPF also adds that the visual appearance is a very important factor and that securing high quality and inclusive design goes beyond aesthetic considerations.
- 6.2.2 The NPPF is clear that local planning authorities should look to significantly boost the supply of housing in line with the principles of sustainable development. However the NPPF is consistent with local planning policy in that it advises at Paragraph 55 against new isolated homes in the countryside unless there are special circumstances. Special circumstances could include the exceptional quality of innovative nature of design of the dwellings. To qualify, such a design should:



- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

- 6.2.3 A proposed development must pass all of these tests to qualify as an exception countryside dwelling under Paragraph 55. It is considered that as the proposed development is at outline stage the first two tests cannot be fully assessed as there is insufficient detail with this type of application to assess outstanding or innovative design and high standards of architecture. In terms of the remaining two tests, the proposal is considered to fail to significantly enhance the character and appearance of the immediate area, as the proposed dwellings would significantly alter the character and appearance of the Baydon Road street scene which is located within a designated AONB. The street scene along Baydon Road is well established and defined by the Delamere House and the adjacent cottages. The front elevations of the proposed dwellings will increase the front building line along the street scene creating a visual intrusion to the detriment of the character of the area.
- 6.2.4 Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are also relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.2.5 Policy CS 19 Historic Environment and Landscape Character outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.2.6 The Council has adopted a Supplementary Planning Document (SPDQD) series entitled Quality Design. Part 2 of the SPDQD provides detailed design guidance on residential development. The proposed layouts for the 3.No dwellings are considered to be of unsympathetic design that fails to respect and enhance the character of the area which is located within the North Wessex Down AONB. SPDQD part 2 indicates that respecting the physical massing of an existing residential area is a critical part of protecting residential character. The physical bulk of buildings should be considered in terms of their footprint, length, width and height, matters of footprint, length and width are relevant in terms of considering the layout of the development.
- 6.2.7 The existing dwelling has a footprint of approximately 154.4 square metres and the combined footprints for Plot 1, Plot 2, Plot 3 and Plot 4 is approximately 164.8 square metres. Whilst the increase in the overall footprint on the site is only approximately 10.4 square metres, which is minimal, there is an overall material increase in the built form within the street scene along Baydon Road. The existing Delamere House presents a modest 10.2 metre front building line, providing an important hinterland which helps to soften existing built form's transition to the land outside of the settlement boundary and makes a vital contribution to the character and amenity of the AONB. Whereas the proposed dwellings will increase the front building to 20.6 metres. The proposal therefore fails to accord with the Supplementary Planning Document (SPDQD) series entitled Quality Design by failing to respect the physical massing of an existing residential area in terms of the proposed length and width of the built form.

- 6.2.8 Both Planning Policy ENV23 of the WBLP and emerging Policy C7 of the DPD concerns replacement dwellings in the countryside. There is a concern that large scale modern replacement dwellings with standardised design features are having a detrimental effect on the character of the rural area. Policy ENV23 allows for the one for one replacement of existing dwellings in the countryside providing the existing dwelling is long established, the proposed dwelling is not disproportionate in size to the dwelling being replaced, the proposed design is of a high standard and appropriate to the rural character of the area, and the development complements existing buildings within the locality. Such developments must be appropriate and sympathetic in scale, design, materials, layout and siting to the character and setting of adjoining buildings and spaces, and use landscaping to preserve the setting of the surrounding rural area.
- 6.2.9 As the application is for outline consent only the matter of layout can be considered under Policy ENV23 and C7. Whilst Policy ENV23 and C7 allow for replacement dwellings, the proposed dwellings will have an increased front building line within the street scene and will offer a terrace of dwellings that is a departure from the existing form of development and openness within the street scene along this section of Baydon Road. In addition the proposal is for the replacement of one residential dwelling with a total of three dwellings. The proposed dwellings are considered to be inappropriate and unsympathetic in design, layout and siting to the character and setting of adjoining buildings and spaces, and fail to use landscaping to preserve the setting of the surrounding rural area. It is considered that it would harm the distinct character and appearance of the AONB street scene which is defined by open countryside to the north, west and south.
- 6.2.10 In view of the above the proposed development would create a detrimental impact upon the character and appearance of the area and is therefore contrary to Policy CS14 and CS19 of the Core Strategy and Policy C7 the draft Housing Site Allocations DPD.

### **6.3 Impact upon neighbouring amenity and environmental protection**

- 6.3.1 According to the NPPF, planning decisions should ensure that the site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation.
- 6.3.2 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 also states that new development must make a positive contribution to the quality of life in West Berkshire.
- 6.3.3 **Noise disturbance, odour and insect nuisance:** The Council's Environmental Health Team has indicated that the revised layout is still in close proximity to residential properties. Therefore there is a likelihood that nearby residents could be affected by dust and noise during the development, however this could be mitigated by way of either a Construction Management Plan or conditions relating to working hours and dust mitigation measures.
- 6.3.4 **Loss of sunlight/daylight:** A loss of sunlight or daylight will not be created in this instance as the proposed dwellings are sufficiently designed in a terrace format, which will not create a harmful impact upon living conditions of neighbouring occupants.
- 6.3.5 **Overbearing impact:** The scale and height of the proposed dwellings will be assessed at the Reserve Matters stage when the matters of appearance and scale will be considered.
- 6.3.6 **Overlooking impact or loss of privacy:** The impact on overlooking and privacy of the proposed dwellings will be assessed at the Reserve Matters stage when the proposed windows and internal layout will be submitted and the appearance and scale will also be considered.

6.3.7 While Environmental Health, objected to the previous application for 4 dwellings (15/02354/OUTD) would impact on the amenity enjoyed by future occupants, it is considered that the current proposed for three dwellings' could be sufficiently controlled by way of conditions.

#### **6.4 On-site amenity and facilities**

6.4.1 Policy HSG1 requires all new residential development to have regard to the existing nature of the area surrounding the application site. The NPPF looks for good quality development which has regard to the amenity of surrounding land users and Policy CS14 seeks, amongst other things, to make efficient use of land whilst respecting the density and character of the surrounding area.

6.4.2 The Council's Supplementary Planning Document: Quality Design (SPD) states that it is essential for the living conditions of future residents that suitable outdoor amenity space is provided in residential developments. Depending on the size of the dwelling, a garden should be large enough to accommodate such features as a garden shed, washing lines and other domestic features and should allow for opportunities for sitting outside in comfort and provide reasonable privacy.

6.4.3 In accordance with the application form the proposed dwellings will be 3 bedroom properties. Plots 1 and 2 will have garden amenity space of 100-104 square metres each and Plot 3 will have a garden amenity space of approximately 98.6 square metres.

6.4.4 Although the proposed garden size for plot 3 falls just below the adopted minimum size guidelines in SPD, the regular shape would ensure that they provide sufficient opportunities for outdoor amenity and the shortfall in garden sizes is not considered to be of such an extent as to warrant refusal of the application. Further to this, the amenity space provided for the houses does look to be adequate, private and useable and as such meets the objectives of the SPD.

#### **6.5 Impact on Highways (safety and use)**

6.5.1 Road safety in West Berkshire is a key consideration for all development. As with the previous application the Council's Highways Officer expressed concern with regards the visibility splays on the proposed access, however additions information has been submitted in the form of a transport note, and while the officer has raised concern with the visibility splay to the north-east, it is not considered this is significant enough to object to the use of the proposed access as already approved under planning applications 14/01328/OUT and 15/02391/FUL.

#### **6.6 Flood risk and drainage**

6.6.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 (Flooding) strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of fluvial flooding, and is therefore appropriate for residential development. Consultation with the Environment Agency is not required for minor residential development in Flood Zone 1.

6.6.2 Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). Detailed proposals will need to be informed by site investigation works and mitigation measures, but can be approved by way of planning condition.

## **6.7 Ecological impacts and biodiversity enhancements**

- 6.7.1 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Policy CS17 also states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. **At the time of writing this report no comments have been received from the Council's Ecologist**, under the previous application (15/02354/OUTD) the comments received (15/10/15) did not raise objection to the proposal subject of conditions.

## **6.8 Community Infrastructure Levy**

- 6.8.1 Core Strategy Policy CS5 (Infrastructure) states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery. The Council has implemented its Community Infrastructure Levy (CIL) as from 1st April 2015. Planning applications which are decided on or after 1st April 2015 may be liable to pay the levy.
- 6.8.2 The proposed new build in terms of the gross internal floor space area (GIA) as defined by the Royal Institute of Chartered Surveyors (RICS) may be more than 100m<sup>2</sup>. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, residential development of 100m<sup>2</sup> or more will be liable to pay the Community Infrastructure Levy. In this instance the site is within Area of Outstanding Natural Beauty Area under which the chargeable rate would be £125 per m<sup>2</sup>.
- 6.8.3 The application will be liable to pay the Community Infrastructure Levy (CIL) for the residential development at the Reserve Matters stage.

## **6.9 Sustainable Development**

- 6.9.1 When considering development proposals the Council is required to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

At the heart of the NPPF is a presumption in favour of sustainable development, the NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.

Social dimension: It is considered that the proposal makes no significant contribution to the wider social dimensions of sustainable development, however social considerations overlap those of environmental in terms of neighbouring amenity.

Economic Dimension: the proposed redevelopment of the stable yard will maintain the Race Horse Industry and improve the on-site Equestrian facilities. It is considered that the proposed new dwellings would not make a significant contribution to the wider economic dimensions of sustainable development.

Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been assessed as part of this application. It is considered that the proposed residential development significantly impacts on the built environment and that the proposal fails to protect and enhance the prevailing pattern of development in the area which is located within the AONB and the site specifically.

For the above reasons, it is considered that the proposed development is not supported by the presumption in favour of sustainable development.

## **7. CONCLUSION**

- 7.1 The principle of the residential development is unacceptable. The site is located within the open countryside which is outside of a defined settlement boundary. The net increase of two additional dwellings is unacceptable in this rural location. There is a lack of services and infrastructure that could support the additional unit. The proposed development is therefore considered unsustainable within this rural area and contrary to Policy ADPP1, ADPP5 of the Core Strategy, HSG1 of the Local Plan and Policy C1 the draft Housing Site Allocations DPD.
- 7.2 The proposal is considered to fail to significantly enhance the character and appearance of the immediate area, as the proposed dwellings would significantly alter the character and appearance of the Baydon Road street scene which is located within a designated AONB contrary to Policies CS14 and CS19 of the Core Strategy and Policy C7 the draft Housing Site Allocations DPD.

## **8. FULL RECOMMENDATION**

**DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION**, for the reasons outlined within the reasons for refusal (Section 8.1).

### **8.1 Reasons for refusal**

#### **1. Principle of residential development within the countryside.**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is located outside of a settlement boundary as defined by the Local Plan Proposals Map. The site is therefore within an area of open countryside. The Council is able to demonstrate a 5 year housing land supply in accordance with paragraphs 47-49 of the National Planning Policy Framework. Accordingly the relevant policies relating to the supply of housing are deemed to be up to date and given full weight. The West Berkshire Core Strategy 2006-2026, seeks to direct new development in accordance with the settlement pattern with most development taking place within settlements defined within the hierarchy as directed by Policy ADPP1. The explanatory text to Policy HSG.1 West Berkshire District Local Plan Saved Policies 2007 states that outside settlement boundaries, development will only be acceptable in exceptional circumstances. Policy CS1 of the Core Strategy states that new homes will be primarily developed on: suitable previously developed land within boundaries, other suitable land within settlements, strategic sites and broad locations identified on the Core Strategy Key Diagram and land allocated through the Site Allocations DPD. The Proposed Submission Version of the Housing Site Allocations Development Plan Document has been submitted for examination (commencing June 2016). It is therefore at

an advanced stage of preparation. Policy C1 of the draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document states that there is a presumption against new residential development outside of settlement boundaries, exceptions to this are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extensions to or replacement of existing residential units. It is noted the proposed site is still outside of the revised settlement boundaries as a result of housing allocations.

The proposed three dwellings do not meet with these criteria and as such their proposal is not in conformity with the current statutory development plan which comprises policies in the West Berkshire Core Strategy 2006 – 2026, July 2012, those saved policies within the West Berkshire District Local Plan 1991-2006, Saved Policies 2007 and the Proposed the Housing Site Allocations Development Plan Document (submitted for examination June 2016).

## **2. Impact on the character and appearance of the area (AONB).**

The proposal is considered to fail to significantly enhance the character and appearance of the immediate area, as the proposed dwellings would significantly alter the character and appearance of the Baydon Road street scene which is located within a designated AONB. The street scene along Baydon Road is well established and defined by the Delamere House and the adjacent cottages. The front elevations of the proposed dwellings will increase the front building line along the street scene creating visual intrusion to the detriment of the character of the area. The proposed dwellings fail to respect the distinctive character and appearance of this part of the North Wessex Downs Area of Outstanding Natural Beauty.

The proposed three dwellings will be contrary to the NPPF which states that good design is indivisible from good planning and attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. The NPPF also adds that the visual appearance is a very important factor and that securing high quality and inclusive design goes beyond aesthetic considerations. The proposals are also contrary to Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are also relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS 19 Historic Environment and Landscape Character outlines that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. As the application is for outline consent only the matter of layout can be considered under Policy ENV23 and C7. Whilst Policy ENV23 and C7 allow for replacement dwellings, the proposed dwellings will have an increased front building line within the street scene and will offer a terrace of dwellings that is a departure from the existing form of development and openness within the street scene along this section of Baydon Road. In addition the proposal is for the replacement of one residential dwelling with a total of three dwellings. The proposed dwellings are considered to be inappropriate and unsympathetic in design, layout and siting to the character and setting of adjoining buildings and spaces, and fail to use landscaping to preserve the setting of the surrounding rural area. It is considered that it would harm the distinct character and appearance of the

AONB street scene which is defined by open countryside to the north, west and south. The proposed dwellings are also contrary to the Supplementary Planning Document (SPDQD) series entitled Quality Design in terms of the footprint, length and width of the proposed dwellings.

DC

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**WESTERN AREA PLANNING COMMITTEE  
ON 20 JULY 2016**

**UPDATE REPORT**

**Item No:** (1)                      **Application No:** 16/00971/OUTD                      **Page No.** 35 - 52

**Site:** Delamere Stables, Baydon Road, Lambourn, Hungerford

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**Planning Officer Presenting:** Derek Carnegie

**Member Presenting:**

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**Parish Representative speaking:** N/A

**Objector(s) speaking:** N/A

**Supporter(s) speaking:** N/A

**Applicant/Agent speaking:** Mr Mark Campbell

**Ward Member(s):** Councillor Gordon Lundie  
Councillor Graham Jones

**Update Information**

No additional letters of consultation or representation have been received.

**Error in the report**

Following the Members site visit an error in the report was noted on page 43 paragraph 6.2.7 the report should read:

*“The existing dwelling has a footprint of approximately 154.4 square metres and the combined footprints for Plot 1, Plot 2, and Plot 3 is approximately 164.8 square metres. Whilst the increase in the overall footprint on the site is ...”*

The reference to Plot 4 should be removed, however the area calculations for both the proposed and existing dwelling are accurate in relation to the current application.

**Recommendation**

The recommendation for refusal remains unchanged.

DC

**Extract from the Minutes of the Western Area Planning Committee on the 20 July 2016**

**Application No. and Parish: 16/00971/OUTD - Delamere Stables, Baydon Road, Lambourn, Hungerford**

*(Councillors Jeff Beck, Billy Drummond and Anthony Pick declared that they had been lobbied on Agenda Item 4(1)).*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/00971/OUTD in respect of an outline application for the demolition of the existing dwelling and erection of three dwellings.

Derek Carnegie introduced the report to Members, and in so doing took account of all the relevant policy and other material considerations. The application had been called in by the Ward Member to enable the Committee to understand the yard's geography in relation to racing facilities and to discuss the viability of the stables as a racing establishment.

There was a lengthy planning history associated with the site and as it was an outline application, access and layout were the only matters requiring consideration. The site's relationship to the defined settlement boundary for Lambourn was crucial to the application as it was just outside the boundary.

No objections had been received from Lambourn Parish Council, who were keen to see some movement with the site. As visibility from the site access had been improved, Highways had said it would be difficult for them to object to the application. Environmental Health had requested a Construction Management Plan to be put in place if the application was approved.

The existing dwelling had a footprint of approximately 154.4 square metres and the combined footprints for the proposed three plots was approximately 164.8 square metres. However, although the increase in the proposed footprint was minimal, there was an overall material increase in the built form of the proposed dwellings. The existing house presented a 10.2 metre front building line, whilst the proposed dwellings would increase this to 20.6 metres,

Therefore the Officers' recommendation was to refuse the application. This was based on a point of principle, as the site was outside the defined settlement boundary and as planning in West Berkshire was plan led, Officers were obliged to follow Planning Policy Area Delivery Plan Policy (ADPP) 1 of the West Berkshire Core Strategy. This stated that only appropriate limited development in the countryside would be allowed, focused on addressing identified needs and maintaining a strong rural economy.

Councillor Adrian Edwards asked when the defined settlement boundary was drawn and Derek Carnegie replied that this was about 12 to 14 years ago. He added that a review of this had been requested and the Policy Team would be undertaking this at some time in the future.

Councillor Paul Bryant commented that whilst the footprint of the proposed dwellings had been provided in the report, the floor space had not. He was advised by Derek Carnegie that the footprint was the same as the floor space.

Councillor Bryant further commented that paragraphs 6.29 and point 2 of the reasons for refusal provided on page 48 of the report stated that the proposed dwellings were inappropriate, unsympathetic and would significantly alter the character and appearance of the area. As this was an outline application, he questioned how the Case Officer could support these comments. Derek Carnegie responded that in the view of the Case Officer, the current dwelling had less impact on the street scene than the proposed dwellings. Councillor Bryant's rebutted this by stating that there was another terrace of houses adjacent to the site and another terrace in the vicinity.

Councillor Bryant went on to note that the report stated that the site was some distance from the local services; however the High Street was only about 200 metres away. Derek Carnegie observed that this was a debatable point, as some people would not be happy to walk the distance.

Councillor Anthony Pick remarked that the report stated the current dwelling was beyond economic repair and enquired what evidence this was based on. Derek Carnegie informed him that officers had to assess whether it was a viable proposition to refurbish it, as a structural report had not been carried out and he suggested that the Agent would be able to advise on this.

Councillor Pick noted that Highways had suggested that the access was moved and asked whether this was important. Paul Goddard, the Principal Development Control Engineer, clarified that the developer had been trying to swap the parking spaces with the dwellings. However, this would have caused a dogleg through the site and caused a problem to any large vehicles accessing the site from the east. He said that a further transport assessment had been undertaken, which had shown there would not be an increase in traffic from the site, so Highways Officers were of the view that the access could remain in situ.

Councillor Howard Bairstow pointed out that a boundary change might put the site within the settlement boundary and therefore enquired why it was excluded. Derek Carnegie answered that there was no known reason for its exclusion and if the boundary was changed, it was likely that the site would be included.

Councillor Garth Simpson asked what a reasonable walking distance would be to amenities. Paul Goddard confirmed it was 2 km and noted that it was less than 2 km to the centre of Lambourn from the site.

In accordance with the Council's Constitution, Mr Mark Campbell, agent, addressed the Committee on this application.

Mr Campbell in addressing the Committee raised the following points:

- One of the reasons for refusal was because the site was outside the settlement boundary and yet the boundary touched the corner of the site. Consequently, the houses in this area had been excluded from the settlement boundary for about 30 to 40 years and the reason for this was unclear. The site formed part of the village and was within the 30 mph speed limit, so he took issue with the assertion in the report that it was within open countryside.
- Policy ADPP1 allowed for sites to be developed adjacent to settlement boundaries, which this complied with.
- He was aware that the Council's 5 year land supply had been questioned by the Inspector in previous appeal decisions.

- It was a sustainable development in a sustainable location and other planning policies would allow for redevelopment of the site.
- National Policy (NP) 20 allowed for the redevelopment of the site in total, but it was a rural policy and this was not a rural site.
- There would be no impact on the Area of Outstanding Natural Beauty (AONB) as the site was within the village and therefore there would be no impact on the scenic beauty of the countryside.
- The development would make better use of the site as the current dwelling was in need of refurbishment.
- It was vital that this part of the site was redeveloped in order to provide the finance required to enable the bottom part of the site to be redeveloped.
- As it was a sustainable development in line with Council policy, there would be no need for the application to be referred to the District Planning Committee if Councillors were minded to approve it.

Councillor Bryant asked for clarification about the distance from the site to the village centre. Mr Campbell replied that he was unsure of the exact distance but thought it was approximately 300 to 400 metres.

Councillor Billy Drummond enquired about the cost of refurbishing the current dwelling. Mr Campbell said he did not know the answer; however there was a limit as to how much anyone would be prepared to invest in such a property. It had been in a dilapidated state for some time and it was very unlikely that anyone would be prepared to undertake the refurbishment.

Councillor Edwards noted that the house was occupied and so he conjectured that it could not be in a very bad state of repair. Mr Campbell acknowledged that it was being rented and so there would be a limit on the return of any investment put into refurbishing it.

There were no comments from the Ward Members.

In considering the above application Councillor Beck noted that they were dealing with a historical envelope with regard to the boundary, which was nonsensical to the reality on the ground. If the site was developed it would enable the stables to be brought up to a better standard and improve the economy in Lambourn. He therefore proposed a recommendation for approval of the application against the Officers' recommendation. This was seconded by Councillor Bairstow.

Councillor Edwards stated that it was "a nonsense" for the settlement boundary to go through the back yard so he was supportive of the proposal.

Councillor Pick expressed concern that no satisfactory evidence had been produced to show that the current dwelling was beyond repair. He was worried that when the full planning application was received the proposed dwellings may not improve the area, but there would be pressure to approve it, if the outline planning permission was in place. Therefore he would be more comfortable if this was a full planning application.

Councillor Bryant noted that the statements in paragraphs 6.2.6 and 6.2.9 could not be supported as this was an outline planning application and he could not agree that the dwellings would be unsympathetic, as there were other rows of terrace houses in the vicinity. When the full application was received, Officers would ensure it met good planning standards and the site was no distance from the local amenities. The

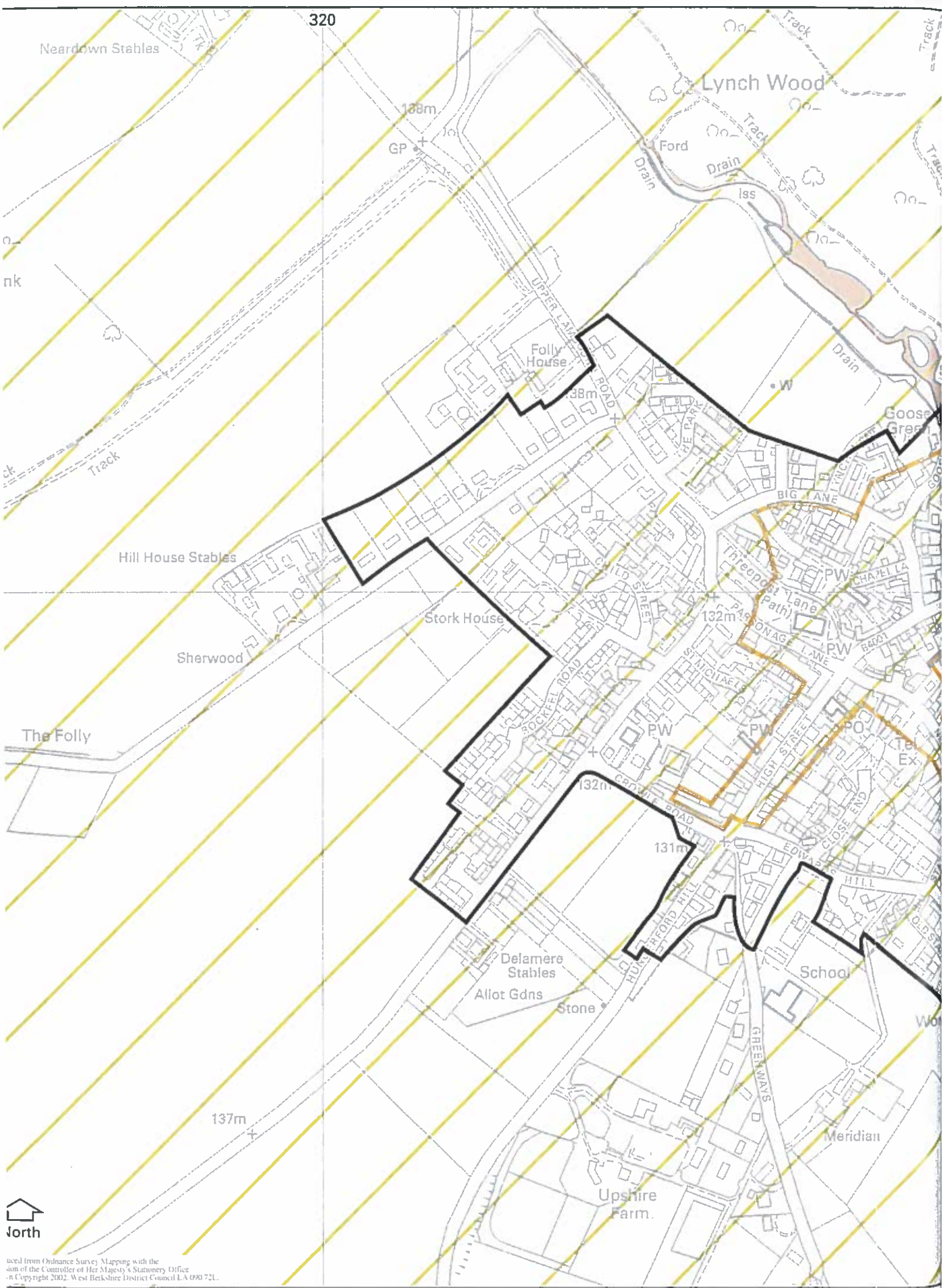
only reason for refusal was policy related, as the site was on the edge of the boundary settlement and there was no evidence as to why it had not been included. The current dwelling could be demolished and a similar size one built, whereas the proposal was for an additional two dwellings on the same footprint and so he supported it.

Councillor James Cole pointed out that no proof had been provided to show that the house could not be refurbished and if it had been 100 yards away in a large garden, he would not support the application. However, due to the location, it would be useful to turn it into three dwellings.

Councillor Simpson noted that Mr Campbell had stated the refurbishment of the stables was reliant on the finance generated from this development. Councillor Pick queried whether the relationship between the finance being raised by the new development and the refurbishment of the stables was a material planning consideration. Derek Carnegie confirmed that the relationship was not central to the planning decision.

The Chairman invited the Committee to vote on the proposal by Councillor Beck, seconded by Councillor Bairstow to refer the application for approval to the District Planning Committee. At the vote, this was carried by a majority with 6 in favour and 2 against.

**RESOLVED that** the Head of Planning and Countryside be authorised to approve the planning permission, subject to conditions, which would be presented to the District Planning Committee for consideration.



320

Neardown Stables

Lynch Wood

138m

GP

Ford

Drain

Drain

Iss

Folly House

38m

Hill House Stables

Stork House

Sherwood

The Folly

132m

132m

131m

Delamere Stables

Allot Gdns

Stone

School

137m

Upshire Farm

Meridian



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	<b>16/01603FULMAJ</b>
<b>Item (1)</b>	<b>Land North Of Winterbourne Farm Winterbourne</b>
<b>Title of Report:</b>	<b>PAC Farms Ltd Replacement of redundant barns with a single dwelling, redevelopment of an existing barn to provide garaging, associated landscaping, provision of a community parking area and additional wider landscaping and biodiversity enhancements to an AONB</b>
<b>Report to be considered by:</b>	District Planning Committee
<b>Date of Meeting:</b>	28 <sup>th</sup> September 2016.
<b>Forward Plan Ref:</b>	N/A

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01603/FULMAJ>

**Purpose of Report:** **For the District Planning Committee to determine the application in question.**

**Recommended Action:** **The Western Area Planning Committee, at the meeting on 31<sup>st</sup> August 2016, RESOLVED** to approve the application, subject to conditions. The application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026, West Berkshire District Local Plan Saved Policies 2007 and the emerging West Berkshire Housing Allocations Development Plan Document 2015.

**Reason for decision to be taken:** The application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026 - ADPP1, ADPP5 and CS1 Policies HSG1 and ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as Policy C1 of the emerging Housing Site Allocations DPD.

**Key background documentation:** Western Area Planning Committee on 31<sup>st</sup> August 2016. Agenda Report and minutes, plus update sheet. Application file 16/01603/FULMAJ.

**Key aims.**

Focus development within established settlement boundaries.  
 Protecting the environment and rural areas  
 Achieve sustainability in Council planning decisions.

The proposals contained in this report have to be considered in order to help to achieve the above Council Strategy as set out in the 2013 to 2018 document.

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole
<b>E-mail Address:</b>	Hilary.Cole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	To be advised.

Contact Officer Details	
<b>Name:</b>	Sharon Brentnall
<b>Job Title:</b>	Temporary Planning Officer
<b>Tel. No.:</b>	01635519111
<b>E-mail Address:</b>	<a href="mailto:Sharon.brentnall@westberks.gov.uk">Sharon.brentnall@westberks.gov.uk</a>

### Implications

**Policy:** Core Strategy Policies – ADDP1, ADPP5, CS 1, CS 4, CS 5, CS 13, CS 14, CS 15, CS 16, CS 17, CS 18, CS 19

**Financial:** N/A

**Personnel:** N/A

**Legal/Procurement:** N/A

**Property:** N/A

**Risk Management:** N/A

**Equalities Impact Assessment:** N/A

## EXECUTIVE SUMMARY

### 1 INTRODUCTION

1.1 The Western Area Planning Committee on 31<sup>st</sup> August 2016, considered an agenda report for the demolition of redundant agricultural barns, erection of a dwelling with garage and paddock area, extensive wider landscape and ecological enhancements to the surrounding area and change of use of an area of land for use as an informal car park for the local community.

1.2 The site is located outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The village of Winterbourne does not have a settlement boundary as defined by Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. As such the application site falls within the open countryside as identified within Policy ADPP1 of the Core Strategy where 'only appropriate limited development in the countryside will be allowed, focussed on the addressing identified needs and maintaining a strong rural economy'. Policy C1 of the Housing Site Allocations Development Plan Document (DPD), (November 2015) also identifies settlements where there will be a presumption in favour of development and redevelopment within the settlement boundaries. Winterbourne is again not identified as a settlement where such proposals would be

considered. The DPD goes on to state that exceptions to this are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extension to or replacement of existing residential units. This proposal however does not meet any of these specific criteria. The support text to Policy C1 does allow for limited infill in settlements in the countryside with no defined settlement boundary, subject to:

- i. it being within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
- ii. The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and
- iii. It does not extend the existing frontage; and
- iv. The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.

On this basis, whilst the application site is adjacent to a group of 10 or more dwellings, it cannot be considered as a closely knit cluster. Winterbourne Farm is itself not reflective of the main pattern of development within Winterbourne. The farmhouse is set on a standalone, substantial site and clearly defines the end of the pattern of residential development. The site cannot be classified as an 'infill' plot as it is not a small undeveloped plot between existing properties. It would be larger than any other plot within the settlement and would extend the existing frontage, all of which would be contrary to policy.

- 1.3 Therefore it is considered that approval of this application could potentially set an undesirable future precedent for numerous similar application sites within the District which could be difficult to resist.
- 1.4 The proposed dwelling would result in a new dwelling in the countryside in an unsustainable location that would not minimise the need for travel by car and would not be accessible by an alternative means of transport. Furthermore the proposal would not be well related to the existing settlement pattern and is not considered to fall within any of the special circumstances for isolated new homes in the countryside, particularly as the design is not considered to be of exceptional quality or innovative nature of the design as detailed in paragraph 55 of the NPPF. Therefore the principle of the development of a new dwelling and detached garage is not considered acceptable and runs contrary to Policies ADPP1, ADPP5 and CS1 of the Core Strategy and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF.
- 1.5 The proposed dwelling, detached garage and public car parking would result in a detrimental impact on the landscape and scenic beauty of the rural character and appearance of the AONB. Although the existing barns which are visible in the wider landscape are to be removed, the roof form of the replacement dwelling will be substantial and whilst sited further toward the road, it will remain highly visible in this sensitive AONB landscape, thus negating any benefit derived from the removal of the barns. Furthermore, the detached siting of the proposed dwelling and garage set well back from the road does not follow the existing pattern of development and will be seen in isolation from the remainder of the village (with the exception of Winterbourne Farm), which has a close knit pattern with substantially smaller curtilages. It is not considered to be infill plot as it will extend Winterbourne further northwards and create a curtilage, more in depth than any other plot within the village. This substantial residential curtilage with the strong formal domesticated boundary treatment of the brick wall proposed along

the public right of way, and associated domestic paraphernalia within the residential curtilage, is considered to significantly harden and domesticate in appearance the existing transition between the built form of Winterbourne Village and the countryside. The parking of vehicles in this highly visible location outside of the settlement pattern of Winterbourne is also considered to contribute to the detrimental impact on the rural character and appearance of the AONB. Together these elements as a whole are not considered to provide any beneficial impact on the rural character and appearance of the AONB. Therefore the application is considered to be contrary to Policies ADPP5, CS14 and CS19 of the Core Strategy and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF.

1.6 The application contains a significant amount of wider landscaping proposals, which could clearly improve the character and appearance of the site and the AONB if implemented. It should be noted that the AONB Officer confirmed that support as detailed for the application was on the basis of the inclusion of these wider landscape proposals. It is however critical to note that these improvements cannot be secured by means of conditions or a legal obligation. To secure the landscaping proposals the works would need to meet the tests set out in the NPPG. These state the condition or legal obligation must be necessary, relevant to planning and the application itself, enforceable, reasonable and precise. In this instance, the only landscaping which is considered to meet these tests is the planting immediately surrounding the site. Therefore given these tests, if at any point in the future an application was submitted to vary or remove such a condition/obligation the Council are likely to find it difficult to continue to require the works to be undertaken. Whilst the works could be implemented without the need for planning permission, any recommendation for approval would be on the basis of boundary planting and that alongside the bridleway only. The remaining landscaping and environmental enhancements therefore cannot be considered as forming part of this application.

1.7 Members at the Western Area Planning Committee considered that the existing degraded condition of the site has an adverse effect on the village and wider AONB landscape. The proposal and in particular the removal of the barns and restoration of the site represent a public benefit in terms of environmental improvements which would outweigh the harm and justify the departure from national and local planning policy. Officers determined that the issues involved should be considered by the District Planning Committee due to the conflict with planning policy that would undermine the development plan and the forthcoming Housing Allocations DPD. The detailed reasons are set out more fully in the report attached at Appendix 1.

## **2 CONCLUSION**

2.1 The Western Area Planning Committee evaluated the planning policy advice provided in the Committee Report and concluded that the public benefits of the proposal, namely the removal of the barns which are considered to be an eyesore in the sensitive AONB landscape and replacement with a dwelling and detached garage, along with community car parking area, outweigh the departure from national and local planning policy.

## **3 RECOMMENDATION**

3.1 That the District Planning Committee **REFUSE** planning permission for the reasons set out in paragraph 8.2 of the report to the Western Area Planning Committee on 31<sup>st</sup> August 2016.

## **APPENDICES**

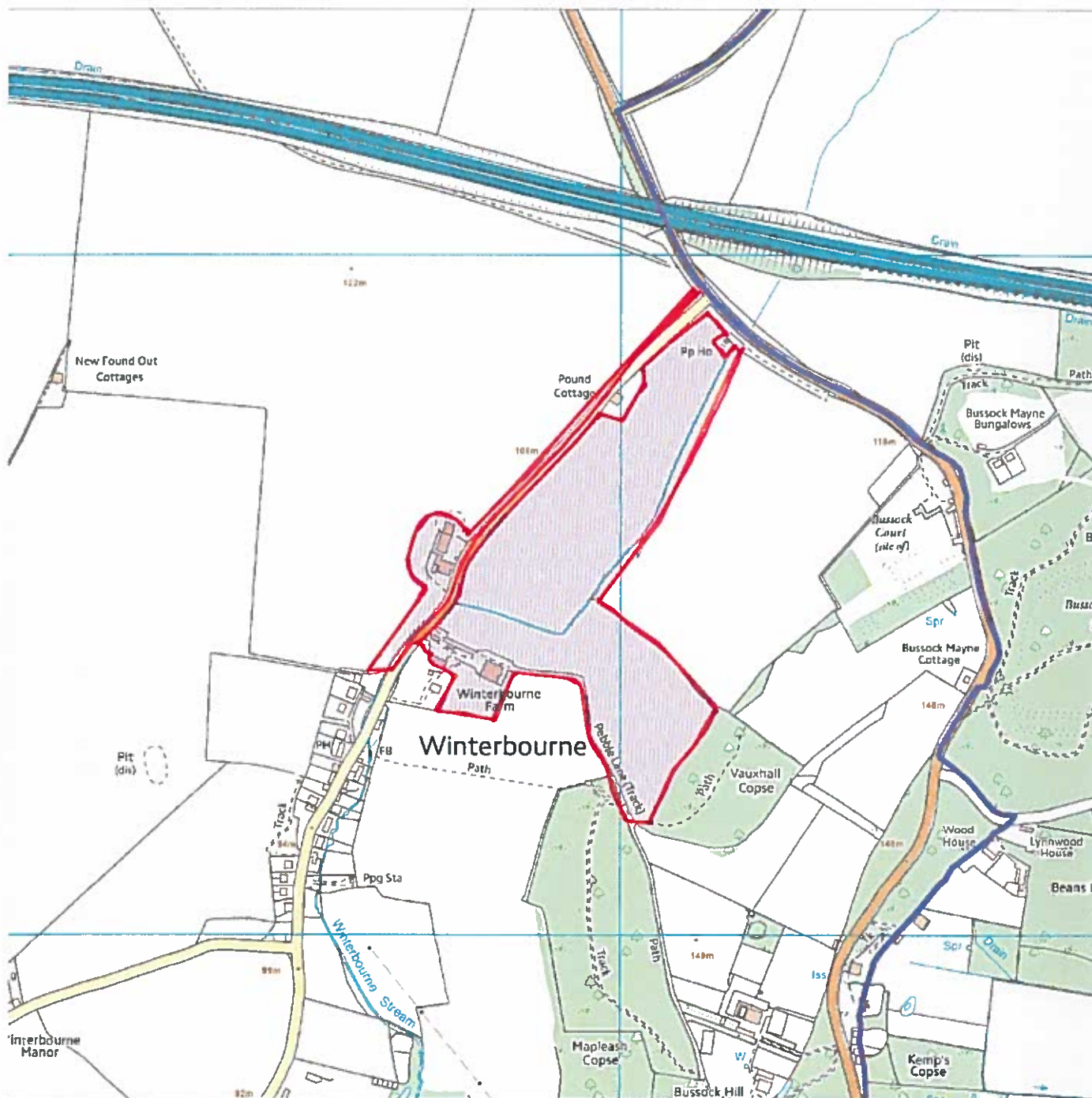
- 1 WAP Committee Report of 31<sup>st</sup> August 2016
- 2 Update paper of 31<sup>st</sup> August 2016
- 3 Minutes of meeting held on 31<sup>st</sup> August 2016

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16/1603/FULMAJ

Land North Of Winterbourne Farm, Winterbourne



Map Centre Coordinates :

Scale : 1:8477

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	19 August 2016
SLA Number	0100024151

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<b>Item No.</b>	<b>Application No. and Parish</b>	<b>8/13 week date</b>	<b>Proposal, Location and Applicant</b>
(1)	16/01603/FULMAJ	19.09.2016	<p>Replacement of redundant barns with a single dwelling, redevelopment of an existing barn to provide garaging, associated landscaping, provision of a community parking area and additional wider landscaping and biodiversity enhancements to an AONB</p> <p>Land North Of Winterbourne Farm Winterbourne</p> <p>PAC Farms Ltd</p>

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01603/FULMAJ>

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

**Ward Member(s):**                      Councillor Paul Bryant  
Councillor Marcus Franks

**Reason for Committee Determination:**      10 letters of support and the support of the Winterbourne Parish Meeting

**Committee Site Visit:**                      25<sup>th</sup> August 2016.

<b>Contact Officer Details</b>	
<b>Name:</b>	Mrs Sharon Brentnall
<b>Job Title:</b>	Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:Sharon.brentnall@westberks.gov.uk">Sharon.brentnall@westberks.gov.uk</a>

## 1. Site History

15/02923/FULMAJ - Demolition of redundant agricultural barns. Erection of new dwelling with garage and paddock area. Extensive wider landscape and ecological enhancements to the surrounding area. Use of an area of land as an informal car park for the local community.  
Withdrawn

15/00414/FULMAJ: Demolition of redundant agricultural barns. Erection of main dwelling with garage and paddock area. Extensive wider landscape and ecological enhancements to the surrounding area. Change of use of an area of land for use as an informal car park for the local community. Application invalid due to incorrect certificates.

14/00142/COMIND: Formation of bund to provide flood alleviation for the village of Winterbourne. Application approved 31.07.2014.

## 2. Publicity of Application

Site Notice Expired: 14.07.2016

## 3. Consultations and Representations

**Parish Council:** SUPPORT - The redundant farm site is a dangerous, unstable and unsightly area which detracts from the village.

The proposed house is considered a sympathetic and attractive design which will fit well into the landscape.

The additional commitment of the development to turn an area into a managed wild flower meadow, to provide a parking amenity for the village and improve visibility from the access track, as well as substantial landscape enhancements to this AONB area are welcome community benefits that make it a complete scheme that the village endorses.

**Neighbouring Chieveley Parish Council** SUPPORT was confirmed for the application as an adjoining Parish Council consultee.

**Highways:** NO OBJECTION subject to conditions  
It is proposed that the access nearest to the wall to the south-west will be stopped up. The access slightly further north-east of this will be utilised. This is preferable as a greater visibility splay is achievable from this access. This access must be surfaced with a bonded material for a minimum of 5 metres from the edge of the carriageway to reduce the likelihood of the migration of loose material onto the carriageway which would be to the detriment of highway safety.

Will any material need to be removed or transported to the site associated with the landscape and ecological enhancements? Details of type of vehicles and frequency of movement during this period should be submitted if applicable.

Summary: Details of the type of vehicle and frequency of movement of vehicles during the landscaping works must be submitted.

**AONB:**

NO OBJECTION

The agent has closely involved the AONB with the revised application (following or original objection) and have taken comments raised on board in the new proposal, including a reduced scale, use of materials and landscaping to form a development which would sit comfortably within the site whilst respecting the natural landscape which encompasses the village.

The AONB would not object to the proposed development and would support the landscape and ecological enhancement measures included as part of the application.

Clarification has been provided on a number of issues such as the re-use of the existing hay barn, which are in a derelict state and have attracted antisocial behaviour. The barns if converted would detract from the natural beauty of the landscape due to their prominent hillside location and massing. The proposed dwelling has been shifted down the slope to improve its relationship with the historic outbuildings some of which are to be retained, this will fit more comfortably with a farmyard character and appear subservient to the neighbouring Winterbourne Farm House.

The proposed village car park will occupy an area which is currently hardstanding and will be replaced by a grazed area to be reinforced with a mesh/matrix to ensure it is not churned up by vehicles and enclosed by a hedgerow, this is a landscape enhancement.

Overall the proposed development including landscaping works would have an enhancement on the natural beauty and special qualities of the AONB.

**Trees**

NO OBJECTION subject to conditions

Comments:-

There were no significant trees which would be affected by this proposed development. There has been a Landscape Visual Assessment submitted in addition to a detailed landscaping plan of native trees and shrubs included which in the medium to long term will blend with the surrounding landscape.

Further information assessment required regarding the visual impact of the proposal in the setting.

No objection subject to landscaping condition

**Natural England**

NO OBJECTION subject to conditions

Designated Sites

Based on our assessment of the submitted documentation, Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted and the following conditions (n.b.

1 - 2 previously advised, with the addition of condition 3), is not likely to have a significant effect on the interest features for which the above European site has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

To be secured by condition:

1. Discharge from the proposed PTP must be to the ground, via a soakaway, as detailed within the additional information provided. We note that prior to their installation, a bespoke permit will be required from the Environment Agency to ensure a soakaway in this area is appropriate. If it is found that discharge to the ground, for any reason, is not suitable Natural England should be re-consulted with all proposed alternatives, and these should consider the points raised in our previous letter

2. A Management Plan must be devised for the proposed PTP, this must include an assurance that a maintenance contract will be created with a suitably qualified contractor, to manage the PTP. Additionally, a visual and audible alarm system should be installed with the PTP, which would be triggered by a mechanical failure, or a reduction in the effluents quality. Such measures would ensure that the proposed system is appropriate, and would not result in polluted runoff reaching the Winterbourne Stream

3. The car park must be surfaced with an appropriate permeable surface, i.e. details of a Sustainable Urban Drainage System (SUDS) must be submitted and agreed with NE and your Authority, to ensure run-off rates will not affect the Stream. Furthermore, details of how any pollutants from the car park will be captured and prevented from entering the Stream must also be provided in detail.

## Historic England

No comment

## Rights of Way

NO OBJECTION subject to informatives

Pebble Lane (Winterbourne BR14) will form the main and only access to the proposed new house and car park.

The lane is historic. It appears on Johns Roque's 1761 Map of Berkshire as a road (Berks County Surveyor 1951). Under the 1949 National Parks & Access to the Countryside Act it is noted as having part cart track width. This is consistent with the various OS County Series maps which show a width of 5.5m at the current barn. This width is greater to the east and reduces down to ~4m near the road.

I am concerned that no planting occurs within this width as with would constitute obstruction. I am also concerned about visibility splays for vehicles exiting the proposed house and car park being obstructed by planting. I would prefer the current parallel hedge planting to instead have a 5 degree angle to ensure better visibility up and down the bridleway.

I would also want give way/ caution signs to be installed at the exit of

the car park, to warn drivers about the presence of equestrian, pedestrians and cyclists on the path.

Case Officer note:- the above comments have been taken into consideration by the applicant's further details have been provided to satisfy the above response and revised to 'no objection' accordingly.

**Waste Management** NO OBJECTION

The collection point for the proposed new property will be on Winterbourne Road as we provide a curtilage collection - that is the nearest point to the public highway.

Wheeled bins are difficult to manoeuvre on gravel and the distance from the proposed new property to the collection point is in excess of 110 metres. It is recommended that residents have to carry their waste no more than 30 metres (Manual for Streets, Dept. of Transport) and distances greater than this can cause issues for elderly and disabled residents. We would recommend that a flat level surface without gravel is provided to minimise the effect of the distance to the collection point.

**Archaeology** NO OBJECTION subject to condition

The application is of some archaeological interest. The proposed development sits within a historic farmstead documented in 18<sup>th</sup> century sources, as well as an area of historic settlement as defined by historic landscape characterisation. This historic settlement is likely to represent the migrated settlement of Winterbourne, which is of Early Medieval date and originally centred around the Church of St James. It appears to have shifted to the North East at some point during the Medieval period, accounting for the 18<sup>th</sup> century buildings that can be found within the current village.

As such, it is possible that occupation evidence relating to this earlier phase of Winterbourne's history may still exist in the form of buried archaeological features or deposits. - this information could possibly inform as to the development of the settlement from the Medieval period onwards. The proposal involves significant groundworks within this area, and as such has the potential to adversely affect any below ground archaeology.

I would suggest that the applicant(s) be asked to commission a programme of archaeological supervision (watching brief) during the excavation of the foundations and any related groundworks for the new dwelling. This should be secured by applying the following condition to any approval granted

**Correspondence:** 18 letters of support.

Environmental Improvements

The application is adjacent to, and consonant with environmental improvements (inc wild flower planting) associated with the flood prevention bund being constructed to the north of the site.

Will include the planting of 94 new native species of trees and additional planting which would have biodiversity benefits

Extensive planting of hedgerow and nearby meadow land will greatly improve the approach to the village from the north to the benefit of all of us including the local flora and fauna.

#### Improvement to the character and appearance of the area

The application will be an Enhancement to the AONB, by its view, the planting of a wildlife meadow and the sympathetic design of the proposed property

It will replace the existing derelict barns which are a dangerous eyesore by a house whose design fits sensitively into its location.

The proposal will also improve access to the AONB through the provision of a community car park and I'm sure that the remediation of this potentially contaminated site will be of great benefit to villagers and visitors alike.

The scale of the proposed house now seems entirely appropriate for our village. The house itself is now sited where the old medieval barn was, lower down the hill, in fact lower than the existing derelict sheds, and the landscaping now includes replanting of hedges and much else.

The proposed development is reasonably close to existing buildings, is sympathetic and reasonable in its design and scale and in our opinion represents a substantial improvement to the site.

The house that is planned is attractive and will complement the village look and surrounding area.

#### Highways

Safety improvements to walkers using Pebble Lane. It will dramatically improve the safety of the site - I have young children who enjoy cycling and exploring our village

The small informal car park for village events and access to the AONB will reduce parking on the narrow road through the village. Much parking is currently on the street, at village events the street parking becomes extremely dangerous to both locals and passing traffic

#### Land Use

The proposed new home would be a much better use of the site. I would like to see more houses on this site, as it is a large site, and could well take further development, which could only increase the viability of the village, and provide much needed extra housing.

#### Landscape Provision

Our one reservation is that the Council ensures that promises over some of the secondary aspects are honoured and delivered in full. The

proposed planting of both the Meadow and the screening trees. (including those that remain outstanding from prior development of barns on the other side of the road) are considered critical to deliver the 'look and feel' that I would wish.

Noise from the M4 would be reduced as access to the main road would be improved.

The previous planning approval for the barns was accompanied by a plan to plant appropriate trees around it. The Council did nothing to ensure that the previous planting was carried out. I believe that the Council should insist that the previous plan (for trees) is adhered to, as I would like to see the trees soften the industrial look of modern farm buildings.

#### Other Matters

The following matters have been raised which are not considered to be material planning considerations:

The application presents a great opportunity to improve safety - the barns harbour drug users and other undesirables as evidenced by the abandoned drug paraphernalia;

Being a regular dog walker around the village, it is my view that the redundant farm site on which the proposed house is to be built, is an eyesore, a risk hazard (loose asbestos in the roofing) and overall, a very dangerous area for any recreational walker.

## **4. Policy Considerations**

4.1 The statutory development plan comprises the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP), and the West Berkshire Core Strategy 2006-2026. The policies from the West Berkshire Core Strategy 2006-2026 relevant to this application are:

- NPPF Policy.
- Area Delivery Plan Policy 1: Spatial Strategy.
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty.
- 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 15: Sustainable Construction and Energy Efficiency.
- CS 16: Flooding.
- CS 17: Biodiversity and Geodiversity.
- CS 18: Green Infrastructure.
- CS 19: Historic Environment and Landscape Character.

4.2 The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes.
- TRANS1: Meeting the Transport Needs of New development.
- ENV20: Redevelopment of Existing Buildings in the Countryside.
- OVS5: Environmental Nuisance and Pollution Control.

4.3 On the 5th November 2015 West Berkshire Council agreed to the submission of the West Berkshire Housing Site Allocations Development Plan Document (DPD), the document is now considered to be at an advance stage of preparation having recently been through a Public Examination. In light of this due weight should now be afforded to the relevant policies within it. The following policies are relevant to this application:

- C1: Location of New Housing in the Countryside;
- C3: Design of Housing in the Countryside;
- P1: Residential Parking for New Development.

4.4 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010.
- Supplementary Planning Document Quality Design (adopted June 2006).
- North Wessex Downs AONB Management Plan 2014-2019 (Adopted 2014).
- National Planning Practice Guidance (PPG).

## 5. Description of Development

5.1 This application seeks permission for the demolition of redundant agricultural barns and erection of new substantial detached dwelling with garage formed from a currently dilapidated barn. The proposal also includes the renovation of a further smaller barn on the south of the site for storage. The application contains a number of significant amendments to the previously withdrawn proposal:

- Sited further towards the road, away from the existing barns and closer to the historic form of development which existed on site.
- Of smaller scale and height than the previous 2 storey building which measured 9.5 metres to the ridge compared to the currently proposed dwelling measuring 8.6 metres to the ridge at the highest point.
- Bounded by substantial hedgerow planting alongside the public bridleway to the east.
- Of a different design and appearance, which has according to the applicant's in their Design and Access Statement has been designed to respond to the adjacent Winterbourne Farm House. The proposed dwelling would have a gross external footprint of 301 sq m (excluding the garage which has a footprint of 77 sq m). The property would be 23m long and 20.5 wide, at its widest point.

5.2 The previously withdrawn application included the transfer of land to Winterbourne Parish Council in order to facilitate the implementation of the proposed flood alleviation scheme. This no longer forms part of this application and the flood alleviation scheme works are already being undertaken.

5.3 The application also includes the creation of a meadow to the south of the proposed dwelling and significant landscaping to the north and west.

5.4 Land to the front of the site bordering the road, will also be available as an informal car parking area.



## 6. Consideration of the Proposal

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

- Principle of the development;
- The impact on the character and appearance of the area and AONB;
- The impact on neighbouring amenity;
- Highway matters;
- Other matters.

### 6.1 Principle of Development

6.1.1 The site is located outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The village of Winterbourne does not have a settlement boundary as defined by Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. As such the application site falls within the open countryside as identified within Policy ADPP1 of the Core Strategy where 'only appropriate limited development in the countryside will be allowed, focused on the addressing identified needs and maintaining a strong rural economy'.

6.1.2 No evidence has been submitted to demonstrate that the proposed new dwelling or the change of use of an area of land for car parking would address an identified need or maintain a strong rural economy. The proposed new dwelling is not considered necessary to address an identified need as the Local Planning Authority has a sufficient 5 year housing land supply. Moreover the erection of a dwelling as proposed is not considered acceptable as set out in detail below. Therefore it is considered that any contribution towards maintaining a strong rural economy is limited.

6.1.3 Policy ADPP5 of the Core Strategy identifies that there will be further opportunities for infill development and for development on previously developed land. New housing allocations will be focused on rural service centres and service villages within the AONB. Annex 2 of the National Planning Policy Framework (NPPF) excludes land that is or has been occupied by agricultural or forestry buildings from being considered as previously developed land. Therefore as the lawful use of the application site and existing buildings is for agricultural purposes, the application site is considered as greenfield land. Furthermore Winterbourne is not a rural service centre or service village as identified in Policy ADPP1 and as such the principle of the proposed dwelling runs contrary to Policy ADPP5 of the Core Strategy.

6.1.4 Policy CS1 of the Core Strategy states that new homes will be located in accordance with the settlement hierarchy outlined in Policies ADPP1 and ADPP5. The Policy goes on to state that new homes will be primarily developed on:

- Suitable previously developed land within settlement boundaries.
- Other suitable land within settlement boundaries.
- Strategic sites and broad locations identified on the Core Strategy Key Diagram.
- Land allocated for residential development in subsequent Development Plan Documents. The application site is not located within the any of these categories and as such the proposal runs contrary to Policy CS1 of the Core Strategy.

6.1.5 Policy ENV20 of West Berkshire District Local Plan 1991-2006 Saved Policies 2007 permits the redevelopment of existing buildings in the countryside where the proposal is in a sustainable location. The policy goes on to define a sustainable location as one which:

- (a) will minimise the need for travel and be accessible by alternative means of transport other than the private car;
- (b) is well related to the existing settlement pattern;
- (c) will not cause material harm to the natural resources and character of the area;

(d) will contribute towards a balanced local community in terms of provision of homes, jobs and services.

- 6.1.6 In respect of criterion (a) the proposal is not considered to minimise the need for travel by virtue of the lack of services within reasonable walking and cycling distance of the site. Furthermore there is only a limited bus service from the village. Moreover there is no formal pavement along the Winterbourne Road from the application site, which is considered to discourage the use of the bus service. As such the application site is not considered to be accessible by alternative means of transport other than the private car.
- 6.1.7 In respect of criterion (b) Winterbourne is a linear village generally defined by dwellings sited reasonably close to the road. The application site is located away from this cluster of development and does not follow the existing layout of the village. The extent of the settlement pattern at the northern end of the village is strongly defined by a flint and brick wall that delineates the extent of the existing settlement pattern. The application site is located to the north and east of this wall. Therefore the proposal is not considered to be well related to the existing settlement pattern.
- 6.1.8 In respect of criterion (c) the proposal is considered to cause material harm to the character of the area as set out later in this report.
- 6.1.9 With regard to criterion (d) no evidence has been submitted to demonstrate that the proposal would contribute towards a balanced local community in terms of homes, jobs and services. The provision of one new dwelling is acknowledged but this is not considered to significantly contribute towards a balanced local community nor outweigh the unsustainable location as identified.
- 6.1.10 As such the proposed new dwelling is not considered to be in a sustainable location and runs contrary to Policy ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.
- 6.1.11 The NPPF identifies a presumption in favour of sustainable development (paragraph 14), however footnote 9 of the NPPF excludes Areas of Outstanding Natural Beauty from this presumption in favour of sustainable development.

6.1.12 Paragraph 55 of the NPPF states:

‘Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design
- more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.’

6.1.13 The proposed dwelling is not considered to be of innovative or outstanding design, it is of a fairly plain appearance and whilst there is stated to be reference to an Arts and Crafts style and the adjacent Winterbourne Farm House, this is considered to be minimal. Instead the

dwelling has an awkward arrangement, which is presumed to refer to a dwelling evolving over time through extensions. This is not considered to be a successful design approach. It would be viewed as an isolated large dwelling in the countryside given the physical and visual detachment from the existing village. The proposed dwelling is not therefore considered to fall within any of the special circumstances defined above and as such runs contrary to the NPPF.

6.1.14 The emerging development plan document (DPD), Housing Site Allocations, was agreed by the Council on 5th November 2015 and has now been subject to Public Examination. Given the advanced stage of preparation, due weight should be afforded to the policies contained within it. Policy C1 of the DPD refers to the location of housing in the countryside and sets out a presumption in favour of development and redevelopment within a number of specified settlement boundaries. Winterbourne does not have a settlement boundary and the policy goes on to state that 'there will be a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extension to or replacement of existing residential units.' The proposal is not considered to fall within the exceptions identified in this policy.

6.1.15 Policy C1 goes on to state:

'In settlements in the countryside with no defined settlement boundary, limited infill development may be considered where:

- i. It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
- ii. The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and
- iii. It does not extend the existing frontage; and
- iv. The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.

Planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it contributes to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.'

6.1.16 It is considered that the proposal would not fall within criteria i, ii, iii or iv and these details are considered further in the sections below. Furthermore, for reasons set out in this report the proposal is considered to harm and undermine the existing relationship of the settlement within the open countryside where it contributes character and distinctiveness of the AONB in which it is located. It is considered that the extent of the existing settlement pattern at the northern end of the village is strongly defined by a flint and brick wall surrounding Winterbourne Farmhouse. The application site is located to the north and east of this wall and whilst historically there have been additional agricultural buildings on this site, these no longer exist and there has been no residential development on the site. Therefore the siting of a dwelling in this location considered not to be visually or physically well related to the existing settlement pattern.

6.1.17 Therefore the principle of the development of a new dwelling and detached garage is not considered acceptable and runs contrary to Policies ADPP1, ADPP5 and CS1 of the Core Strategy and Policies HSG1 and ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF.

6.1.18 In respect of the change of use of a section of land for an informal car parking area at the western end of the application site, the principle of this development is considered acceptable subject to the impact of the change of use on the character and appearance of

the AONB, neighbouring amenities and highway safety amongst other matters being carefully considered.

- 6.1.19 The proposal also contains landscaping elements comprising tree and hedgerow planting to the north of the PRow some 75 metres distant, woodland planting to the west of the site on the opposite side of the road, the creation of a meadow to the south of the proposed dwelling outside of the residential curtilage, and orchard planting to the east some 20 metres from the proposed dwelling. These works could be undertaken without the need for planning permission and although they could represent biodiversity enhancements, are not considered necessary or directly related to the development of a new dwelling. As such these elements are given little weight in the determination of the application.

## **6.2 The impact on the character and appearance of the AONB**

- 6.2.1 The site comprises a number of redundant farm buildings in a highly visible location to the northeast of the village. It is located to the north of Winterbourne Farm House, which is a large farmhouse set in a significant plot, which is set apart from the remainder of the close knit linear form of village to the south west. The proposed site area would extend an additional 70 metres deeper than the adjacent Farm House garden which is clearly defined by a brick and flint wall. It is considered that this walled boundary provides a strong visual edge to the existing settlement when viewed from the north. The proposal would therefore create a new in-depth form of residential development into this open landscape which does not reflect the character of the surrounding development.
- 6.2.2 The existing farm buildings on site are somewhat dilapidated and are most prominent in views from the public right of way, from the north when travelling south on the Winterbourne Road and clear in the wider landscape when travelling along the B4494 to the north. The submitted Design and Access Statement states 'the site is quite exposed and prominent from the close quarters of the PRow and the main road to the village'. Whilst it is acknowledged that these buildings are unsightly, and clearly visible, it is expected that agricultural buildings will be seen in this environment.
- 6.2.3 The site is presently open and rises steadily from the road to the modern agricultural barns to the east. It is proposed to site the new dwelling some 19 metres to the west of the existing modern barns and 8 metres to the east of the existing dilapidated brick building, which is to be utilised as a garage/store. The current proposal would be site some 10 metres further west in the plot than the previous proposed dwelling.
- 6.2.4 The ground level to the south of the existing barns rises steeply which partially obscures the existing barns when viewed from the south and provides a backdrop against which the existing barns are seen when viewed from the north. The proposed dwelling has been reduced in height from the previous proposal from 9.5 metres to 8.7 metres to the highest point. The revised siting would result in a floor level of 97.10 AOD in comparison to the previous application floor level of 98.00 AOD. This, when combined with the revised siting position, would result in a dwelling 1 metre lower than the ridge height of the existing modern barns. A new native hedgerow and standard tree planting will also take place to the north of the bridleway as shown on the submitted landscape plans. The applicant has also submitted photo montages at year 15 to highlight that the proposed planting would provide a significant level of screening. It is however considered that the roof form will still be visible in the landscape although less so than the existing barns. This extensive roof form will be visible to the wider landscape from the viewpoints described above. Therefore whilst the proposal will enable the removal of the barns, the introduction of a new dwelling, is not considered to lead to such a significant change which would justify the proposal.
- 6.2.5 The revised siting of the dwelling would still extend beyond the rear boundary of the neighbouring dwelling to the south by approximately 25 metres. The detached siting of the

proposed dwelling and garage from the existing built form within the village of Winterbourne would result in a layout which does not reflect the settlement pattern, being seen in isolation from the existing residential built form of the village, which is close knit with significantly smaller plot sizes.

- 6.2.6 The residential curtilage of the proposed dwelling as identified is considered to include the garden area and gravel areas bounded on all sides by hedges as confirmed within the Design and Access Statement submitted. The dwelling and outbuildings would however be sited alongside the bridleway and been seen clearly from this location irrespective of any planting.
- 6.2.7 The residential curtilage proposed would extend across an area of approximately 0.298 hectares. The use of a large area for residential purposes would result in a spread of domestic paraphernalia associated with the dwelling. Such a large residential curtilage with a strong formal domesticated boundary formed by the proposed dwelling alongside the public right of way, and level of built form detached from the existing settlement pattern beyond the general building line of the residential properties to the south, is considered to harm the rural character and appearance of the AONB.
- 6.2.8 The previous proposal was considered by the North Wessex Downs AONB in their response to have a greater impact on the surrounding landscape than the existing agricultural buildings and objected to the proposed development. The current application however is supported by the AONB. In their response they state: *'the AONB would not object to the proposed development and would support the landscape and ecological enhancement measures included as part of the application... Overall the proposed development including landscaping works would have an enhancement on the natural beauty and special qualities of the AONB.'* Whilst this is acknowledged, it would appear that the additional landscaping and ecological enhancements which are proposed outside of the proposed curtilage of the dwelling have been taken into consideration. As discussed above, these cannot be considered as being related or necessary to the development and therefore cannot be given weight in the determination of the application.
- 6.2.9 The proposed car parking use to the eastern end of the site would be located on ground that is currently open and void of built form, aside from an existing small single storey barn located adjacent to the boundary of Winterbourne Farmhouse which is to be retained. The proposed car parking use would be able to informally accommodate approximately 18 vehicles as shown on the submitted drawings.
- 6.2.10 Landscaping of this area has been proposed in the form of hedge and tree planting, however this would not prevent views of parked vehicles in this highly visible location outside of the settlement pattern of Winterbourne. A large area of parking in this location is considered to harm the character and appearance of the AONB.
- 6.2.11 The application proposes wide ranging landscaping much of which is detached from the development area. An area of woodland underplanted with shrubs together with riparian planting is proposed on the opposite side of the road from the development area some 65 metres from the proposed dwelling. Further planting and management of woodland is proposed to the west of the development together with the retention of an existing meadow pasture and provision of benches along the public right of way within the meadow. A new general purpose meadow is proposed to the south of the dwelling. Various existing hedgerows are proposed to be strengthened and maintained, with new hedgerows planted around the flood storage area and meadows and on either side of the Winterbourne road when travelling northwards.
- 6.2.12 The landscaping proposed can be implemented without the need for planning permission. It is however acknowledged that the landscaping will improve the appearance of the area.

- 6.2.13 Whilst the intentions of the applicant are noted and the proposed wider landscaping would improve the appearance of the area the majority of it is not related to the development proposed and is not considered necessary to mitigate the harm generated from the development proposed. Landscaping specifically related to the proposed dwelling, garage and car parking area, such as the new hedgerow to the north of the public right of way and along the northern boundary of the car parking area, have been considered and would assist with the assimilation of the development into the landscape. Although the level of landscaping is considered to be significant, landscaping cannot be relied upon to overcome the intrinsic harm to the character and appearance this proposal would still have on the AONB that which has the highest status of protection.
- 6.2.14 Therefore the weight given to the proposed landscaping in the determination of this application is minimal.
- 6.2.15 The provision of a car parking area may bring some benefits to the local community. However this is not considered to outweigh the harm to the character and appearance of the AONB which, as stated in the NPPF, great weight should be given to conserving the landscape and scenic beauty.
- 6.2.16 Policy C3 of the emerging DPD seeks to ensure that the design of new housing must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. Furthermore the design of new housing should have regard to the character of the area in which it is located taking account of the local settlement and building character. In addition the design principles set out in the North Wessex Downs AONB Management Plan should be considered. For the reasons set out in this report the proposal is not considered to accord with this emerging policy.
- 6.2.17 Therefore the application is considered to detrimentally impact and harm the rural character and appearance of the AONB contrary to Policies ADPP5, CS14 and CS19 of the Core Strategy and Policy ENV20 of the of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF, the North Wessex Downs AONB Management Plan 2014-2019 and Policy C3 of the emerging Housing Site Allocations DPD.

### **6.3 The impact on neighbouring amenity.**

- 6.3.1 The proposed dwelling and garage would be located some 47 metres from the nearest neighbouring dwelling to the south-west and as such the proposed dwelling is not considered to introduce any significant impact in terms of neighbouring amenity.
- 6.3.2 The proposed car parking area would be located adjacent to the boundary of the neighbouring property to the south-west. The use of the car park would introduce some noise impact on the neighbouring property however this is not considered to be greater than the noise generated from the use of the site for agricultural purposes.
- 6.3.3 Therefore the application is not considered to introduce any significant detrimental impact on the amenities of neighbouring properties.

### **6.4 The impact on highways and public rights of way.**

- 6.4.1 The existing site currently has two access points from the Winterbourne Road.
- 6.4.2 The proposal seeks to stop up the southern most access point which is of benefit to highway safety as this access point has poor visibility. The existing northern access point, which has sub-standard visibility, will be used to serve the car parking area and the proposed dwelling. It is considered that the number of vehicle movements per annum will

be less than those from the existing use of the site if it were brought back into agricultural use.

- 6.4.3 Furthermore, the car parking and residential dwelling should only generate car movements whereas the agricultural traffic would have included slower moving HGVs that would have taken longer to egress the site and as such be more of a hazard to other road users.
- 6.4.4 In addition the agricultural use would have used both accesses, the southern of which is particularly hazardous. There have been no recorded Personal Injury Accidents on the lane within the vicinity of the farm, since records began.
- 6.4.5 Moreover traffic flows on the lane past the farm are very low and as such will help mitigate the risk of conflicts.
- 6.4.6 As it is not proposed to form a new access or amend an access, only retain an existing access, the proposed change in use of the site including the car parking area should not exacerbate the accident rate and it would be difficult to defend a recommendation for refusal on the grounds of sub-standard visibility.
- 6.4.8 In respect of the public bridleway that runs through the site (WINT/14/1) and the public right of way to the east (WINT/15/1) it is noted that traffic serving the dwelling and the car parking area will be using the public path as an access route. However as previously stated the numbers of vehicle movements are likely to be less than those that could be generated by the existing use. As such the proposal raises no concerns in respect of the safety of users of the public right of way subject to conditions regarding the details of any hard standing proposed for the public right of way and the siting of benches back away from the public right of way. The Rights of Way Officer has been consulted and has suggested a number of elements including signage for bridleway users and ensuring that the proposed planting does not affect the original width of the PRow. These issues have been addressed by the applicant and the Officer raises no objection to the application.
- 6.4.9 Policy P1 of the emerging DPD set the parking levels for new development. The application site is located within parking zone 3 of the DPD. Therefore a minimum of three parking spaces are required for the proposed dwelling. In accordance with this policy garages are not counted as parking spaces. The proposal is considered to provide sufficient parking space for three vehicles excluding the garage proposed. Therefore the application is therefore not considered to introduce any detrimental impact to the highway and public rights of way in accordance with policy.

## **6.5 Other matters**

### **Impact on Biodiversity**

- 6.5.1 The proposed development site is within close proximity of the Winterbourne Stream, which is a tributary of the River Lambourn Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The site is also in close proximity to Snelsmore Common Site of Special Scientific Interest (SSSI).
- 6.5.2 The proposal seeks to utilise a package sewage treatment plan (PTP) to manage foul water from the proposed dwelling. A Foul Sewage and Utilities report has been submitted which details the proposed sewage treatment on site. It is confirmed that the PTP will not discharge into the Winterbourne Stream. Natural England has reviewed the details submitted and raises no objections subject to planning conditions controlling the installation and use of the PTP as well as sustainable drainage for the proposed car park area.

- 6.5.3 A bat roost survey has also been submitted, this was not assessed in the response from Natural England, but has been previously addressed by the Principal Ecologist who considered that, subject to a number of conditions, the proposal will not detrimentally impact on protected species. It is considered that this response remains appropriate to this application.

### **Sustainable Construction**

- 6.5.4 Policy CS15 of the Core Strategy requires all residential development to meet Code Level 4 of the Code for Sustainable Homes. The Design and Access statement confirms that the proposal will be designed to comply with Core Strategy Policy CS15 regarding Code for Sustainable Homes.
- 6.5.5 Amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015 removed the relevant sustainable construction and energy efficiency parts of the Planning and Energy Act 2008.
- 6.5.6 These changes in Government policy have meant that the Council are no longer seeking compliance through the planning system. The energy performance part of the Code for Sustainable Homes will still apply in West Berkshire for all developments granted planning permission. Compliance with some elements of the Code for Sustainable Homes will be dealt with through Building Regulations.

### **Impact on Heritage Assets**

- 6.5.7 A dovecote within the curtilage of the nearest neighbouring property to the south-west, Winterbourne Farmhouse, is Grade II listed. The dovecote is approximately 40 metres from the proposed dwelling and approximately 20 metres from the proposed car parking area, with the existing barn to be retained in between.
- 6.5.8 The proposed development is not considered to introduce any significant impact on the historic asset by virtue of the distance and intervening buildings between the development proposed and the listed structure.

### **Planning Balance**

- 6.5.9 Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The application site is a Greenfield site within the designated countryside and AONB. As previously noted, the application proposes a number of benefits, those such as use of part of the site as car park are considered to be of benefit to the local community. The proposed landscaping works in association with the dwelling are considered to improve the current open and dilapidated site. These however do not entirely mitigate the harm caused by the introduction of a new dwelling into this location. Whilst it is acknowledged that the extensive landscaping works beyond the curtilage of the proposed dwelling would improve the landscape quality, these are not directly related to the application and cannot reasonably be lawfully secured through the use of conditions or a planning obligation. It is understood that the redundant barns currently pose a safety problem for users of the bridleway and give rise to anti-social behaviour issues. The removal of these problems, whilst are understandably considered to be welcome improvements by local residents, are however are not directly material planning considerations. Therefore these elements of the proposal should have no weight in the planning balance and are not considered to outweigh the material harm created by the development proposed, as identified in this report.



## **Presumption in Favour of Sustainable Development**

- 6.5.10 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals.
- 6.5.11 The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 6.5.12 In contributing to the economic role the development proposed would aid in providing short term economic benefits during the construction phase. However this is of limited economic benefit.
- 6.5.13 The provision of a car parking area may also introduce some economic and social benefit through increased provision for tourism/leisure. However this is also considered to be of limited economic and social benefit in this location.
- 6.5.14 Contributing to protecting and enhancing the natural, built and historic environment is fundamental to fulfilling the environmental role of planning. As explained in the report, the replacement of the barns with residential development is not justified and considered to be inappropriate due to the adverse impact upon the character of the area and the AONB contrary to the social and environmental sustainability objectives of the NPPF.
- 6.5.15 As such the proposal is not considered to contribute to the aim of delivering sustainable development contrary to the NPPF.

## **Community Infrastructure Levy (CIL)**

- 6.5.16 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable to pay the Community Infrastructure Levy. In this instance the site is within the AONB charging area under which the chargeable rate is £125 per m<sup>2</sup> of gross internal area. A separate Community Infrastructure Levy liability notice detailing the chargeable amount is to be sent with any planning decision notices.

## **7 Conclusion**

- 7.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above, and having regard to the strong reasons to object to the proposal, the development proposed is considered to be unacceptable and should be refused for the reasons set out below.
- 7.2 The application site lies outside of any defined settlement boundary, as defined by the West Berkshire District Local Plan Saved Policies 2007. The proposal would result in a new dwelling in the countryside in an unsustainable location that would not minimise the need for travel by car and would not be accessible by an alternative means of transport. Furthermore the proposal would not relate well to the existing settlement pattern and is not considered to fall within any of the special circumstances for isolated new homes in the countryside as detailed in paragraph 55 of the NPPF. Therefore the principle of the development of a new dwelling is not considered acceptable and runs contrary to Policies

ADPP1, ADPP5 and CS1 of the Core Strategy and Policy ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF and Policy C1 of the emerging Housing Site Allocations DPD.

- 7.3 The proposed dwelling and public car parking would result in a detrimental impact on the landscape and scenic beauty of the rural character and appearance of the AONB. The detached siting of the proposed dwelling from the existing built form within the village of Winterbourne would result in the development being seen in isolation from the existing residential built form of the village. The scale and siting of the dwelling alongside the public right of way, and associated domestic paraphernalia within the residential curtilage, is considered to significantly harden and domesticate in appearance the existing transition between the built form of Winterbourne Village and the countryside, thereby harming the rural character and appearance of the AONB. The parking of vehicles in this highly visible location outside of the settlement pattern of Winterbourne is also considered to contribute to the detrimental impact on the rural character and appearance of the AONB. Therefore the application is considered to be contrary to Policies ADPP5, CS14 and CS19 of the Core Strategy and Policy ENV20 of the of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF, the North Wessex Downs AONB Management Plan 2014-2019 and Policies C1 and C3 of the emerging Housing Site Allocations DPD.

## 8 Full Recommendation

- 8.1 **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the reason set out in Section 8.2.

### 8.2 Reason for Refusal

1. The application site lies outside of any defined settlement boundary, as defined by the West Berkshire District Local Plan Saved Policies 2007. The proposal would result in a new dwelling in the countryside in an unsustainable location that would not minimise the need for travel by car and would not be accessible by an alternative means of transport. Furthermore the proposal would not relate well to the existing settlement pattern and is not considered to fall within any of the special circumstances for isolated new homes in the countryside as detailed in paragraph 55 of the NPPF.

The proposal therefore fails to comply with Policies ADPP1, ADPP5 and CS1 of the Core Strategy and Policies HSG1 and ENV20 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as the NPPF and Policy C1 of the emerging Housing Site Allocations DPD.

2. The proposed dwelling and public car parking would result in a detrimental impact on the landscape and scenic beauty of the rural character and appearance of the AONB. The detached siting of the proposed dwelling from the existing built form within the village of Winterbourne would result in the development being seen in isolation from the existing residential built form of the village. The scale and siting of the dwelling alongside the public right of way, and associated domestic paraphernalia within the residential curtilage, is considered to significantly harden and domesticate in appearance the existing transition between the built form of Winterbourne Village and the countryside, thereby harming the rural character and appearance of the AONB. The parking of vehicles in this highly visible location outside of the settlement pattern of Winterbourne is also considered to contribute to the detrimental impact on the rural character and appearance of the AONB.

Therefore the application is considered to be contrary to Policies ADPP5, CS14 and CS19 of the Core Strategy and Policy ENV20 of the of the West Berkshire District Local

Plan 1991-2006 Saved Policies 2007 as well as the NPPF, the North Wessex Downs AONB Management Plan 2014-2019 and Policies C1 and C3 of the emerging Housing Site Allocations DPD.

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**WESTERN AREA PLANNING COMMITTEE  
ON 31 AUGUST 2016**

**UPDATE REPORT**

**Item No:** (1)                      **Application No:** 16/01603/FULMAJ                      **Page No.** 17 - 38

**Site:** Land north of Winterbourne Farm, Winterbourne

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**Planning Officer Presenting:** Derek Carnegie

**Member Presenting:**

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**Parish Representative speaking:** Mr John Hayward

**Objector(s) speaking:** N/A

**Supporter(s) speaking:** Mr Charles Flower

**Applicant/Agent speaking:** Mr Paul Clarke  
Mr Mark Cherrington

**Ward Member(s):** Councillor Paul Bryant  
Councillor Marcus Franks

**Update Information:**

No Update information

DC

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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, 31 AUGUST 2016

**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), Sarah Clarke (Team Leader - Solicitor) and Jenny Legge (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Billy Drummond

#### PART I

#### 20. Minutes

The Minutes of the meeting held on 10 August 2016 were approved as a true and correct record and signed by the Chairman, with the following amendments:

**Item 1, page 6, 4<sup>th</sup> paragraph:** change 'hadvacated' to ' had vacated'

**Item 1, page 6, last bullet point:** change 'roof lights' to 'eye-lid lights'.

**Item 1, page 8, 5<sup>th</sup> paragraph:** include the amended wording for Condition 2: 'In addition this shall include the painting of all the roof cowls grey'.

**Item 2, page 10, 5<sup>th</sup> bullet point from the bottom of the page:** change 'The site much planning history' to 'The site had much planning history'.

**Item 2, page 10, last bullet point:** change 'provision of office space' to 'provision of poor office space'.

Councillor Hilary Cole's name was misspelt throughout as Councillor Hillary Cole.

#### 21. Declarations of Interest

All Members declared an interest in Agenda Item 4(1), and reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Paul Bryant declared that he had been lobbied on Agenda Item 4(1).

Councillor Virginia von Celsing declared an interest in Agenda Item 4(2), and reported that, as her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

#### 22. Schedule of Planning Applications

##### (1) Application No. and Parish: 16/01603/FULMAJ, Land North of Winterbourne, Winterbourne

*(All Councillors declared a personal interest in Agenda Item 4(1) by virtue of the fact that they knew the occupant of the adjacent property. As their interest was personal and not*

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

*prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillor Paul Bryant declared that he been lobbied Agenda Item 4(1))*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/01603/FULMAJ in respect of land north Of Winterbourne Farm, Winterbourne.

In accordance with the Council's Constitution, Mr John Hayward, Parish Meeting representative, Mr Charles Flower, supporter, Mr Paul Clarke, applicant and Mr Mark Cherrington, agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unjustifiable. Officers strongly recommended the Committee refuse planning permission.

Councillor Hilary Cole sought clarification as to whether, should the Committee be minded to approve the application, it would be referred to the District Planning Committee (DPC) for determination. Derek Carnegie confirmed that in his view, it was out of policy and would therefore need to be referred to the DPC. Councillor Cole asked if this would also be the case for the second application being considered. Derek Carnegie confirmed that it would be.

Councillor Anthony Pick asked where the proposed car park would be on the site. Derek Carnegie indicated on the visual display that it would be to the north west of the house.

Councillor Howard Bairstow asked Officers whether they would have made a different recommendation if the proposal were for a barn conversion rather than a new dwelling. Derek Carnegie considered that the recommendation would remain the same.

Councillor Jeff Beck drew the Committee's attention to page 33, point 7.2 where it was stated that the, 'site lies outside of any defined settlement boundary', however he recalled Derek Carnegie observing that Winterbourne had no settlement boundary. Derek Carnegie confirmed that there was a settlement boundary approximately a mile and half away in Chieveley, but Winterbourne had no such boundary.

Councillor Garth Simpson suggested that the footpath and the existing structure of the barns within the curtilage were, in practice, a physical boundary. Derek Carnegie explained that this was not a planning boundary.

Councillor Clive Hooker noted that there had previously been a residential property on the site and wondered if that should add weight to the application. Derek Carnegie concluded that this was not a planning consideration of relevance in this case.

Mr Hayward in addressing the Committee raised the following points:

- The majority of Winterbourne village were in favour of the application. They were also supportive of the previous application and are even more strongly in favour of the current proposal.
- Planning Officers had received eighteen letters of support and there were no objections from the Parish Meeting or the other consultative bodies.
- Neighbouring Chieveley Parish Council and the North Wessex Downs Area of Outstanding Natural Beauty (AONB) also supported the application.
- Although Planning Officers had concluded that the application was contrary to policy, as Winterbourne has no settlement boundary and argued that the flint wall delineated the settlement pattern, he did not consider this correct. The walls were the remains of three historic Winterbourne manors.



## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

- The site would not be an isolated house in the countryside, as there was an existing property on one side 40m away and the long awaited bund for flood relief on the other.
- Officers suggested that the house would be detrimental to the AONB, but the AONB organisation were supporting the application.
- The northern approach to the village was currently a mess. The barns were an ugly, dangerous, eyesore. It would be preferable to have a sensitively designed dwelling that fit well with the neighbouring property and with the village as a whole. The design included off road green car parking space and extended landscaping.
- He asked that the Committee take into account residents' views and approve the application

Mr Flower in addressing the Committee raised the following points:

- He had an interest in the AONB as he had been on the committee that had set it up in 2002.
- The village was very active on behalf of the AONB and was working on an ambitious programme which included, restoration of the dovecote, planting woodland etc. This would create significant gains for the environment and the village.
- By approving the application, this Committee would help the village rid the site of the derelict barns and farmyard and thereby improve the view of visitors who approach from the bridleway.
- Due to misuse of the derelict barns, the farmhouse had been burgled three times. The cost of clearing the abandoned barns would be offset by the money raised from the development.
- The owner of Winterbourne Farmhouse had rebuilt the dovecote from rubble, without public money and he felt she deserved better treatment.

Mr Clarke in addressing the Committee raised the following points:

- He was a share holder in the derelict dairy site.

Mr Cherrington in addressing the Committee raised the following points:

- The revised scheme had been developed with the local community and the AONB and they had an active interest in how the site might be delivered.
- The scale of the house had been reduced and there had been careful attention to landscaping with respect for the natural land.
- He respected the view of Officers and their view on policy. However, while it was policy to restrict residential development in the countryside, it did not prohibit it and there was therefore some element of leeway.
- He was confident that the end of the settlement boundary was the bridleway and not the flint wall.
- The National Planning Policy Framework (NPPF) had a presumption in favour of sustainable development and this application would change the village for the better. The AONB would be preserved and enhanced and would benefit from, for example, improved hedgerows, 94 trees, meadow planting and a five year maintenance programme.
- Officers could Condition the planting and landscaping.

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

- The proposed public car park would benefit the village during local events and would improve highway safety by removing congestion from the main street.
- The derelict buildings would be removed

Councillor Cole noted that Mr Cherrington had made reference to material considerations and the NPPF and that he was acquainted with the policy for houses in the countryside and wondered how this application related to West Berkshire Council's (WBC) emerging Submission Housing Site Allocations Development Plan Document (DPD). Mr Cherrington responded that in this particular instance the proposal was within a settlement pattern and the site would be treated safely without problems in the future.

Councillor Cole remarked that the support of the AONB both fascinated and surprised her as they were usually stridently against development in West Berkshire. She conjectured that if the application had not proposed such beneficial activity to the landscape, that the AONB would not have been so supportive. Mr Cherrington concurred.

Councillor Cole sought clarification as to how the dwelling would benefit the rural economy. Mr Cherrington assured the Members that the build project would profit the village. The improved visage would attract tourism and enhance visitor's enjoyment of the countryside. He concluded that he was not profiteering out of planning applications, but was building a home that enhanced the area and was sustainable.

Councillor Paul Bryant questioned Mr Clarke as to why the barns couldn't just be pulled down and the ground returned to farm land. Mr Clarke explained that it would not be economically viable. The yard was mostly concrete and would be expensive to remove. The Council approved flood relief strip adjacent to the site, and the footpath meant that the plot was not sizeable enough to be cropable, and the demise of the dairy farm had already shown that a business of this type was not viable.

Councillor Beck asked Mr Clarke what the surface dressing for the car park would be. Mr Clarke explained that it would be a green area with a solid base and would maintain the look of a meadow. Councillor Beck inquired whether the amount of water run-off this would produce had been considered. Mr Clarke confirmed that this had been catered for by using the land to alleviate the amount of water going onto the road. The Environment Agency had been consulted.

Councillor Dennis Benneyworth conjectured who would control the use of the public car park. Mr Clarke observed that 'dos' in the village caused congestion and that the car park would be controlled in conjunction with the Parish Meeting. Councillor Cole again wondered how the area would be policed to ensure that it was not used by people leaving their cars for the day. Mr Clarke conjectured that the Parish Meeting would use a democratic approach and were honourable and honest. They would wholeheartedly get behind how it was organised and it would be wrong to raise problems before they arose.

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

- He contemplated what options were available for this type of site. It was not economically viable to repair and reuse the barns or pull them down and return to the land to agricultural use. To let it remain untouched would leave an eyesore. To redevelop it would need it to be identified as an exception site and this was not one. The only option left was to build a house.
- The consultation process had brought forward no objectors. The AONB and the Parish Meeting were in favour of the plan.

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

- The proposal was against policy, but planning was not an exact science and there were anomalies all over the place. He recalled a recent application which had been approved, against policy, at Delamere Stables as it was the sensible thing to do. He felt it was better to replace the barns with a good looking house.
- Using points, including, 6.1.12, 6.1.16, 6.2.2, 6.2.5, 6.5.14, from the Officers report to highlight his views, Councillor Bryant summarised his position thus: the proposed site was not in an isolated position and could be considered a brown field site; the derelict barns would be replaced with a well-designed house; there was no pattern in the types of property in the village, therefore the house design could not follow any pattern, but it was sympathetic to its surroundings and any impact from the dwelling would be less than that made by the existing units on the site.

Councillor Cole noted that the Parish Meeting hadn't found an 'identified need' for a rural exception. She asked was there an 'identified need' for a substantial house. Councillor Bryant was certain it would attract a buyer's. Councillor Cole sought confirmation that this was a speculative build. Councillor Bryant agreed.

Commencing the debate, Councillor Pick asserted that a purpose of planning policy was to support AONBs and the villages. He felt the Committee should promote planning applications that support AONBs rather than oppose them. He failed to understand how this development was harmful. He personally supported this application and hoped that the approval of the village would sway the Members. Derek Carnegie asked Councillor Pick if he could identify ways in which the site was sustainable, as sustainability was a major tenet of planning policy. Councillor Pick opined that in terms of transport the occupant would need a vehicle, however the proposal would provide benefits to the area and would not set a precedent for further development.

Councillor Hooker commented that if sustainability were to be based solely on public transport accessibility any development in the rural areas in West Berkshire, and this village in particular, would be precluded. Derek Carnegie advised that Winterbourne was not a village in planning terms.

Councillor Cole pointed out that some discussion points were not planning issues, for example the derelict barn, the restoration of the dovecote and the extended planting. Although these proposals would benefit the AONB, they were not planning matters.

Councillor Cole proposed to support Officer recommendation to refuse planning permission. This was seconded by Councillor Adrian Edwards.

Councillor Beck offered the view that common sense should prevail. The site was adjacent to an existing settlement and next door to an existing farm house. Where was the harm? Councillor Garth Simpson concurred with Councillor Beck and sided with the supporters in the village.

Councillor Edwards had visited the site and didn't like the derelict barns and on first impression he felt that anything would be an improvement, however this proposal was against policy. He was concerned that if Members approved this application, a precedent would be set which would allow for further development in this area.

Councillor Paul Hwer agreed with Hilary Cole, but struggled to see a better way to resolve the untidy site. He saw buildings all over the place in the countryside and felt it was an improvement to have the derelict buildings replaced by a home. Derek Carnegie asserted that WBC was a policy led authority which put great emphasis on sustainability. More houses could be built 'all over the place' if precedents for developing in the countryside were set.

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

Councillor Cole reflected that this could be a case of development by dereliction. It was easy to let buildings fall into disrepair and although it was easy to demolish them, there was no gain in this. She noted that Councillor Bryant had mentioned Delamere Stables and that this was also out of policy and had been referred to the DPC for determination.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Cole as seconded by Councillor Edwards to refuse planning permission as per Officer recommendation. At the vote, three members voted in favour and seven against. The proposal was rejected.

Councillor Beck proposed to approve conditional planning permission, against Officer recommendation. This was seconded by Councillor Simpson.

Sarah Clarke asked if Members would detail the Conditions required and pointed out that the extended landscaping that the AONB had based their support on, could not be Conditioned. Only that which was pertinent to the plan. Councillor Beck answered that Officers usually supplied Conditions at a later time. Councillor Bryant concluded that the Committee should ask Officers to draft Conditions in readiness for the DPC meeting.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Beck as seconded by Councillor Simpson to grant planning permission, against Officer recommendation. At the vote, seven members voted in favour and three against and the motion was carried.

Councillor Edwards asked that his vote against this proposal be recorded.

**RESOLVED** that the application should be granted contrary to Officers recommendation but that the matter should be referred to the District Planning Committee because of the policy implications where, if required, planning conditions could be applied.

### **(2) Application No. and Parish: 16/01675/HOUSE and 16/01676/LBC2, Long Acre Farm, Seven Barrows, Lambourn**

*(Councillor Virginia von Celsing declared a personal interest in Agenda Item 4(2) by virtue of the fact that she had had recent dealings with the agent. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 16/01675/HOUSE and 16/01676/LBC2 in respect of Long Acre Farm, Seven Barrows, Lambourn.

In accordance with the Council's Constitution, Mr Riggall, Parish Council representative, Mr Mark Preston, applicant and Mr Mike Fowler agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. He invited Debra Inston (Principal Conservation & Design Officer) to comment in more detail and on the update report.

Debra Inston informed the Committee that this was a listed building and not an ordinary building in the countryside. When making their decision they should consider if the proposal harmed the fabric and character of the original cottage. It was the council's duty to preserve buildings and settings of architectural interest. The particular interest in this cottage was its modest appearance. In the update report, Historic England made a strong objection as they felt this proposal would create a high degree of harm on the building. The original worker's cottage was built in the eighteenth century, extended from the back in the nineteenth century, with a further extension in the twentieth century.

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

The property's special interest was derived from its modest, but decorated appearance, the building techniques used in its construction and the detailing on the facade. Whilst it had been extended, this had been to the rear of the building and had been subservient and of the same architectural language. The proposed design replicated the existing cottage in a bookend effect, not subservient to the main cottage. In 100 years time it would be difficult to see what was the original house.

Historic England's serious concern was that this was a very important example of a cottage orné. Its character was notable for its modest size and not just for the decorated facade. Debra Inston echoed Planning Officers concerns that this application would cause significant harm to the dwelling. This level of harm should only be allowed if it was for public benefit. This proposal was for private benefit and would be against the National Planning Policy Framework (NPPF) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion the report detailed that the proposal was unjustifiable. Officers strongly recommended the Committee refuse planning permission.

Councillor Hilary Cole asked for clarification if it was the mimicking of the original house that was not acceptable and if the proposed design was for a modern glass cube for example, would this be granted permission. Debra Inston explained that this was not the case. The size of the development was not acceptable. Officers had suggested a compromise of a single storey building to the back of the property, however the applicant had wanted to put bedrooms at first floor level.

Mr Riggall in addressing the Committee raised the following points:

- Lambourn Parish Council were pleased with the applicant's presentation and had no objection to the proposal. All the restoration and alterations that had so far been carried out on the house had been completed to a very high standard and were in keeping with the surroundings. They supported the application.

Mr Preston in addressing the Committee raised the following points:

- The cottage had originally been two shepherds' cottages, however the needs of the occupants had moved on.
- Since buying the cottage he had had two children and his wife wanted their children's bedrooms to be on the first floor, for security reasons.
- During his time in the cottage he had gone to great extent to carry out considerate alternations for example, replacing asbestos and corrugated sheet barns with stables in a style sympathetic to the main building.
- In order to continue to live in the house, there would have to be an extension. He believed the design was subservient to the original cottage and that there would be no change to the facade of the cottage.

Mr Fowler in addressing the Committee raised the following points:

- As the architect, his ambitions for this project were not a million miles away from those of the Principal Conservation & Design Officer.
- The proposed extension was subservient and would be partly stuck in the ground due to land form. The location of the extension on the site had been agreed with Officers as the best position.
- The gothic frontage would not be changed and he believed that the settings formed part of the significance of the building and this was mainly the view of the

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

house from the south. With the extension being sited to the north of the house this view would not be affected.

Councillor Paul Bryant inquired as to when the existing extensions were erected. Mr Fowler explained that the house was built in 1825 with the first extension of two blocks at some time around 1840-1860, the last extension was in 2009.

Councillor Adrian Edwards asked if there had been a discussion with Officers about redesigning the 2009 extension, rather than creating a bookended property. Mr Fowler confirmed there had been a discussion and the location was agreed during this. Debra Inston explained that it wasn't the location of the extension that was in dispute, but the scale and form of the construction.

Councillor Cole pointed out that the glazed link looked very long and would mean that the new bedrooms would be a long way from the principal bedrooms, and this made her wonder about how secure they would be for the children being that far away from their parents at night.

Councillor Graham Jones, as Ward Member, in addressing the Committee raised the following points:

- Regarding the aesthetics of the proposal, this was a lovely building in a very attractive setting. He did not believe that it detracted from or dominated the original building.
- The distance of the new house from the old ensures that it stands alone.
- He had known the site for many years and it had been very much improved by its current owner.

Commencing the debate, Councillor Garth Simpson recalled an application for a converted coach-house at Donnington Golf Course where past extensions were tolerated and the proposal was allowed because of growing family needs.

Councillor Howard Bairstow commented that the only people who regularly saw the facade were the family and the lads out on the gallops and this view would not be affected.

Councillor Cole asked Officers whether the proposal would have been acceptable if this were not a Listed Building. They confirmed this was so. Derek Carnegie continued that the Council had a very important duty to apply legislation and protection to the highest degree, which was why we had specialists such as Debra Inston. The second storey was what made the design unacceptable. He suggested that the parents sleep at ground level and the children on the first level.

Councillor Cole agreed with regard to security and viewed this as a 'red herring'. She drew the Committee's attention to page 43, point 6.3 which referred to West Berkshire Council's (WBC) emerging Submission Housing Site Allocations Development Plan Document (DPD) and the need for the enlargement to be subservient.

Councillor Bryant found it exceedingly difficult to consider Listed Building applications as they were rarely simple. He felt the original building had been already degraded by the previous extensions. He didn't see the problem with bookends and felt that although it wasn't subservient, the building was separate. His objection was to the modern glass element. He was in a dilemma and looking for guidance.

Councillor Edwards asserted that WBC had an obligation to look after and preserve Listed Buildings as part of our heritage. If there had been an Officer like Debra Inston in Victorian times, the first extension might not have been built. The cottage had been designated a Listed Building by a national body, not WBC. Although, the heritage side of

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

things could cause difficulties, when an expert objects to an application and Heritage England have given a clear objection with a detailed explanation, he felt the Committee should listen.

Councillor Edwards proposed to support Officer recommendation to refuse planning permission. This was seconded by Councillor Jeff Beck.

Councillor Pick observed that the extension would increase the house size by 97% and ask Officers to explain how this was calculated. Debra Inston commented that this did not include the later extensions, but was the percentage increase on the original build.

Councillor Pick concluded that he respected the views of Officers and Councillor Cole, however if a building were to survive it had to be viable for occupation. In this case there was a responsible owner.

Councillor Virginia von Celsing related that she lived in a Listed Building and was appalled at the decision that the Committee made on Donnington Golf Course, as she felt they had allowed a beautiful building to be ruined. However, in this case she felt that the new elevation would not cause enough harm to the original building and wanted Listed Buildings to continue in modern day usage.

Debra Inston reiterated that the southern elevation was not the only element of significance. What made the cottage special was its modesty of size combined with its decorative facade and its construction as a farm worker's cottage.

Councillor Cole recognised the point being made by Officers. However, living conditions and expectations changed.

Councillor Bairstow approached the debate from the point of view of the owner, wondering how he would juggle the need for space with the need to protect the Listed Building. He might have very well decided on the same solution as the applicant and compromised with a bookend design. Debra Inston reiterated that a single storey building was another compromise that could have been considered.

Councillor Simpson concluded that the Listed Building portion of the property was very small and given the architect had proposed a fairly attentive design, which he found interesting and distinctive, he did not feel that it imposed too much on the Listed Building.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Edwards as seconded by Councillor Beck to refuse planning permission as per Officer recommendation.

Sarah Clarke reminded Members that they were voting on two applications.

At the vote, two members voted in favour, five voted against, and 3 abstained. The proposal was rejected.

Councillor Cole asked if Members were minded to vote to grant permission would the decision be referred to the District Planning Committee (DPC) for determination. Derek Carnegie confirmed that it would.

Councillor von Celsing proposed to approve conditional planning permission (with Officers to draft Conditions in readiness for the DPC meeting), against Officer recommendation. This was seconded by Councillor Bairstow.

Councillor Hooker invited the Committee to vote on the proposal of Councillor von Celsing as seconded by Councillor Bairstow to grant planning permission, against Officer recommendation. At the vote, five members voted in favour, two voted against, and 3 abstained. The motion was carried.

Councillor Edwards asked that his vote against this proposal be recorded.

**WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES**

**RESOLVED that** the application should be granted contrary to Officers recommendation but that the matter should be referred to the District Planning Committee because of the policy implications where, if required, planning conditions could be applied.

**23. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 8.40 pm)*

**CHAIRMAN** .....

**Date of Signature** .....



# Agenda Item 4.(4)

<b>Item (3)</b>	<b>16/01675/HOUSE and 16/01676/LBC2</b>
<b>Title of Report:</b>	<b>Long Acre Farm, Seven Barrows, Lambourn Mr and Mrs M Preston Erection of two storey extension and single storey glazed link.</b>
<b>Report to be considered by:</b>	District Planning Committee
<b>Date of Meeting:</b>	28 <sup>th</sup> September 2016.
<b>Forward Plan Ref:</b>	N/A

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01675/HOUSE>

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01676/LBC2>

**Purpose of Report:** **For the District Planning Committee to determine the application in question.**

**Recommended Action:** **The Western Area Planning Committee, at the meeting on 31<sup>st</sup> August 2016, RESOLVED** to approve the application, subject to conditions. The application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026, the advice given in the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

**Reason for decision to be taken:** The application, if approved, would comprise a departure from current Development Plan Policy in the Core Strategy 2006 to 2026 - ADPP1, ADPP5 and CS19. Policy ENV24 of the West Berkshire District Local Plan Saved Policies 2007, Policies C3, and C6 of the draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document (November 2015).

The proposal therefore conflicts with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990.

**Key background documentation:** Western Area Planning Committee on 31<sup>st</sup> August 2016. Agenda Report and minutes, plus update sheet. Application file 16/01675/HOUSE and 16/01676/LBC2

## **Key aims.**

Focus development within established settlement boundaries.  
Protection of designated heritage assets  
Protecting the environment and rural areas  
Achieve sustainability in Council planning decisions.

The proposals contained in this report have to be considered in order to help to achieve the above Council Strategy as set out in the 2013 to 2018 document.

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole
<b>E-mail Address:</b>	Hilary.Cole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	To be advised.

Contact Officer Details	
<b>Name:</b>	Sharon Brentnall
<b>Job Title:</b>	Temporary Planning Officer
<b>Tel. No.:</b>	01635519111
<b>E-mail Address:</b>	<a href="mailto:Sharon.brentnall@westberks.gov.uk">Sharon.brentnall@westberks.gov.uk</a>

### Implications

<b>Policy:</b>	Core Strategy Policies – ADDP1, ADPP5, CS 13:, CS 14, CS 18, CS 19
<b>Financial:</b>	N/A
<b>Personnel:</b>	N/A
<b>Legal/Procurement:</b>	N/A
<b>Property:</b>	N/A
<b>Risk Management:</b>	N/A
<b>Equalities Impact Assessment:</b>	N/A

## EXECUTIVE SUMMARY

### 1 INTRODUCTION

- 1.1 The Western Area Planning Committee on 31<sup>st</sup> August 2016, considered an agenda report for the erection of a single storey glazed link from the existing dwelling leading to a two storey extension. The site is located to the within Upper Lambourn, outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The application site falls within the open countryside as identified within Policy ADPP1 of the Core Strategy where 'only appropriate limited development in the countryside will be allowed, focussed on the addressing identified needs and maintaining a strong rural economy'. Policy ENV.24 of the Local Plan Saved Policies allows for the extension of houses in the countryside in principle subject to a range of criteria, primarily relating to design, harm to the character of the area and whether it would be disproportionate to the original dwelling.:
- 1.2 Policy C6 of the Housing Site Allocations Development Plan Document (HSA DPD) is proposed to replace saved policy ENV.24. This policy also allows for the extensions of houses in the countryside. There is a presumption in favour of proposals for the extension of existing permanent dwellings and will be permitted subject to scale in relation to the original dwelling, design and use of materials, harm to the amenity of neighbouring

properties. Of most relevance to this application is that it should have no adverse impact on the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape.

- 1.3 It is considered that the impact of the proposed extension when taken with the existing building would result in a substantial dwelling on this plot, which would be inappropriate in this location. Whilst the plot size is relatively large, the proposed dwelling would dominate the residential curtilage. The original rear garden area would be lost to built development, with the front of the dwelling re-sited to the extension. The original listed farmhouse/ farm yard layout will no longer be visible, which is considered to have an adverse impact on the setting of this Grade II Listed Building.
- 1.4 Areas of Outstanding Natural Beauty have a high status of protection in relation to landscape and scenic beauty, as set out in para. 115 of the NPPF. It is considered that the cumulative impact of the proposed extension, in conjunction with the existing dwelling and surrounding buildings on the site would introduce a significant amount of built form into this open, rural landscape which would have a detrimental impact in this location. It is considered that the proposal does not comply with relevant criteria of saved policy ENV24 or emerging policy C6 in this regard.
- 1.5 with regard to proportion and increases in size proposed by extensions in the countryside, the Replacement Dwellings and Extensions to Dwellings in the Countryside SPG outlines the factors to consider (including floor space calculations based on the original dwelling as first constructed or as they existed in 1948 if built before this date). It states that an increase in floor space of less than 50% would likely be acceptable, with anything over 100% normally to be unacceptable. Between 50% and 100% depends on the site characteristics, scale and massing of the proposal. The existing dwelling currently consists of the original farm cottage, which has been significantly extended over time, with a substantial two storey extension, followed by a further significant single storey modern extension. The proposal would add a further two storey extension to replicate the existing two storey dwelling. Due to the amount of changes over time, the actual floorspace of the original dwelling is difficult to calculate. If however the single storey rear extension is removed and the two storey original building and proposed extensions are simply compared, this would represent a 97% increase. Historical maps show that the dwelling would have been significantly smaller and therefore the actual increase in floorspace over the original dwelling would be in excess of 100%.
- 1.6 It is noted that the applicants have questioned the use of the 'disproportionate calculations', which is one of the criteria of Policy ENV24. Emerging policy only requires the proposal to be subservient to the host dwelling. It is clear from the calculations that the proposed would be marginally subservient to the host property in terms of a 97% increase, but visually this would not be apparent, particularly when it is added to the proposed single storey extension and the existing modern elements of the property. These elements combined would result in a form of development which would be three times the depth of the original building and not a form which could be considered to be either proportionate or subservient.
- 1.7 The dwelling is a Grade II Listed building and an application for Listed Building Consent is also being considered. In the consultation response from Historic England, the dwelling is described as a relatively rare Cottage Orn , where the proposed extension on the grounds of overdevelopment, would lead to a high degree of harm to the significance of the listed building. The proposed extension is considered to be fundamentally at odds with the architectural character of the original modest cottage and the significance of the listed building would be lost.

- 1.8 The Conservation Officer echoes these views, also adding that It is the council's duty to preserve buildings and settings of architectural interest. The property's special interest was derived from its modest, but decorated appearance, the building techniques used in its construction and the detailing on the facade. Whilst it had been extended, this had been to the rear of the building and had been subservient and of the same architectural language. The proposed design replicates the existing cottage in a bookend effect, which is clearly not subservient to the main cottage. In 100 years time it would be difficult to determine the original house, which is of key significance. The original dwelling will no longer house the entrance to the dwelling and the original siting and layout will be lost. Whilst it is acknowledged that previous extensions have undermined some of the significance of the heritage asset, this is not sufficient reason to grant consent. The building still remains a valuable heritage asset which in the opinion of Historic England warrants further research.
- 1.9 The proposals are considered to result in significant harm to the heritage asset. In these instances the NPPF (paragraph 132), is clear that "*Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*" It goes on to state that "*where there is no public benefit to outweigh the harm, these applications should be refused*". It is considered that the existing dwelling has sufficient floorspace to enable it to operate as a viable dwelling. Therefore the proposed extension of the dwelling would provide only private benefit and no public benefit contrary to advice. Whilst the applicants wish to remodel the space to suit family requirements, this does not represent sufficient justification to outweigh the harm to the valuable heritage asset.
- 1.10 This is further reinforced by the views of the Conservation Officer and that of Historic England, who as specialist heritage professionals, set out that the application should be refused as contrary to policy CS19, the NPPF and the provisions of and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.11 Members at the Western Area Planning Committee in the main considered that the proposed extension was of a design which was appropriate and the original modest form of the cottage did not meet modern requirements and therefore the proposed extension, given that the original cottage had already been extended was acceptable. This benefit would outweigh the harm and justify the departure from national and local planning policy. Officers determined that the issues involved should be considered by the District Planning Committee due to the conflict with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition to conflict with planning policy that would undermine the development plan and the forthcoming Housing Allocations DPD. The detailed reasons are set out more fully in the report attached at Appendix 1 and update paper at Appendix 2.

## 2 CONCLUSION

- 2.1 The Western Area Planning Committee evaluated the planning policy advice provided in the Committee Report and concluded that the proposed extension to this Grade II Listed building was acceptable and appropriate to this location. The benefits of the proposal, namely extending the property to provide a dwelling which has sufficient floorspace and a layout to meet modern standards, outweigh the departure from national and local planning policy.

## 3 RECOMMENDATION

- 3.1 That the District Planning Committee **REFUSE** planning permission for the reasons set out in paragraph 8.2 of the report to the Western Area Planning Committee on 31<sup>st</sup> August 2016.

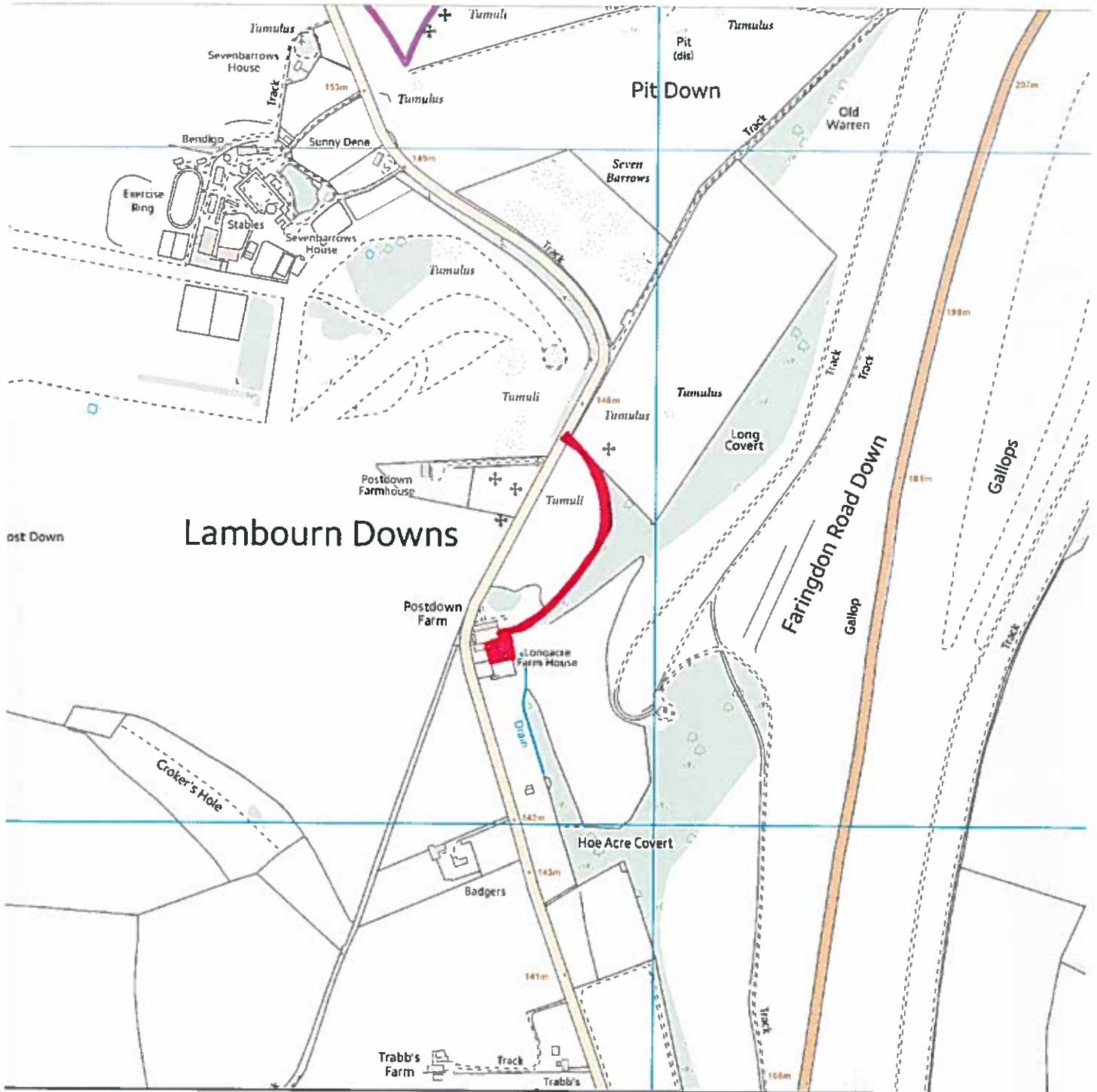
## **APPENDICES**

- 1 WAP Committee Report of 31<sup>st</sup> August 2016
- 2 Update paper of 31<sup>st</sup> August 2016
- 3 Minutes of meeting held on 31<sup>st</sup> August 2016

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Long Acre Farm, Seven Barrows, Lambourn



Map Centre Coordinates :

Scale : 1:8477

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	19 August 2016
SLA Number	0100024151

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<b>Item No.</b>	<b>Application No. and Parish</b>	<b>8/13 week date</b>	<b>Proposal, Location and Applicant</b>
(2)	16/01675/HOUSE and 16/01676/LBC2	11.08.2016	Erection of two storey extension and single storey glazed link.  Long Acre Farm Seven Barrows Lambourn  Mr and Mrs M Preston

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01675/HOUSE>

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/01676/LBC2>

**Recommendation Summary:**            **The Head of Planning and Countryside be authorise to REFUSE planning permission**

**Ward Member(s):**                            Councillor Graham Jones  
Councillor Gordon Lundie

**Reason for Committee Determination:**            For Members to determine the aesthetics of this proposal and its suitability for the setting

**Committee Site Visit:**                    25<sup>th</sup> August 2016

<b>Contact Officer Details</b>	
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<b>Job Title:</b>	Planning Officer
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## 1. Site History

08/01558/FULD - Extension to Long Acre Farmhouse; Construction of new outbuilding; Construction of new stable block; Demolition of 3 No. C20th farm buildings. External works including extensive landscaping, farm to become a Centre of Excellence for the breeding and training of Polo Ponies. Part Change of Use from Agricultural to Equestrian - APPROVED 17th October 2008

12/00875/FUL - Construction of a new general purpose agricultural barn, within the curtilage of a listed farmhouse - APPROVED 20th June 2012

12/02778/HOUSE - Construction of a swimming pool and pool shed within the curtilage of the listed farmhouse. - REFUSED 4th January 2013

A LBC application was submitted with this application but was not required.

13/01582/FUL - Construction of agricultural storage for fodder, bedding and machinery, a working horticultural greenhouse and leisure facilities - REFUSED 28th June 2013

13/01583/LBC - An LBC application was submitted with the above application but was not required

14/00202 - LBC application for the construction of a swimming pool - NOT REQUIRED

14/00201/FUL - Construction of swimming pool - REFUSED on the 28th March 2014

16/00530/LBC2 - Erection of two storey extension, and single storey glazed link - WITHDRAWN 3<sup>rd</sup> May 2016

16/00529/HOUSE - Erection of two storey extension, and single storey glazed link. WITHDRAWN 3<sup>rd</sup> May 2016

## 2. Publicity of Application

Site Notice Expired: 30.06.2016

## 3. Consultations and Representations

**Parish Council:** NO OBJECTION

**Conservation:** OBJECTION

Long Acre Farmhouse is an C18/19<sup>th</sup> Grade II listed building, which has been extended to the rear in the C19<sup>th</sup> and C20<sup>th</sup>. The original building is a modest, flint and sarsen stone structure, with Gothic detailing. The most recent extension is a linear single storey structure which extends to the rear.

The special architectural and historic interest of the listed building is derived from its modest appearance along with the presence of vernacular building techniques, materials and Gothic revival architectural detailing. Whilst Long Acre Farm has been extended over the years, its historic identity as a modest farmhouse remains apparent and it remains the most impressive building on the site.

The proposal is for a 2 storey structure located at the end of the single storey extension, essentially forming a cross-wing. The proposal is of the same height, scale, materials and architectural language as the original building.

There are serious concerns that the proposed cross-wing would become a dominant element, which would disturb the focal emphasis of the building. It would represent a significant addition which would result in the original dwelling becoming a mere 'bookend', rather than the main focal point.

**Highways:** NO OBJECTION subject to informatives

**Archaeology:** NO OBJECTION

No archaeological assessment or programme of investigation and recording will be necessary in relation to the current proposal

**Natural England:** NO OBJECTION

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Seven Barrows and Crokers Hole SSSI's have been notified. The proposed development is for a site within or close to a nationally designated landscape namely North Wessex AONB.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Subject to standing advice in regard of protected species and biodiversity enhancements.

### **No further consultation responses received**

**Correspondence:** None received

## **4. Policy Considerations**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

The statutory development plan comprises:-

- The West Berkshire Core Strategy 2006-2026
- The West Berkshire District Local Plan Saved Policies 2007
- The South East Plan 2009 Policy in so far as Policy NRM6 applies
- The Replacement Minerals Local Plan for Berkshire 2001
- The Waste Local Plan for Berkshire 1998

4.2 The West Berkshire Core Strategy carries full weight in decision making. The following policies are relevant to this application:

- National Planning Policy Framework Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
- CS 13: Transport
- CS 14: Design Principles
- CS 18: Green Infrastructure
- CS 19: Historic Environment and Landscape Character

4.3 The saved policies of the West Berkshire District Plan carry due weight according to their degree of conformity with the National Planning Policy Framework. The following saved policies are relevant to this application:

- ENV.24: Extensions to Dwellings in the Countryside
- HSG.1: The Identification of Settlements for Planning Purposes
- TRANS.1: Meeting the Transport Needs of New Development

4.4 The Council has submitted the proposed Housing Site Allocations Development Plan Document which is currently undergoing Public Examination. The document will form part of the Local Plan and contains proposed housing and parking standards policies which would replace those of the Local Plan Saved Policies. These policies are now to be afforded significant weight at this advanced stage or preparation having regard to the National Planning Policy Framework. The following policies are relevant to this application:

- C 3: Design of Housing in the Countryside
- C 6: Extension of Existing Dwellings within the Countryside
- P 1: Residential Parking for New Development

4.5 Other material considerations include government guidance, in particular:

- National Planning Policy Framework 2012
- National Planning Practice Guidance 2014

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

- The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019
- Supplementary Planning Guidance: Replacement Dwellings and Extensions to Dwellings in the Countryside
- Supplementary Planning Guidance 4/02: House Extensions 2004
- Supplementary Planning Document: Quality Design

## 5. Description of Development

5.1 The site lies outside any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty to the north of Upper Lambourn. The site contains Long Acre Farmhouse, which is a C18/19<sup>th</sup> Grade II listed building, which has been extended to the rear in the C19<sup>th</sup> and C20<sup>th</sup>. The original building is a modest, flint and sarsen stone structure, with Gothic detailing. The most recent extension is a linear single storey structure which extends to the rear from the previous 2 storey rear extension.

- 5.2 The holding extends to approximately 12 hectares and consists of the main Listed dwelling and staff annexe, gardens, other grounds, a stable complex for the breeding and training of polo ponies and other equestrian and agricultural land.
- 5.3 Access into the site is from a gate off the Seven Barrows Road. The drive sweeps past the stable complex into a main yard. The dwelling house and other associated buildings are accessed off this yard. The site is not in close proximity to any adjacent properties. There are no views of the dwelling available from the access due to the distance between the two. There are however views into the site from the highway, although this is largely screened by the stable building.

## **6. Consideration of the Proposal**

### **Principle of Development**

- 6.1 ENV.24 of the Local Plan Saved Policies allows for the extension of houses in the countryside in principle subject to:
- a) the dwelling is of permanent construction with a reasonable expectation of life;
  - b) the extension or additional building is in keeping with the design of the existing dwelling and uses complementary materials;
  - c) the impact of the proposed development when taken with the existing building or buildings would not be materially greater or more harmful than that of the existing building(s) on the rural character of the area;
  - d) the proposed development would not result in an extended dwelling disproportionate in size to the original.
- 6.2 The existing dwelling is considered to be of permanent construction with a reasonable expectation of life. The remaining criteria are to be discussed in greater detail in the relevant sections below.
- 6.3 Policy C6 of the Housing Site Allocations Development Plan Document (HSA DPD) is proposed to replace saved policy ENV.24. This policy also allows for the extensions of houses in the countryside. There is a presumption in favour of proposals for the extension of existing permanent dwellings and will be permitted providing that:
- i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
  - ii. it has no adverse impact on the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
  - iii. the use of materials is appropriate within the local architectural context; and
  - iv. there is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.
- 6.4 Under these policies an extension to the dwelling could in principle be acceptable, subject to the proposal meeting the above detailed criteria. Consideration is also to be given to other development plan policies that relate to design, impact on the character of the area and Area of Outstanding Natural Beauty, impact on the listed building, impact on amenity and highways.

### **Design and Impact on the Character of the Area**

- 6.5 Policy ENV.24 states that extensions and outbuildings within residential curtilages shall be: of permanent construction; in keeping with the design of the existing dwelling and use complementary materials; not materially greater or more harmful in their impact on the rural

character of the area; and not result in an extended dwelling disproportionate in size to the original.

- 6.6 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 6.7 Policy CS19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.8 The site lies within the North Wessex Downs Area of Outstanding Natural Beauty Policy where policy ADPP5 also applies. This seeks to preserve local distinctiveness, sense of place and setting of the AONB and the strong sense of remoteness, tranquillity and dark night skies. Development is required to respond positively to the local context. The dwelling is considered to be of permanent construction with a reasonable expectation of life.
- 6.9 The proposed design of the extension closely matches that of the existing dwelling and utilises matching materials.
- 6.10 The impact of the proposed extension when taken with the existing building would result in a substantial dwelling on this plot. Whilst the plot size is relatively large, the proposed dwelling would dominate the residential curtilage. The original rear garden area would be lost to built development, with the front of the dwelling re-sited to the extension. The original listed farmhouse/ farm yard layout will no longer be visible, which is considered to have an adverse impact on the heritage asset and will be discussed in greater detail below. It is therefore considered that the siting of the proposed extension would have an adverse impact which would be greater than that of the existing building and harmful to both the setting of the listed building and on the rural character of the AONB.
- 6.11 There is concern that the character of the rural environment is being eroded by the formal layout of development at the site which could have a detrimental impact on the quality of the AONB. This is of key importance as Areas of Outstanding Natural Beauty have, along side National Parks and the Broads, the highest status of protection in relation to landscape and scenic beauty, as set out in para. 115 of the NPPF.
- 6.12 Supplementary Planning Guidance on Replacement Dwellings and Extensions to Dwellings in the Countryside outlines the factors to consider with regard to proportion and size increases including floor space calculations based on the original dwelling as first constructed or as they existed in 1948 if built before this date. It states that an increase in floor space of less than 50% would likely be acceptable, with anything over 100% normally to be unacceptable. Between 50% and 100% depends on the site characteristics, scale and massing of the proposal.
- 6.13 The proposed extension measures a total of 192 m<sup>2</sup> GIA with the main dwelling measuring a total of 223 m<sup>2</sup> GIA. The resulting extended dwelling would have a total footprint of 415 m<sup>2</sup> GIA. Therefore the extension would represent a 86% increase over the dwelling as presently exists. However the dwelling as currently exists does not represent the original size of the dwelling, which has been extended considerably over time. Due to the amount of changes over time, the actual floorspace of the original dwelling is difficult to calculate. If however the single storey rear extension is removed and the two storey original building and proposed extensions are compared, this would represent a 97% increase. Therefore it is clear from the figures that the proposed development is only marginally smaller than the existing dwelling and thus would be disproportionate to and would cumulatively dominate the original listed dwelling. It is noted that the applicants have questioned the use of the

'disproportionate calculations' in their supporting statement and the emerging policy only requires the proposal to be subservient to the host dwelling. It is clear from the calculations that the proposed would be marginally subservient to the host property in these terms, but visually this would not be apparent. The proposed extension when combined with the existing single storey extension would result in a form of development which would be three times the depth of the original building. The Conservation Officer has been consulted on the application and whilst this is considered in more detail below, the Officer has serious concerns that the proposal will overwhelm the original dwelling due to its scale.

- 6.14 Therefore the proposal as submitted is not considered to be subservient to the host property, would have an adverse impact on the setting of the listed building and detrimentally introduces a greater level of built form into this area of the AONB and would not accord with policies as set out above.

### **Impact on Residential Amenity**

- 6.15 Planning Policies CS 14 and CS 19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Guidance: House Extensions also provides an outline of considerations that may affect neighbouring amenity.
- 6.16 There property is sited away from any other neighbouring dwellings and therefore would represent no adverse impact on residential amenity.

### **Impact on the Listed Building**

- 6.17 An application for Listed Building Consent is also being considered to which Policy CS 19 of the Core Strategy applies which requires heritage assets, including listed buildings, to be conserved by development. As discussed above, the proposal is of the same height, scale, materials and architectural language as the original building.
- 6.18 The Conservation Officer was consulted on the application and considers that the special architectural and historic interest of the listed building is derived from its modest appearance along with the presence of vernacular building techniques, materials and Gothic revival architectural detailing. It is acknowledged that the property has been extended significantly over the years, however the original modest farmhouse remains apparent, particularly when viewed from the original front elevation to the east.
- 6.19 The proposal to construct what amounts to an additional replicated 2 storey farmhouse linked by a glazed element alongside the existing single storey extension, would represent a significant addition which would result in the original dwelling being overwhelmed by modern development rather than the main focal point. Through designing the extension to replicate the existing farmhouse, the ability to read the original farmhouse would be lost and the significance eroded by both this and the extent of the modern development on the site. The proposed cross-wing would become the dominant element, which would be clearly apparent from public vantage points and would disturb the original focal emphasis of the building. The proposal therefore is considered to fail to preserve the building, its setting, or its features of special architectural or historic interest contrary to Policy CS19 and the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990.
- 6.20 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The dwelling is listed as Grade II and as identified in the NPPF, the significance

can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 134 goes on to state that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The application has been accompanied by a Heritage Statement, however it is considered that this does not provide any information which sets out any public benefit to outweigh the harm. Therefore it is considered that the proposal is contrary to the advice set out in the NPPF.

## **Sustainable Development**

6.21 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. Being a house extension the scheme has limited economic considerations. The environmental considerations have been assessed and are considered to have an adverse impact in terms of design, scale, siting and impact on the listed building and character of the area. Social considerations overlap those of environmental in terms of amenity. Having assessed the application in these terms the development is not considered to be sustainable development.

## **7 Conclusion**

7.1 Having taken account of all the relevant policy and other material considerations referred to above, it is considered that the application is contrary to the development plan policies, the NPPF and with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990. It is recommended that the Head of Planning and Countryside refuse planning permission and listed building consent as set out below.

## **8 Full Recommendation**

8.1 **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the reason set out in Section 8.2.

### **8.2 Reason for Refusal**

1. The proposal fails to preserve the building, its setting, or its features of special architectural or historic interest. The proposal would result in harm to this Grade II listed building which would not be outweighed by any public benefits arising from the proposed works. The proposal therefore conflicts with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, the NPPF and Policy CS19 of the West Berkshire Core Strategy (2006-2026).
2. The proposed extension would be disproportionate in size and scale and would not be visually subservient to the existing dwelling. The cumulative impact of development would be materially greater and more harmful than that of the modest scale and proportion of the listed dwelling and would be out of keeping with and harmful to the character of the surroundings including the North Wessex Downs Area of Outstanding Natural Beauty. As such the application fails to comply with the aims of the NPPF, Policy ENV24 of the West Berkshire District Local Plan Saved Policies 2007, Policy ADPP1 and ADPP5 of the West Berkshire Core Strategy (2006 - 2026), Policies C3, and C6 of the draft West Berkshire Council Proposed Submission Housing Site Allocations Development Plan Document (November 2015).

DC



**WESTERN AREA PLANNING COMMITTEE  
ON 31 AUGUST 2016  
UPDATE REPORT**

**Item No:** (2)                      **Application No:** 16/01675/HOUSE & 16/01676/LBC2                      **Page No.** 39 - 47  
**Site:** Long Acre Farm Seven Barrows

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**Planning Officer Presenting:** Derek Carnegie

**Member Presenting:**

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**Parish Representative speaking:** Councillor Riggall

**Objector(s) speaking:** N/A

**Supporter(s) speaking:** N/A

**Applicant/Agent speaking:** Mr Mark Preston  
Mr Mike Fowler

**Ward Member(s):** Councillor Graham Jones  
Councillor Gordon Lundie

**Update Information:** Further Representations:-

Historic England – OBJECTION – high degree of harm from overdevelopment

Comments:

- Overdevelopment.
- This is a cottage orné, a relatively modest farmhouse with a very playful frontage.
- I imagine that it's the work of a large landowner who likes the idea of his tenants living in picturesque rustic buildings. Therefore while a lot of thought has been put into the façade it was conceived as quite a small building.
- The proposed extension is very large, nearly as big as the original house. I think that this is fundamentally at odds with the architectural character of the building, its making a modest house into a mansion, and thus there is a high degree of harm to the significance of the listed building.

- The heritage statement is highly uninformative and completely misses the historical interest as an estate cottage. The fact that it looks fancier than it needs to is part of its interest.
- It tells a story about an owner beatifying his estate and it forms part of the wider story of improving landlords in the 18<sup>th</sup> and 19<sup>th</sup> century building model villages and ideal cottages that provide better conditions for tenants, but are also nice for the gentry to look at.
- The Heritage statement does not ask the obvious question of was it part of a group of similar buildings built by the same landowner?
- The building is worthy of further research on its origins.

### **Impact on the Listed Building**

Heritage England have objected to the proposed extension on the ground of overdevelopment which would lead to a high degree of harm to the significance of the listed building.

The impact on the listed building was previously considered on page 45, paragraph 6.17 onwards of the main Committee Agenda report. It was concluded that the proposal would lead to 'less than substantial harm' to the significance of the listed building. Following the response from Historic England however, it is now considered that the proposal would lead to 'substantial harm' to the significance of the listed building.

Paragraph 132 of the NPPF states that:

*“Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.”*

In then goes on to state in paragraph 133 that in these instances *“local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”*

Therefore given the above advice, it is considered that the proposal would lead to substantial harm to the original and relatively rare Cottage Orn  through overdevelopment. The proposed extension is considered to be fundamentally at odds with the architectural character of the original modest cottage and the significance of the listed building would be lost.

In these circumstances, the guidance is clear that such applications should be refused unless there is substantial public benefit outweighing the harm. It is considered that the existing dwelling has sufficient floorspace to enable it to operate as a viable dwelling. Therefore the proposed extension of the dwelling would provide no public benefit contrary to advice.

### **Recommendation**

The recommendation remains that of REFUSAL with the reasons for refusal as set out in the Committee agenda report.

DC

# 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, 31 AUGUST 2016

**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), Sarah Clarke (Team Leader - Solicitor) and Jenny Legge (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Billy Drummond

#### PART I

#### 20. Minutes

The Minutes of the meeting held on 10 August 2016 were approved as a true and correct record and signed by the Chairman, with the following amendments:

**Item 1, page 6, 4<sup>th</sup> paragraph:** change 'hadvacated' to ' had vacated'

**Item 1, page 6, last bullet point:** change 'roof lights' to 'eye-lid lights'.

**Item 1, page 8, 5<sup>th</sup> paragraph:** include the amended wording for Condition 2: 'In addition this shall include the painting of all the roof cowls grey'.

**Item 2, page 10, 5<sup>th</sup> bullet point from the bottom of the page:** change 'The site much planning history' to 'The site had much planning history'.

**Item 2, page 10, last bullet point:** change 'provision of office space' to 'provision of poor office space'.

Councillor Hilary Cole's name was misspelt throughout as Councillor Hillary Cole.

#### 21. Declarations of Interest

All Members declared an interest in Agenda Item 4(1), and reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Paul Bryant declared that he had been lobbied on Agenda Item 4(1).

Councillor Virginia von Celsing declared an interest in Agenda Item 4(2), and reported that, as her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

#### 22. Schedule of Planning Applications

##### (1) Application No. and Parish: 16/01603/FULMAJ, Land North of Winterbourne, Winterbourne

*(All Councillors declared a personal interest in Agenda Item 4(1) by virtue of the fact that they knew the occupant of the adjacent property. As their interest was personal and not*

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

*prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.*

*Councillor Paul Bryant declared that he been lobbied Agenda Item 4(1))*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/01603/FULMAJ in respect of land north Of Winterbourne Farm, Winterbourne.

In accordance with the Council's Constitution, Mr John Hayward, Parish Meeting representative, Mr Charles Flower, supporter, Mr Paul Clarke, applicant and Mr Mark Cherrington, agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unjustifiable. Officers strongly recommended the Committee refuse planning permission.

Councillor Hilary Cole sought clarification as to whether, should the Committee be minded to approve the application, it would be referred to the District Planning Committee (DPC) for determination. Derek Carnegie confirmed that in his view, it was out of policy and would therefore need to be referred to the DPC. Councillor Cole asked if this would also be the case for the second application being considered. Derek Carnegie confirmed that it would be.

Councillor Anthony Pick asked where the proposed car park would be on the site. Derek Carnegie indicated on the visual display that it would be to the north west of the house.

Councillor Howard Bairstow asked Officers whether they would have made a different recommendation if the proposal were for a barn conversion rather than a new dwelling. Derek Carnegie considered that the recommendation would remain the same.

Councillor Jeff Beck drew the Committee's attention to page 33, point 7.2 where it was stated that the, 'site lies outside of any defined settlement boundary', however he recalled Derek Carnegie observing that Winterbourne had no settlement boundary. Derek Carnegie confirmed that there was a settlement boundary approximately a mile and half away in Chieveley, but Winterbourne had no such boundary.

Councillor Garth Simpson suggested that the footpath and the existing structure of the barns within the curtilage were, in practice, a physical boundary. Derek Carnegie explained that this was not a planning boundary.

Councillor Clive Hooker noted that there had previously been a residential property on the site and wondered if that should add weight to the application. Derek Carnegie concluded that this was not a planning consideration of relevance in this case.

Mr Hayward in addressing the Committee raised the following points:

- The majority of Winterbourne village were in favour of the application. They were also supportive of the previous application and are even more strongly in favour of the current proposal.
- Planning Officers had received eighteen letters of support and there were no objections from the Parish Meeting or the other consultative bodies.
- Neighbouring Chieveley Parish Council and the North Wessex Downs Area of Outstanding Natural Beauty (AONB) also supported the application.
- Although Planning Officers had concluded that the application was contrary to policy, as Winterbourne has no settlement boundary and argued that the flint wall delineated the settlement pattern, he did not consider this correct. The walls were the remains of three historic Winterbourne manors.

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- The site would not be an isolated house in the countryside, as there was an existing property on one side 40m away and the long awaited bund for flood relief on the other.
- Officers suggested that the house would be detrimental to the AONB, but the AONB organisation were supporting the application.
- The northern approach to the village was currently a mess. The barns were an ugly, dangerous, eyesore. It would be preferable to have a sensitively designed dwelling that fit well with the neighbouring property and with the village as a whole. The design included off road green car parking space and extended landscaping.
- He asked that the Committee take into account residents' views and approve the application

Mr Flower in addressing the Committee raised the following points:

- He had an interest in the AONB as he had been on the committee that had set it up in 2002.
- The village was very active on behalf of the AONB and was working on an ambitious programme which included, restoration of the dovecote, planting woodland etc. This would create significant gains for the environment and the village.
- By approving the application, this Committee would help the village rid the site of the derelict barns and farmyard and thereby improve the view of visitors who approach from the bridleway.
- Due to misuse of the derelict barns, the farmhouse had been burgled three times. The cost of clearing the abandoned barns would be offset by the money raised from the development.
- The owner of Winterbourne Farmhouse had rebuilt the dovecote from rubble, without public money and he felt she deserved better treatment.

Mr Clarke in addressing the Committee raised the following points:

- He was a share holder in the derelict dairy site.

Mr Cherrington in addressing the Committee raised the following points:

- The revised scheme had been developed with the local community and the AONB and they had an active interest in how the site might be delivered.
- The scale of the house had been reduced and there had been careful attention to landscaping with respect for the natural land.
- He respected the view of Officers and their view on policy. However, while it was policy to restrict residential development in the countryside, it did not prohibit it and there was therefore some element of leeway.
- He was confident that the end of the settlement boundary was the bridleway and not the flint wall.
- The National Planning Policy Framework (NPPF) had a presumption in favour of sustainable development and this application would change the village for the better. The AONB would be preserved and enhanced and would benefit from, for example, improved hedgerows, 94 trees, meadow planting and a five year maintenance programme.
- Officers could Condition the planting and landscaping.

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- The proposed public car park would benefit the village during local events and would improve highway safety by removing congestion from the main street.
- The derelict buildings would be removed

Councillor Cole noted that Mr Cherrington had made reference to material considerations and the NPPF and that he was acquainted with the policy for houses in the countryside and wondered how this application related to West Berkshire Council's (WBC) emerging Submission Housing Site Allocations Development Plan Document (DPD). Mr Cherrington responded that in this particular instance the proposal was within a settlement pattern and the site would be treated safely without problems in the future.

Councillor Cole remarked that the support of the AONB both fascinated and surprised her as they were usually stridently against development in West Berkshire. She conjectured that if the application had not proposed such beneficial activity to the landscape, that the AONB would not have been so supportive. Mr Cherrington concurred.

Councillor Cole sought clarification as to how the dwelling would benefit the rural economy. Mr Cherrington assured the Members that the build project would profit the village. The improved visage would attract tourism and enhance visitor's enjoyment of the countryside. He concluded that he was not profiteering out of planning applications, but was building a home that enhanced the area and was sustainable.

Councillor Paul Bryant questioned Mr Clarke as to why the barns couldn't just be pulled down and the ground returned to farm land. Mr Clarke explained that it would not be economically viable. The yard was mostly concrete and would be expensive to remove. The Council approved flood relief strip adjacent to the site, and the footpath meant that the plot was not sizeable enough to be cropable, and the demise of the dairy farm had already shown that a business of this type was not viable.

Councillor Beck asked Mr Clarke what the surface dressing for the car park would be. Mr Clarke explained that it would be a green area with a solid base and would maintain the look of a meadow. Councillor Beck inquired whether the amount of water run-off this would produce had been considered. Mr Clarke confirmed that this had been catered for by using the land to alleviate the amount of water going onto the road. The Environment Agency had been consulted.

Councillor Dennis Benneyworth conjectured who would control the use of the public car park. Mr Clarke observed that 'dos' in the village caused congestion and that the car park would be controlled in conjunction with the Parish Meeting. Councillor Cole again wondered how the area would be policed to ensure that it was not used by people leaving their cars for the day. Mr Clarke conjectured that the Parish Meeting would use a democratic approach and were honourable and honest. They would wholeheartedly get behind how it was organised and it would be wrong to raise problems before they arose.

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

- He contemplated what options were available for this type of site. It was not economically viable to repair and reuse the barns or pull them down and return to the land to agricultural use. To let it remain untouched would leave an eyesore. To redevelop it would need it to be identified as an exception site and this was not one. The only option left was to build a house.
- The consultation process had brought forward no objectors. The AONB and the Parish Meeting were in favour of the plan.

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- The proposal was against policy, but planning was not an exact science and there were anomalies all over the place. He recalled a recent application which had been approved, against policy, at Delamere Stables as it was the sensible thing to do. He felt it was better to replace the barns with a good looking house.
- Using points, including, 6.1.12, 6.1.16, 6.2.2, 6.2.5, 6.5.14, from the Officers report to highlight his views, Councillor Bryant summarised his position thus: the proposed site was not in an isolated position and could be considered a brown field site; the derelict barns would be replaced with a well-designed house; there was no pattern in the types of property in the village, therefore the house design could not follow any pattern, but it was sympathetic to its surroundings and any impact from the dwelling would be less than that made by the existing units on the site.

Councillor Cole noted that the Parish Meeting hadn't found an 'identified need' for a rural exception. She asked was there an 'identified need' for a substantial house. Councillor Bryant was certain it would attract a buyer's. Councillor Cole sought confirmation that this was a speculative build. Councillor Bryant agreed.

Commencing the debate, Councillor Pick asserted that a purpose of planning policy was to support AONBs and the villages. He felt the Committee should promote planning applications that support AONBs rather than oppose them. He failed to understand how this development was harmful. He personally supported this application and hoped that the approval of the village would sway the Members. Derek Carnegie asked Councillor Pick if he could identify ways in which the site was sustainable, as sustainability was a major tenet of planning policy. Councillor Pick opined that in terms of transport the occupant would need a vehicle, however the proposal would provide benefits to the area and would not set a precedent for further development.

Councillor Hooker commented that if sustainability were to be based solely on public transport accessibility any development in the rural areas in West Berkshire, and this village in particular, would be precluded. Derek Carnegie advised that Winterbourne was not a village in planning terms.

Councillor Cole pointed out that some discussion points were not planning issues, for example the derelict barn, the restoration of the dovecote and the extended planting. Although these proposals would benefit the AONB, they were not planning matters.

Councillor Cole proposed to support Officer recommendation to refuse planning permission. This was seconded by Councillor Adrian Edwards.

Councillor Beck offered the view that common sense should prevail. The site was adjacent to an existing settlement and next door to an existing farm house. Where was the harm? Councillor Garth Simpson concurred with Councillor Beck and sided with the supporters in the village.

Councillor Edwards had visited the site and didn't like the derelict barns and on first impression he felt that anything would be an improvement, however this proposal was against policy. He was concerned that if Members approved this application, a precedent would be set which would allow for further development in this area.

Councillor Paul Hewer agreed with Hilary Cole, but struggled to see a better way to resolve the untidy site. He saw buildings all over the place in the countryside and felt it was an improvement to have the derelict buildings replaced by a home. Derek Carnegie asserted that WBC was a policy led authority which put great emphasis on sustainability. More houses could be built 'all over the place' if precedents for developing in the countryside were set.

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Councillor Cole reflected that this could be a case of development by dereliction. It was easy to let buildings fall into disrepair and although it was easy to demolish them, there was no gain in this. She noted that Councillor Bryant had mentioned Delamere Stables and that this was also out of policy and had been referred to the DPC for determination.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Cole as seconded by Councillor Edwards to refuse planning permission as per Officer recommendation. At the vote, three members voted in favour and seven against. The proposal was rejected.

Councillor Beck proposed to approve conditional planning permission, against Officer recommendation. This was seconded by Councillor Simpson.

Sarah Clarke asked if Members would detail the Conditions required and pointed out that the extended landscaping that the AONB had based their support on, could not be Conditioned. Only that which was pertinent to the plan. Councillor Beck answered that Officers usually supplied Conditions at a later time. Councillor Bryant concluded that the Committee should ask Officers to draft Conditions in readiness for the DPC meeting.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Beck as seconded by Councillor Simpson to grant planning permission, against Officer recommendation. At the vote, seven members voted in favour and three against and the motion was carried.

Councillor Edwards asked that his vote against this proposal be recorded.

**RESOLVED** that the application should be granted contrary to Officers recommendation but that the matter should be referred to the District Planning Committee because of the policy implications where, if required, planning conditions could be applied.

### **(2) Application No. and Parish: 16/01675/HOUSE and 16/01676/LBC2, Long Acre Farm, Seven Barrows, Lambourn**

*(Councillor Virginia von Celsing declared a personal interest in Agenda Item 4(2) by virtue of the fact that she had had recent dealings with the agent. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 16/01675/HOUSE and 16/01676/LBC2 in respect of Long Acre Farm, Seven Barrows, Lambourn.

In accordance with the Council's Constitution, Mr Riggall, Parish Council representative, Mr Mark Preston, applicant and Mr Mike Fowler agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. He invited Debra Inston (Principal Conservation & Design Officer) to comment in more detail and on the update report.

Debra Inston informed the Committee that this was a listed building and not an ordinary building in the countryside. When making their decision they should consider if the proposal harmed the fabric and character of the original cottage. It was the council's duty to preserve buildings and settings of architectural interest. The particular interest in this cottage was its modest appearance. In the update report, Historic England made a strong objection as they felt this proposal would create a high degree of harm on the building. The original worker's cottage was built in the eighteenth century, extended from the back in the nineteenth century, with a further extension in the twentieth century.



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The property's special interest was derived from its modest, but decorated appearance, the building techniques used in its construction and the detailing on the facade. Whilst it had been extended, this had been to the rear of the building and had been subservient and of the same architectural language. The proposed design replicated the existing cottage in a bookend effect, not subservient to the main cottage. In 100 years time it would be difficult to see what was the original house.

Historic England's serious concern was that this was a very important example of a cottage orné. Its character was notable for its modest size and not just for the decorated facade. Debra Inston echoed Planning Officers concerns that this application would cause significant harm to the dwelling. This level of harm should only be allowed if it was for public benefit. This proposal was for private benefit and would be against the National Planning Policy Framework (NPPF) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion the report detailed that the proposal was unjustifiable. Officers strongly recommended the Committee refuse planning permission.

Councillor Hilary Cole asked for clarification if it was the mimicking of the original house that was not acceptable and if the proposed design was for a modern glass cube for example, would this be granted permission. Debra Inston explained that this was not the case. The size of the development was not acceptable. Officers had suggested a compromise of a single storey building to the back of the property, however the applicant had wanted to put bedrooms at first floor level.

Mr Riggall in addressing the Committee raised the following points:

- Lambourn Parish Council were pleased with the applicant's presentation and had no objection to the proposal. All the restoration and alterations that had so far been carried out on the house had been completed to a very high standard and were in keeping with the surroundings. They supported the application.

Mr Preston in addressing the Committee raised the following points:

- The cottage had originally been two shepherds' cottages, however the needs of the occupants had moved on.
- Since buying the cottage he had had two children and his wife wanted their children's bedrooms to be on the first floor, for security reasons.
- During his time in the cottage he had gone to great extent to carry out considerate alternations for example, replacing asbestos and corrugated sheet barns with stables in a style sympathetic to the main building.
- In order to continue to live in the house, there would have to be an extension. He believed the design was subservient to the original cottage and that there would be no change to the facade of the cottage.

Mr Fowler in addressing the Committee raised the following points:

- As the architect, his ambitions for this project were not a million miles away from those of the Principal Conservation & Design Officer.
- The proposed extension was subservient and would be partly stuck in the ground due to land form. The location of the extension on the site had been agreed with Officers as the best position.
- The gothic frontage would not be changed and he believed that the settings formed part of the significance of the building and this was mainly the view of the

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

house from the south. With the extension being sited to the north of the house this view would not be affected.

Councillor Paul Bryant inquired as to when the existing extensions were erected. Mr Fowler explained that the house was built in 1825 with the first extension of two blocks at some time around 1840-1860, the last extension was in 2009.

Councillor Adrian Edwards asked if there had been a discussion with Officers about redesigning the 2009 extension, rather than creating a bookended property. Mr Fowler confirmed there had been a discussion and the location was agreed during this. Debra Inston explained that it wasn't the location of the extension that was in dispute, but the scale and form of the construction.

Councillor Cole pointed out that the glazed link looked very long and would mean that the new bedrooms would be a long way from the principal bedrooms, and this made her wonder about how secure they would be for the children being that far away from their parents at night.

Councillor Graham Jones, as Ward Member, in addressing the Committee raised the following points:

- Regarding the aesthetics of the proposal, this was a lovely building in a very attractive setting. He did not believe that it detracted from or dominated the original building.
- The distance of the new house from the old ensures that it stands alone.
- He had known the site for many years and it had been very much improved by its current owner.

Commencing the debate, Councillor Garth Simpson recalled an application for a converted coach-house at Donnington Golf Course where past extensions were tolerated and the proposal was allowed because of growing family needs.

Councillor Howard Bairstow commented that the only people who regularly saw the facade were the family and the lads out on the gallops and this view would not be affected.

Councillor Cole asked Officers whether the proposal would have been acceptable if this were not a Listed Building. They confirmed this was so. Derek Carnegie continued that the Council had a very important duty to apply legislation and protection to the highest degree, which was why we had specialists such as Debra Inston. The second storey was what made the design unacceptable. He suggested that the parents sleep at ground level and the children on the first level.

Councillor Cole agreed with regard to security and viewed this as a 'red herring'. She drew the Committee's attention to page 43, point 6.3 which referred to West Berkshire Council's (WBC) emerging Submission Housing Site Allocations Development Plan Document (DPD) and the need for the enlargement to be subservient.

Councillor Bryant found it exceedingly difficult to consider Listed Building applications as they were rarely simple. He felt the original building had been already degraded by the previous extensions. He didn't see the problem with bookends and felt that although it wasn't subservient, the building was separate. His objection was to the modern glass element. He was in a dilemma and looking for guidance.

Councillor Edwards asserted that WBC had an obligation to look after and preserve Listed Buildings as part of our heritage. If there had been an Officer like Debra Inston in Victorian times, the first extension might not have been built. The cottage had been designated a Listed Building by a national body, not WBC. Although, the heritage side of

## WESTERN AREA PLANNING COMMITTEE - 31 AUGUST 2016 - MINUTES

things could cause difficulties, when an expert objects to an application and Heritage England have given a clear objection with a detailed explanation, he felt the Committee should listen.

Councillor Edwards proposed to support Officer recommendation to refuse planning permission. This was seconded by Councillor Jeff Beck.

Councillor Pick observed that the extension would increase the house size by 97% and ask Officers to explain how this was calculated. Debra Inston commented that this did not include the later extensions, but was the percentage increase on the original build.

Councillor Pick concluded that he respected the views of Officers and Councillor Cole, however if a building were to survive it had to be viable for occupation. In this case there was a responsible owner.

Councillor Virginia von Celsing related that she lived in a Listed Building and was appalled at the decision that the Committee made on Donnington Golf Course, as she felt they had allowed a beautiful building to be ruined. However, in this case she felt that the new elevation would not cause enough harm to the original building and wanted Listed Buildings to continue in modern day usage.

Debra Inston reiterated that the southern elevation was not the only element of significance. What made the cottage special was its modesty of size combined with its decorative facade and its construction as a farm worker's cottage.

Councillor Cole recognised the point being made by Officers. However, living conditions and expectations changed.

Councillor Bairstow approached the debate from the point of view of the owner, wondering how he would juggle the need for space with the need to protect the Listed Building. He might have very well decided on the same solution as the applicant and compromised with a bookend design. Debra Inston reiterated that a single storey building was another compromise that could have been considered.

Councillor Simpson concluded that the Listed Building portion of the property was very small and given the architect had proposed a fairly attentive design, which he found interesting and distinctive, he did not feel that it imposed too much on the Listed Building.

Councillor Hooker invited the Committee to vote on the proposal of Councillor Edwards as seconded by Councillor Beck to refuse planning permission as per Officer recommendation.

Sarah Clarke reminded Members that they were voting on two applications.

At the vote, two members voted in favour, five voted against, and 3 abstained. The proposal was rejected.

Councillor Cole asked if Members were minded to vote to grant permission would the decision be referred to the District Planning Committee (DPC) for determination. Derek Carnegie confirmed that it would.

Councillor von Celsing proposed to approve conditional planning permission (with Officers to draft Conditions in readiness for the DPC meeting), against Officer recommendation. This was seconded by Councillor Bairstow.

Councillor Hooker invited the Committee to vote on the proposal of Councillor von Celsing as seconded by Councillor Bairstow to grant planning permission, against Officer recommendation. At the vote, five members voted in favour, two voted against, and 3 abstained. The motion was carried.

Councillor Edwards asked that his vote against this proposal be recorded.

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**RESOLVED that** the application should be granted contrary to Officers recommendation but that the matter should be referred to the District Planning Committee because of the policy implications where, if required, planning conditions could be applied.

**23. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 8.40 pm)*

**CHAIRMAN** .....

**Date of Signature** .....