

Notice of Meeting



Scan here to access the public documents for this meeting

Western Area Planning Committee Wednesday 13 December 2017 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

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.

Further information for members of the public

Note: Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

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

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148, email: planapps@westberks.gov.uk

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

Any queries relating to the Committee should be directed to Joanna Reeves on (01635) 519486 email: joanna.reeves@westberks.gov.uk



**Agenda - Western Area Planning Committee to be held on Wednesday, 13 December
2017 (continued)**

Date of despatch of Agenda: Tuesday, 5 December 2017



West Berkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday, 13 December 2017 (continued)

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

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 10
To approve as a correct record the Minutes of the meeting of this Committee held on 1 November 2017.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **Application No. and Parish: 16/03411/FUL Compton** 11 - 26
- Proposal:** Proposed burial ground extension to church including rain shelters, change of use from agricultural land to Sui Generis.
- Location:** Land Opposite
Church Of St Mary and St Nicholas
Aldworth Road
Compton
- Applicant:** Compton Parish Council
- Recommendation:** **The Head of Development and Planning be authorised to REFUSE planning permission**



Agenda - Western Area Planning Committee to be held on Wednesday, 13 December 2017 (continued)

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 27 - 54
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day
Head of Strategic Support

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



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, 1 NOVEMBER 2017

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

Also Present: Derek Carnegie (Team Leader - Development Control), Jo Reeves (Principal Policy Officer) and Shiraz Sheikh (Legal Services Manager)

Apologies for inability to attend the meeting: Councillor Hilary Cole and Councillor Billy Drummond

Councillor Absent: Councillor Paul Hewer

PART I

27. Minutes

The Minutes of the meeting held on 20 September 2017 were approved as a true and correct record and signed by the Chairman, subject to an amendment to correct the start time of the meeting to 6.30pm.

28. Declarations of Interest

There were no declarations of interest received.

29. Schedule of Planning Applications

(1) Application No. and Parish: 17/01445/FUL, The Lodge, High Elms, Aldworth Road, Compton

(Councillor Jeff Beck joined the meeting at 6.32pm; he confirmed that he had no interest to declare.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/01445/FUL in respect of part retention of The Lodge to provide ancillary workshop and garaging to Walnut House at High Elms, Compton.

In accordance with the Council's Constitution, Mr Aaron Smith, Parish Council representative, 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 considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers clearly recommended the Committee grant/refuse planning permission.

Mr Smith in addressing the Committee raised the following points:

- Fowler Architecture and Planning Ltd had been instructed by Compton Parish Council in respect of this application.

WESTERN AREA PLANNING COMMITTEE - 1 NOVEMBER 2017 - MINUTES

- The Lodge had not been demolished, as had been required in previous planning permission on the site and the Local Planning Authority had failed to impose the condition or take enforcement action.
- The Parish Council had no objection to the revised application before the Committee as the building would be ancillary and subservient to Walnut House.
- If the Committee were minded to approve the application a condition should be applied to require demolition of Lodge within twelve months. The Parish Council was relying on the applicant's goodwill to demolish the Lodge.
- The Parish Council wanted reassurance that all avenues to regularise the use of the building would be explored.

Derek Carnegie advised that any conditions would need to be deemed appropriate and proportionate under the National Planning Policy Framework.

Shiraz Sheikh reminded the Committee that they were there to determine the application before them and not rectify previous issues.

Councillor Paul Bryant expressed the view that if the Committee were minded to approve the application there would be no change in situation regarding the removal of the existing building and he had found much of the statement to be irrelevant. Mr Smith responded that the application before the Committee was the result of discussions between the applicant and planning enforcement officers. The Parish Council was concerned regarding the history of the site and if permission was granted, unless there was a condition to require implementation, it would not achieve the reasons the application was submitted.

Councillor Anthony Pick stated that the original application required that the Lodge was demolished and this would still be in place whether or not the application before the Committee was granted. Mr Smith replied that the wording of the condition requiring demolition of the Lodge was not concrete enough to ensure that the condition was enforceable. Derek Carnegie agreed that the wording of the condition in the previous planning decision was not as precise as it might have been.

Councillor James Cole enquired whether there were any legal mechanisms to condition demolition within a timeframe. Mr Smith advised that it would be easier to apply under a s73a application.

Councillor Virginia von Celsing, speaking as War Member, in addressing the Committee raised the following points:

- The Parish Council have agreed that the proposal was acceptable.
- They were anxious that the demolition should take place, otherwise essentially there would have been the construction of a new dwelling in the North Wessex Downs Area of Outstanding Natural Beauty and outside the settlement boundary.
- Councillor Hilary Cole, who had given apologies for the meeting, had the view that this application should be refused as the two previous approved applications clearly stated that the property should be demolished.

Shiraz Sheikh advised that Councillor von Celsing was speaking in her capacity as Ward Member and not on behalf of Councillor Hilary Cole therefore Members should disregard the last point. He also reminded Members that they should limit discussion to the merits of the application before them and not the sufficiency of any enforcement action of previous permissions.

WESTERN AREA PLANNING COMMITTEE - 1 NOVEMBER 2017 - MINUTES

Councillor Bryant noted that the previous application had been for a new dwelling with garage and questioned what garage there was on site. Derek Carnegie advised that there were a number of outbuildings on the site within the applicant's ownership which could be used as a garage.

Councillor von Celsing asked if it was the case that a new dwelling in the countryside would not have been permitted should the previous dwelling in the site not be demolished. Derek Carnegie confirmed this was correct.

Councillor Pick noted that the Lodge was no longer in lawful use as a dwelling and asked whether a condition could be applied to the application before the Committee to rearticulate the requirement for the Lodge's demolition under the previous application. Derek Carnegie advised that it would not be appropriate and conditioning should stand alone. The Planning Enforcement Officer had been unable to enforce demolition based on the previous application and a condition to impose a timeframe on the demolition of the building was not likely to be sound should a Planning Inspector need to consider an appeal.

Councillor Garth Simpson stated that he expected the next application to be to create a drive in order to apply for the Lodge and Walnut House to be separate dwellings.

Councillor Jeff Beck advised that he understood the concerns of the Parish Council and the Ward Member regarding the site's history. He stated that it was easy to pontificate about what should have happened but it was difficult to find a solution. He emphasised that the Committee were determining the application before them and not any previous applications. He proposed that the Committee accept the officer's recommendation to approve conditional planning permission, subject to the inclusion of the conditions on the update sheet. He also suggested that he would be happy to include a time limit to demolish the Lodge if officers' advice was that this was suitable. Councillor Bryant seconded the proposal.

Councillor Pick expressed the view that the basis of the application was reasonable and believed that the Council would have a strong basis to defend an enforcement appeal.

Councillor Bryant observed that 70 years had passed since the passing of the Town and Country Planning Act which introduced conditions and he was disappointed that more watertight conditions could not be drafted. He supported the officer's view that it was highly likely an application to erect a garage without the site's history would be permissible. He requested that in future officers and Members ensure that they looked at conditions closely.

Councillor Adrian Edwards stated that looking at this application he could see no reason to refuse permission.

Councillor Cole agreed that should the application have been for a garage without the complications of the site history Members would have readily approved it. He deemed that there would be merit in a requirement for demolition within a 12 month timeframe. He enquired whether the garage was required under the materials condition to use bricks reclaimed from the Lodge as this would surely offer the necessary assurances that the Lodge would be demolished.

The Chairman invited the Committee to vote on the proposal of Councillor Beck, as seconded by Councillor Bryant to approve planning permission. At the vote the motion was passed unanimously.

Councillor von Celsing raised a point regarding process and pressed the need to ensure conditions regarding demolition were water tight.

WESTERN AREA PLANNING COMMITTEE - 1 NOVEMBER 2017 - MINUTES

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions

Conditions

1. Full planning permission time limit

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

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

2. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.
- Drawing untitled containing Site Plan. Drawing number 7106:1 C. Date stamped 8th September 2017.

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

3. Materials as specified

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indication as to these matters which have been detailed in the current application. Details will include a schedule of any retained materials. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), and Policy C6 of the West Berkshire HSADPD, Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. Residential annex use

The garage/workshop building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Walnut House. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADDP1, ADDP 5 of the West Berkshire Core Strategy (2006-2026) and C1 of the West Berkshire HSADPD.

5. Parking in Accordance with the Plans

The vehicle parking and/or turning space to be surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter

WESTERN AREA PLANNING COMMITTEE - 1 NOVEMBER 2017 - MINUTES

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).

6. External lighting (separate application required)

No external lighting of the building of the garage/workshop building hereby permitted shall be installed without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development, the character of the area, and the Ecology of the site. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADDP 5, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

7. Demolition

The approved garage / workshop ancillary building subject to this permission 17/01445/FUL shall not be brought into use until demolition of the relevant parts of the building known as 'The Lodge' have been completed fully as shown in approved plans;

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

Demolition, as detailed above, shall be completed fully and all materials and waste arising from the demolition shall be removed from the site.

Reason: In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, C S14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. Ecology

Development shall proceed in accordance with the ecological mitigation measures detailed within sections 4.0 to 5.0 of the BAT Survey and Mitigation Report September 2017 conducted by Aluco Ecology unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be implemented in full and the measures shall thereafter be retained.

Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 17 of the West Berkshire Core Strategy Development Plan Document 2012.

9. Landscaping

All landscape works shall be carried out in accordance with the submitted plan

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

WESTERN AREA PLANNING COMMITTEE - 1 NOVEMBER 2017 - MINUTES

The approved landscape works shall be implemented within the first planting season following completion of first use of the development or in accordance with a programme submitted before any development takes place and approved in writing by the Local Planning Authority. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

INFORMATIVES

HI 3 Damage to footways, cycleways and verges

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

HI 4 Damage to the carriageway

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

Nesting Birds

Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

30. 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 7.25 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	16/03411/FUL Compton	13/03/2017	Proposed burial ground extension to church including rain shelters, change of use from agricultural land to Sui Generis. Land Opposite Church Of St Mary and St Nicholas Aldworth Road Compton Compton Parish Council

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/03411/FUL>

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

Ward Member(s): Cllr von Celsing

Reason for Committee Determination: Called in by Councillor von Celsing - wide village interest in this new burial ground site. Many letters of objection although many from outside parish.

Committee Site Visit: Thursday 7th December 2017.

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

1. Site History

74/01314/ADD - Extension to church to be used for meetings assembly – Approved 04.09.1974

10/02616/FUL - Demolition and replacement of existing entrance gates with traditional Lych Gate – Approved 14.01.2011

10/02617/LBC - Demolition and replacement of existing entrance gates with traditional Lych Gate – Approved 14.01.2011

11/00064/COND1 - Application for approval of details reserved by Condition 3 (materials) of planning permission reference 10/02617/LBC - Approved 10.03.2011

2. Publicity of Application

Press Notice Expired: 16/02/2017

Site Notice Expired: 14/02/2017

Five notification letters sent to neighbouring properties.

3. Consultations and Representations

Compton Parish Council	The Parish Council are the applicants.
Highways	No objection. <ul style="list-style-type: none">Request conditions: surfacing of access, visibility splays, parking/turning in accord with plans and footbridge in accordance with the standard detail drawings.
SUDS	No objection. <ul style="list-style-type: none">In respect of the information relating to grave levels and ground water depths as shown on the plans, and information received from the agent, the proposals are now acceptable. Recommend overall acceptance of the revised drawings Z.02.11/03 rev.E (Proposed Block Plan) and Z.02.11/07 rev.E (Section) as the final proposals for the site in relation to the flooding / SuDS issues and confirm that the car park construction details are acceptable.The final consultation response updated the drawings acceptable to Z.02.11/08 and Z.02.11 rev E. Providing the development is carried out in accordance with these drawings it is satisfactory in terms of the drainage proposals and the effect on groundwater quality.
Environment Agency	<ul style="list-style-type: none">Initially objected to the proposed works on flood risk grounds. After the submission of further details did not have any concerns from the perspective of groundwater quality provided the current burial plan remains which ensures that burials are over 30 metres from a water course, 250 metres from a borehole/well/spring used for human consumption and will not result in burials below the groundwater table.The proposal will only meet the requirements of the NPPF if conditions for works in accordance with the Design and Access Statement and mitigation, and for a buffer zone are attached to any permission.
Trees	Objection. <ul style="list-style-type: none">The details submitted are insufficient to fully assess the potential impact of the development on the landscape and potential loss of trees/ hedgerows on the road verge. There are also insufficient details of proposed landscaping and new planting to comprehensively assess the scheme.Further information would be required. It is not considered

	<p>that these issues could be overcome by appropriate conditions as principle concerns are raised for the overall scheme.</p> <ul style="list-style-type: none"> • Landscaping is proposed but no specific details on scope of landscaping, species, sizes or management provided. • No details have been shown regarding how the footbridge will be accommodated into the scheme with regard to existing trees and hedges along the verge. • Raise concern over scale of hard standing on the existing landscape within the AONB.
The Canal and River Trust	This application falls outside the notified area for its application scale. No requirement for consultation with Canal and River Trust in their capacity as a Statutory Consultee.
Conservation	<p>No objections.</p> <ul style="list-style-type: none"> • The application site is situated in open countryside (AONB) on the opposite side of the Aldworth Road to the (listed) church, such that the proposals are not considered to impact on it either directly or on its setting. • No objections are raised from a building conservation perspective.
North Wessex Downs AONB	Consulted on original submission - no objections to the extension of the burial ground but would request that any rain shelters or other equipment (bins etc) are erected or stored within the existing burial ground or along the boundary to preserve the open character of the site.
Archaeology	<p>High potential for archaeological features and deposits related to the Medieval settlement of Compton in the immediate vicinity, which (if present) would be at risk considering the nature of the proposed work. An archaeological evaluation would be able to determine the nature and extent of any archaeological features or deposits present that would be impacted by not only the proposed car park, drainage etc. – but also the future burial plots. This would then inform whether or not any further mitigation work would be necessary.</p> <p>If this is not possible pre-determination, then an archaeological excavation via planning condition is advised.</p> <p>After further discussions with the Agent for the application, archaeology were re-consulted and confirmed that the ideal route for investigating archaeological potential is via pre-determination evaluation and this was still the recommended course of action. However the failure to provide this information does not seem to be grounds for refusal of the application, when there may be some public benefit. It would not be practical or feasible to put an archaeological condition on the ground disturbance of grave digging, but believe that archaeological supervision (a watching brief) will be necessary for groundworks related to the car park and garden, if the archaeological potential has not been established before this application is decided.</p>
Environmental Health	<p>Refer Case Officer to the representation from the Environment Agency regarding flooding risks. The Environment Agency also deal with potential risks of contamination to controlled waters.</p> <p>No other comments to make on this application.</p>

Public Rights of Way	No objections subject to conditions. <ul style="list-style-type: none"> The proposed access utilises a short section of Compton Footpath 10. No objections to the application providing the following takes place: <ul style="list-style-type: none"> Details of the proposed surface improvement of the footpath must be submitted to and approved by WBC's Rights of Way team prior to any work taking place. Would expect some sort of undertaking by the applicant to maintain this section of improved footpath. Would like more details about the position and type of new hedge proposed along the boundary of the footpath.
WBC Bridges	The proposed bridge should be constructed in accordance with one of the attached WBDC standard details. The standard detail will be determined by the span of the bridge which should be confirmed by the applicant.
Rambler's, Ecology	No consultation responses received as of 28 th November 2017.

3.2 Representations - 20 objectors, 8 supporters, 1 ambivalent and 1 of mixed views. The main areas of concern/comment are:

Flooding, ground water and contamination

- Flooding and water contamination issues to groundwater and the River Pang. Concerns over lack of assessment carried out on site and data used. Lack of risk assessment.
- Water run-off.
- Well 75 metres from grave.
- Plans do not follow CS 16.
- Levels of the site compared to the existing, which floods.
- Abstraction of water from a neighbouring property would be at significant risk if the water table was to rise.
- High water tables.

Location

- Suitability of the site - more appropriate sites, for example in the existing graveyard.
- Outside of village envelope.

Impact on the character of the area

- More suitable for urban setting

AONB/character of the area

- Object to change of use. Believe it would have a negative visual impact on the surrounding area/this part of the village.
- Will dramatically alter the "entrance" to the village from the east.
- Would have to implement in one go rather than evolve which would be more visually acceptable.
- 3 rainshelters excessive.

Scale

- Site is unnecessarily large for parishioners of Compton, if the site is used for more than just the community it may cause disruption on roads.

Highways

- Object to car park - cars can be safely parked on the road. The cars act as traffic calming.
- Pedestrian safety.
- Concerns over the management of the car park and who will be allowed to use it. Risk of anti-social behaviour if not managed properly. Car park not required. Trouble and unexpected problems from car park.

- Highway safety- parked cars on road calm traffic, speed limits are not adhered to and concerns over new access.
- Congestion caused by funeral traffic which will impact residents.

Archaeology

- Application site is archaeological significance there is a lack of assessment and consultation by the applicant and the planning authority.
- Planning Regulations may not have been followed by the Applicant with regards to the treatment of a site with known potential Heritage Assets.
- The flood risk and groundwater assessment of 2013 should be reviewed in the light of potential heritage assets, and repeated in collaboration with archaeologists.
- SUDS measures could destroy heritage assets.
- Cannot approve without understanding impact.

Public Rights of Way

- Church Farm Cottage, has a right of way over the access to the proposed site - believe there would be obstructions due to traffic problems during burials, weddings and church services throughout the year.

Landscaping

- Design and access statement does not propose sufficient planting in order to “not have a negative visual impact on the proposed site nor the adjacent areas”. The only proposed hedging runs the width of the site to the North. As a condition of planning there should be substantial mature hedge and tree planting the entire length of the site along the Eastern boundary.
- Expect proper and sympathetic screening by trees from neighbouring properties.

Ownership

- Notice not served on owners of the access - Church Farm Cottage or another member of the public
 - Case Officer note - the Local Planning Authority has received no evidence to show that notice is required to be served on the owners of Church Farm Cottage or the other member of the public queried.

Other

- Inadequate information
- Concern regarding maintenance of the site.
- Inadequately publicised.
- Unnecessary.
- Increase in levels.

Support:

- More suitable than current graveyard in terms of flood risk
- Flood risk dealt with by condition
- Will be away from the road and higher than the existing graveyard.
- Any health risk trivial compared to sewage leakage seen when the Pang is flowing.
- More parking for the village greater highway safety
- Hedge will provide screening reducing visual impact and be more important for wildlife than current agricultural land.
- A need for the proposal. Apparently “empty” areas in existing may not be empty. This clear area is used by the church.
- Improve aesthetics of site by maintaining it. Will be improvement visually.
- Car park would be useful amenity for the church and village.
- Important to maintain a cohesive community.
- Once the churchyard is closed, it will mature, be attractive and have wildlife benefits.

- Excellent use of resources.
- Apart from shelters nothing to spoil view.
- If for use of residents and those with a link to Compton, cannot see measureable increase in traffic.
- PROW will not be detrimentally affected.
- Lockable barrier could prevent anti-social behaviour.
- Not enough traffic to be unsafe crossing if road aware.

Other comments were included in representation letters, however these were not material planning considerations.

4. Policy Considerations

- 4.1. The statutory development plan comprises:
- West Berkshire Core Strategy (2006-2026)
 - Housing Site Allocations DPD
 - West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
 - Replacement Minerals Local Plan for Berkshire (2001)
 - Waste Local Plan for Berkshire (1998)
- 4.2. The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
 - Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
 - CS 13: Transport
 - CS 14: Design Principles
 - CS 16: Flooding
 - CS 17: Biodiversity and Geodiversity
 - CS 18: Green Infrastructure
 - CS 19: Historic Environment and Landscape Character
- 4.3. The 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:
- TRANS1: Meeting the Transport Needs of New development.
 - OVS5: Environmental Nuisance and Pollution Control.
 - OVS.6: Noise Pollution
- 4.4. The following Housing Site Allocations Development Plan document policies carry full weight and are relevant to this application:
- C1: Location of New Housing in the Countryside
- 4.5. Other material considerations for this application include:
- The National Planning Policy Framework (March 2012) (NPPF)
 - Planning Practice Guidance
 - The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

5. Description of Development

- 5.1 This application seeks full planning permission for a burial ground extension, to include rain shelters and a change of use from agricultural land to a Sui Generis use as a burial ground. The burial ground site would consist of a car park adjacent to the highway containing 19 parking spaces. Beyond this would be a garden of remembrance, containing

two rain shelters (to be clad with timber weatherboarding on three sides and with a plain clay tile roof) and a central community art feature. To the south of the garden of remembrance would be the burial plots; 52 cremation plots are proposed, along with 66 single burial plots and 146 double burial plots. These have been placed so that the cremation plots would be the furthest north, with the deepest, double plots being located further south, where the ground level will be higher.

- 5.2 The application proposes using approximately 24 metres of Compton Footpath 10, which runs over an existing culvert over the River Pang and along the eastern boundary of the site, for vehicular access to the burial ground. A footbridge is proposed to be constructed in the north western corner of the application site, over the River Pang, to provide pedestrian access.
- 5.3 As part of the works to provide the burial ground, it is proposed to use a cut and fill method to alter the levels within the site.
- 5.4 The application site is located outside of the settlement boundary of Compton, opposite the existing burial ground and the church of St. Mary and St. Nicholas, a grade II* listed building, and from which it is separated by Aldworth Road. As the site is outside of the settlement boundary it is classed as being located within open countryside, although there are residential properties to the west and the east of the application site. Further along Aldworth Road to the east of the site are a collection of properties alongside a cross roads.
- 5.5 The site is within the North Wessex Downs AONB, and the northern end falls within flood zones 2 and 3. The land is currently in use as an agricultural field, and undulates, rising gently to the southern end of the site.
- 5.6 The north elevation of the site is defined by the River Pang, which separates the site from the public highway. A bridge over the river provides access to the application site and a public right of way, as well as access to Church Farm Cottage. Several trees are located along the northern boundary of the site, adjacent to the River Pang.
- 5.7 The east side of the site is currently formed by a public right of way - Compton Footpath 10. No fencing or other boundary treatment separates the proposed site from other agricultural land to the east. The west side of the site is defined by wire fencing and mature trees, beyond which are residential properties. To the south is open agricultural land.
- 5.8 The current burial ground is located adjacent to the church. On historic maps it is shown as being immediately to the north and south of the church, however it has also been extended out previously into land to the west of the church.

6. Consideration of the Proposal

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

- 6.1 The principle of the development
- 6.2 Impact on the character of the area including the North Wessex Downs AONB
- 6.3 Drainage and flooding
- 6.4 Highway safety
- 6.5 Archaeology
- 6.6 Public rights of way
- 6.7 Neighbouring amenity
- 6.8 Ecology
- 6.9 The assessment of sustainable development
- 6.10 Community Infrastructure Levy

6.1. The principle of development

- 6.1.1. The spatial strategy for West Berkshire District is set out in Core Strategy policy ADPP1, which is clear that development should follow the existing settlement pattern. The policy goes on to state that within open countryside, where this site is located, only appropriate limited development will be allowed which is focused on addressing identified needs and maintaining a strong rural economy.
- 6.1.2. Planning Policy ADPP5 of the Core Strategy sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) in which this site is situated. Policy ADPP5 permits development preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open Downland of the AONB. It seeks to conserve and enhance the character of the area, ensuring that any development responds positively to the local context.
- 6.1.3. For the purposes of the Core Strategy, cemeteries and graveyards are considered to constitute green infrastructure, and therefore the proposal must also be assessed against policy CS 18. This states that the Council will work with partners including Parish Councils and the community to address the District's green infrastructure needs and deficiencies as are to be set out in a Green Infrastructure SPD.
- 6.1.4. The proposed burial ground extension is considered to be necessary to provide the local community with a long-term solution to the shortage of burial sites, as is described in the application submission. It is therefore considered to be acceptable in terms of CS 18. However, whilst it would address identified need, the proposal is not considered to relate well to the site's character and surroundings. Therefore it is not considered to comply with ADPP1 of the Core Strategy.
- 6.1.5. From the information submitted, it is not possible to fully assess the impact the proposed graveyard would have on the character of the area and the AONB. The application has therefore not overcome concerns regarding the impact on the AONB in terms of conserving the character of the area, and it may not respond positively to the local context.
- 6.1.6. In view of the above the principle of development is unacceptable.

6.2. Impact on the character of the area including the North Wessex Downs AONB

- 6.2.1. Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. 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. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.
- 6.2.2. Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional components of its character as a whole. Particular regard will be given to the sensitivity of the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.2.3. Paragraph 115 of the NPPF places great weight to conserving the landscape and scenic beauty in AONBs, which is also reiterated by Core Strategy Policy ADPP5.

- 6.2.4. The application site lies close to the existing church of St. Mary and St. Nicholas, which is Grade II* listed. The Conservation Officer has commented that the proposal is on the opposite site of Aldworth Road to the listed church, and therefore the proposals are not considered to impact on it either directly or on its setting.
- 6.2.5. The proposed graveyard extension site lies outside of the settlement boundary of Compton, in an area of transition between the built form of the village and the wider open downland of the North Wessex Downs AONB. The area around the site is rural and sparsely developed, and is characteristic of the open downland within the AONB, described in the North Wessex Downs Management Plan as consisting of smoothly rounded downland with tree cover limited to Beech clumps on summits and linear shelter belts.
- 6.2.6. The proposed car parking, garden and burial ground will introduce formal, more urban features into the rural landscape. The parking area and access along the eastern boundary of the site would introduce a large area of hard standing, which within the rural landscape is a significant concern. Whilst planting is proposed, limited detail has been submitted within the application. The lack of detail means that it is not possible to fully assess the potential impact of the proposal and associated landscaping on the landscape and character of the area.
- 6.2.7. As part of the proposed works it would be necessary to use a cut and fill method to adjust the levels of the site. At the deepest point, it would be necessary to lower the ground to the south of the site by approximately 0.75 metres. The most the levels would be raised would be approximately 1.2 metres, to the northern end of the site, between the burial ground and the garden of remembrance. A condition requiring the submission of details of levels for the site could be attached along with a condition for details of spoil removal. This would ensure appropriate removal and levelling of the whole site (if considered acceptable in landscape character terms), including the access track along the eastern boundary, for which no levels are currently provided.
- 6.2.8. The application also lacks detail regarding the potential loss of trees and hedgerow on the road verge, which may be necessary for the addition of a pedestrian footbridge. The Tree Officer has therefore raised an objection on the grounds of lack of information, and does not consider it acceptable to leave such detail to consideration through conditions as there are in principle objections raised for the overall scheme.
- 6.2.9. When consulted on the original plans for the site, the North Wessex Downs AONB raised no objections to the extension of the burial ground, but requested that any rain shelters or other equipment are erected or stored within the existing burial ground or along the northern boundary to preserve the open character of the site. Amended plans have been received reducing the number of shelters from three to two; whilst the AONB board were not re-consulted on these amended plans, it is considered that the amendment made is not sufficient to overcome the negative impact on the character of the area from these structures. However it is considered that these structures proposed will still present an incongruous and urbanising feature in this open rural landscape.
- 6.2.10. The proposal therefore does not respect or enhance the character of the area and does not relate well to the wider locality, nor does it conserve or enhance local distinctiveness or the setting of the AONB. It is therefore not considered to be in compliance with policies CS 14, 19 or ADPP5 of the Core Strategy, nor does it comply with paragraph 115 of the NPPF.

6.3. Drainage and flooding

- 6.3.1. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy

CS16 strictly applies a sequential approach across the district. Parts of the site fall within the Environment Agency's Flood Zones 2 and 3 and the River Pang runs immediately to the north of the site.

- 6.3.2. The application has been accompanied by a Flood Risk Assessment in accordance with policy CS 16.
- 6.3.3. Concern has been raised regarding flood risk and groundwater contamination in representation letters. The information submitted has been assessed by the Council's Land Drainage Engineer, who found the proposals to be satisfactory in terms of drainage proposals and the effect on groundwater quality if carried out in accordance with the latest supplied drawings.
- 6.3.4. Whilst the sequential test has not been applied, it has not been considered necessary in this instance as the Land Drainage Engineer has raised no objections to the proposals.
- 6.3.5. The Environment Agency initially objected to the proposal on flood risk grounds. Further information has been submitted. The Environment Agency comments that it has no concerns with respect to the site from the perspective of groundwater quality provided the current proposed burial plan remains which ensures that burials are over 30 metres from a water course, 250 metres from a borehole/well/spring used for human consumption and will not result in burials below the groundwater table. The Environment Agency has confirmed that the proposed development is only considered to meet the requirements of the NPPF if a condition to ensure that the works are carried out in accordance with the Design and Access Statement and mitigation measures are put in place is attached to any permission. In addition a condition to secure a scheme for the provision and management of a buffer zone a minimum of 4 metres wide from the bank top of the River Pang is requested.
- 6.3.6. Whilst it would appear that there is a well within this limit, Environmental Health received confirmation in 2015 that it was not used for human consumption. Environmental Health are not aware of any private water supplies within 250 metres of the application site. Representation letters have been received advising that there is a well within the grounds of Church Farm Cottage, and is given as being approximately 50-75 metres to the east of the proposed graves.
- 6.3.7. The Environment Agency also provided advice/informatives regarding environmental permitting regulations and fencing design.
- 6.3.8. The proposed development, subject to suitably worded conditions, is considered acceptable in terms of Policy CS16 of the Core Strategy and advice contained within the NPPF.

6.4. Highway safety

- 6.4.1. The proposed graveyard would be accessed by vehicles across an existing culvert which was constructed by West Berkshire Council. This also serves as an access to Church Farm Cottage.
- 6.4.2. The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Core Strategy Policy CS13 states that development that generates a transport impact will be required to reduce the need to travel, and improve and promote opportunities for healthy and safe travel. The rural location of the graveyard extension and nature of the use means that people will travel to the site by car, and this will be enabled by the proposed car parking. However, this would already be the case, and some visitors may choose to walk to the site from the village. It is

also noted that there is a bus stop to the front of the application site which would provide a sustainable method of transport.

- 6.4.3. The Highway Officer requested clarification as to whether the burial ground would serve the Church of St Mary and St Nicholas only, or whether it would serve a wider area and other churches. Further information has been provided confirming that it is the intention of the Parish Council to ensure that burials are restricted to those who live in the village and former residents. This could not easily be conditioned. In addition the Highway Officer has not requested such a condition to secure this and is satisfied with the response provided from the applicant. The Highway Officer has no further comments in respect of vehicle movements.
- 6.4.4. The proposed burial ground offers some highway benefit as the parking proposed provides an opportunity for vehicles to park off of the highway, presently there is no off street parking for the Church.
- 6.4.5. The Highway Officer requests conditions for the footbridge to be in constructed accordance with Highway Standard Detail Drawings; submission of details for surfacing of the access 5 metres back from the carriageway edge and parking/turning in accord with the submitted plans. The requested condition for visibility splays is not considered necessary as these would be located on highway land.
- 6.4.6. The WBC Bridges Team has confirmed that the proposed footbridge should be built in accordance with West Berkshire Council standard details. The standard detail to be used would be determined by the span of the bridge. A condition to secure the construction in accordance with the details could be attached to any permission.
- 6.4.7. It is therefore considered that the proposed development will comply with the criteria contained within Policy CS13 of the Core Strategy and the NPPF and would not result in an adverse impact to highway safety.

6.5. Archaeology

- 6.5.1. CS19 of the Core Strategy seeks to ensure the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced. Particular regard will be given to the conservation, and where appropriate, enhancement of heritage assets.
- 6.5.2. Concern regarding the archaeological potential of the site has been raised by several members of the public in representation letters. The Council's Archaeologist has been consulted on the application and archaeological evaluation is considered to be appropriate pre-determination due to the proximity to what would have been the centre of the Medieval settlement of Compton. This would have been centred around the Church, which may have had its origins as a Saxon Minster. Earthworks to the immediate west of the Church were thought to be the remains of the Medieval village (and a Scheduled Ancient Monument) until earlier this year; these remains are now thought to be later in date, suggesting that the original settlement core is yet to be uncovered.
- 6.5.3. As such, there is high potential for archaeological features and deposits related to the Medieval settlement in the immediate vicinity, which (if present) would be at risk considering the nature of the proposed work. The Council's Archaeologist therefore recommended an archaeological evaluation to determine the nature and extent of any archaeological features or deposits present that would be impacted by not only the proposed car park, drainage etc. but also the future burial plots. This would then inform whether or not any further mitigation work would be necessary.
- 6.5.4. After further discussion with the agent for the application, further consultation with the Council's Archaeologist has been undertaken, and archaeological investigation pre-

determination is still the recommended course of action. However, it was considered that the failure to provide the requested information is not a reason for the refusal of this application. An archaeological supervision condition is considered necessary before ground works relating to the car park and garden commence to assess archaeological potential.

- 6.5.5. As the application has been recommended for refusal, it has not been considered expedient to ask the applicant for this work to be carried out at this stage.

6.6. Public Rights of Way

- 6.6.1. Policy CS18 of the Core Strategy covers green infrastructure, which is defined as including Public Rights of Ways. The District's Green Infrastructure should be protected and enhanced and that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted unless in exceptional cases a suitable replacement is proposed.

- 6.6.2. The eastern boundary of the site would run adjacent to Compton Footpath 10, part of which would be used to provide vehicular access to the application site. No objections have been raised by the Rights of Way Officer providing details of the proposed surface improvement of the footpath are submitted to and approved by West Berkshire Council's Rights of Way team prior to work commencing. It is expected that an undertaking by the applicant to maintain the section of improved footpath would also be entered into. This could be secured by condition.

- 6.6.3. Further details regarding the position and type of new hedging proposed along the boundary of the footpath would also be required. This could be secured by condition and agreed by the Public Rights of Way Officer.

- 6.6.4. The proposed works are therefore considered to comply with CS18 in terms of the impact on the Public Right of Way and Green Infrastructure.

6.7. Neighbouring amenity

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

- 6.7.2. The proposed development is sufficiently distant from nearby dwellings, such that it would not directly impact on neighbouring amenity in terms of sunlight, daylight, noise, overlooking or loss of privacy.

- 6.7.3. Environmental Health has been consulted and raised no objections to the application.

- 6.7.4. Whilst concern has been raised in representation letters regarding anti-social behaviour, issues arising should be considered under separate Environmental Health legislation by.

- 6.7.5. It is therefore concluded that there would be no adverse impact on neighbouring amenity and the application accords with WBCS Policy CS14 and WBDLP Saved Policies 2007 OVS.5 and OVS.6.

6.8. Ecology

- 6.8.1. Policy CS17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced.

- 6.8.2. No objection has been raised by the Council's Ecologist, although in discussions it was suggested that an informative regarding badgers on the site is attached to any permission.
- 6.8.3. When consulted the Environment Agency requested a condition securing the provision and management of a buffer zone between the bank top of the River Pang and the car park. Land alongside watercourses is valuable as a corridor for wildlife, and this condition is considered necessary to ensure the protection of wildlife and supporting habitat.
- 6.8.4. The Environment Agency also requested that the proposed bridge is set back from the bank top by 1.5-2 metres to allow wildlife to travel along the banks beneath it. Both this and the buffer zone could be secured by condition.
- 6.8.5. The proposed works are therefore considered to comply with Policy CS17 of the Core Strategy and advice contained within the NPPF.

6.9. **The assessment of sustainable development**

- 6.9.1. The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal.
- 6.9.2. The proposal has the potential for social benefit, as it would be providing needed burial space for the community. However the social benefit is not considered to be outweighed by the negative environmental impact that would result from the urbanising affect that the proposal would have on the character of the area and the AONB. Social considerations overlap those of environmental in terms of amenity. As these have also been found unacceptable the development is considered to not constitute sustainable development.

6.10. **Community infrastructure levy**

- 6.10.1. The application does not propose floorspace which would fall within a CIL liable class use.

7. **Conclusion**

- 7.1. Having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application is contrary to development plan policies in respect of the impact on the character of the area and the North Wessex Downs AONB. Furthermore, insufficient information has been submitted to demonstrate the full impact of the landscaping proposals, and as such have not allowed for full assessment of the proposal.

8. **Full Recommendation**

- 8.1. The Head of Development and Planning be authorised to **REFUSE** planning permission:

Reason 1

The application site is located outside of the settlement boundary of Compton, in a sparsely occupied, open area of downland. The proposed burial ground and associated earthworks altering levels on the site, would result in the formal and urbanising use of an area of land currently in agricultural use. This would detract from the existing visual character of the protected landscape. Insufficient justification has been submitted with the application to demonstrate that the visual harm identified can be suitably and appropriately mitigated.

This proposed development is to the detriment of the visual, spatial and environmental character of the area within the countryside and North Wessex Downs AONB. The

proposal conflicts with Development Plan Policies ADPP1, ADPP5, CS14, CS18 and CS19 (West Berkshire Core Strategy 2006-2016) and advice contained within the NPPF.

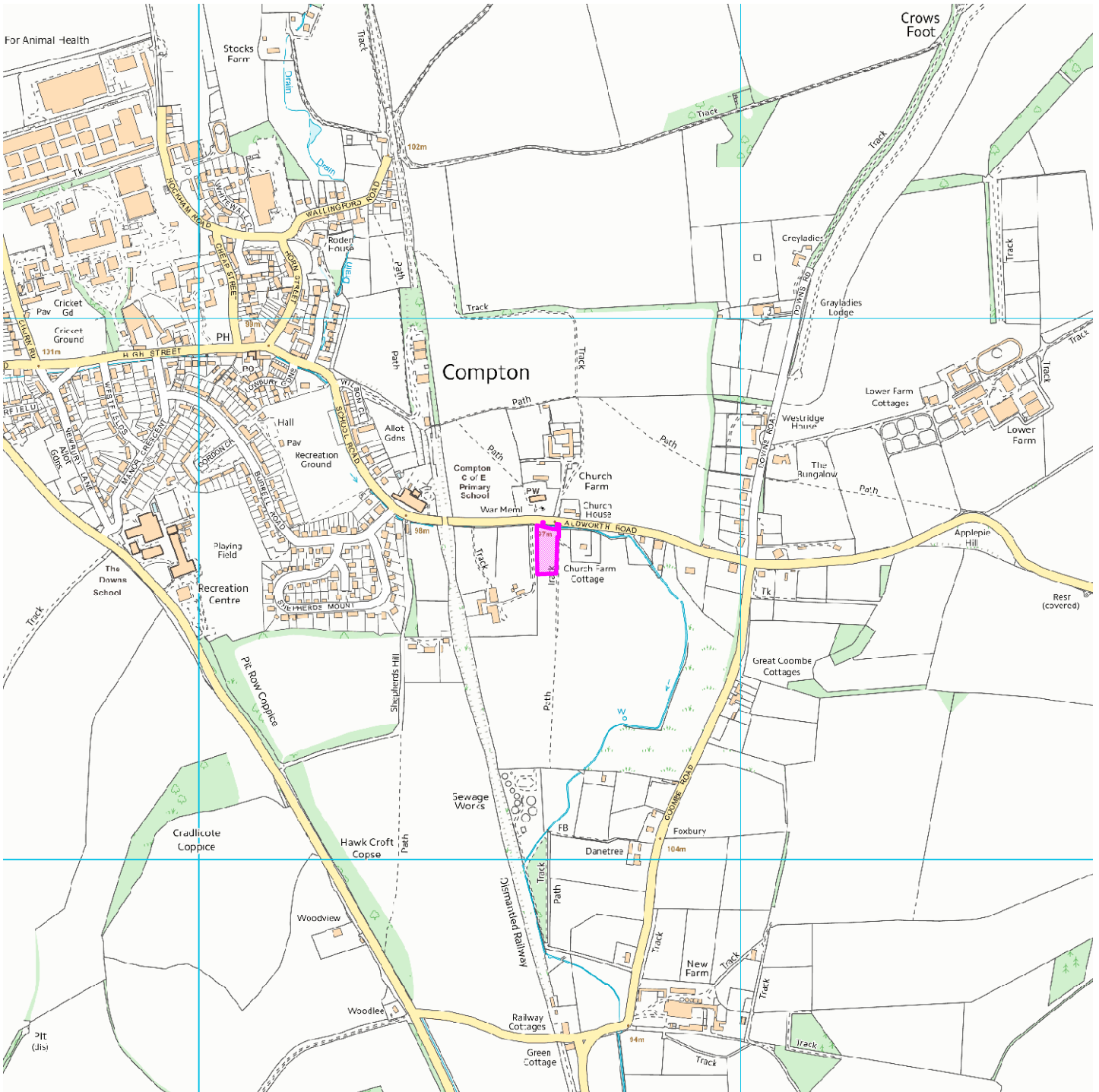
Reason 2

The details submitted with the application are insufficient to fully assess the potential impact of the development on the character of the protected landscape and the potential loss of trees/hedgerows on the road verge. Insufficient details of the proposed soft and hard landscaping, including new planting, have been submitted to allow for a comprehensive assessment of the proposed scheme. As the landscaping of the site is a principle concern regarding this application, it is not considered that objections raised could be overcome by the use of conditions.

As such the proposed development is contrary to policies ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF as it does not demonstrate that it will respond positively to local context or conserve the existing landscape character and setting of the North Wessex Downs Area of Outstanding Natural Beauty.

DC

Land opposite Church of St Mary and St Nicholas, Aldworth Road, Compton



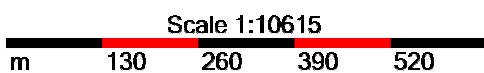
Map Centre Coordinates :

Scale : 1:10614

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	West Berkshire Council
Department	
Comments	
Date	05 December 2017
SLA Number	0100024151



This page is intentionally left blank

Agenda Item 5.

APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
GREENHAM 17/00219/COMIND Pins Ref 3178239	Former Gama Site Basingstoke Road Greenham Common Flying A Services Ltd	Erection of new access lobby unit to building No. 703	Delegated Refusal	Allowed 27.10.17
SHAW-CUM-DONNINGTON 16/03472/FUL Pins Ref 3179729	3 Love Lane Donnington Newbury A Simeunovic	Change of use from C3 to Sui Generis HMO with neither external nor internal alterations to the existing	Delegated Refusal	Dismissed 14.11.17
KINTBURY 15/03346/OUTMAJ Pins Ref 3158306	Land North Of Irish Hill Road Kintbury Endurance Estates Strategic Land Ltd	Outline application for the erection of up to 72 dwellings and associated access. Matters to be considered: Access	Delegated Refusal	Dismissed 27.11.17
KINTBURY 17/00756/OUTMAJ Pins Ref 3177099	Land North Of Irish Hill Road Kintbury Endurance Estates Strategic Land Ltd	Outline application for the erection of up to 32 dwellings and associated access. Matters to be considered: Access.	Delegated Refusal	Dismissed 27.11.17
HUNGERFORD 17/00730/HOUSE Pins Ref 3182996	Millstone, Smitham Bridge Road Hungerford	Erection of single storey garage with timber refuse store plus single storey rear extension	Delegated Refusal	Allowed 1.12.17

This page is intentionally left blank

GREENHAM 17/00219/COMIND Pins Ref 3178239	Former Gama Site Basingstoke Road Greenham Common Flying A Services Ltd	Erection of new access lobby unit to building No. 703	Delegated Refusal	Allowed 27.10.17
---	---	---	----------------------	---------------------

Application for costs

An application for costs was made by Flying A Services Ltd against West Berkshire Council. This application is the subject of a separate Decision.

Main Issue

The main issue in this case is the effect of the proposed development on the Cruise missile shelter complex, Greenham Common Airbase.

Reasons

The appeal site consists of 'Building No. 703', a massive earth covered concrete former Ground Launched Cruise Missile (GLCM) shelter. The shelter is one of six on the site, which together with a range of support buildings, five 'Igloo' shelters to the west, a double security fence, and third outer patrol fence is scheduled under the Ancient Monuments and Archaeological Areas Act 1979.

As a whole the scheduled monument is known as the GAMA (Ground Launched Cruise Missile Alert and Maintenance Area) and is scheduled as an exemplar of the infrastructure of GLCM technology. The site was developed at the start of the 1980s as part of what is described by some as the Second Cold War. Following a treaty in 1987 the GLCMs were removed and the base was closed in 1992. The schedule states that the GAMA complex at Greenham Common is internationally important as one of the key emblematic monuments of the Second Cold War, signifying an escalation of the nuclear arms race, and that since most of the missiles and launchers have been destroyed, the site remains as one of the few tangible relics of the technology. The schedule also notes that the site has a wider cultural significance as the focus of mass protest against the nuclear arms race. Both these key factors form part of the significance of the monument.

GAMA is listed under Schedule 1 of the Ancient Monuments and Archaeological Areas Act 1979 and is therefore by definition of national importance. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of such monuments and that substantial harm to them should be wholly exceptional. Policy CS19 of the Core Strategy states that particular regard will be paid to the conservation, and where appropriate, enhancement of heritage assets and their settings.

Building 703 consists of three concrete tunnels. Massive steel blast doors are sited at each end. At the southern end these are open and lie flush across the concrete floor as effectively drawbridges. The doors were decommissioned as part of the 1987 Treaty and their former hydraulic rams have been cut. As such the three tunnels are open to the elements. The Inspector saw evidence on his site visit of unlawful ingress to the tunnels and areas where theft had occurred.

The proposal seeks to construct new doors to the tunnels. These doors would take the form of a protruding metal clad lobby area with a sliding/roller shutter door on the right hand side and a personnel door on the left hand side. The proposal would extend out beyond the steel drawbridge doors.

The proposed development was granted Scheduled Monument Consent by Historic England (then English Heritage) in 2014. This consent provided for new access doors to all six of the shelters. The consent states that English Heritage considered that the proposed works would significantly alter the present condition and appearance of the monument, but would not damage its historic fabric.

The Inspector agreed with this assessment. The proposal would clearly significantly alter the appearance of the monument, covering up the current three tunnels and providing a more modern commercial view than the current heavy industrial appearance of the massive structure. However, it

is clear that the planned works would avoid the structure and mechanisms of the original infrastructure itself, so as to not harm the historic fabric.

Due to the lack of harm to the fabric of the structure, the Inspector considered that the adverse effect on the monument would not reach the high bar of substantial harm. Nevertheless, harm would be caused to the significance of the site. Paragraph 134 of the Framework states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

At present GAMA appears to be in use for storage uses. The proposal would allow secure storage within the three tunnels of Building 703, increasing the attractiveness of the site for commercial use. A wide range of theft and vandalism of the site is described by the appellant; given the history and fame of the monument, the Inspector could understand that such issues are unlikely to go away. The proposal would allow secure storage and dissuade vandals, thieves and the merely curious from Building 703 whilst also protecting the structure from the weather and wildlife incursions.

A previous appeal founded on the lack of an approved use for the shelter, and Historic England refer to the proposal offering the opportunity of a viable use. The Inspector agreed that a purely speculative proposal would not offer guaranteed public benefits against the acknowledged harm that the proposal would cause. However, since the time that the appeal was lodged a separate appeal has granted a lawful development certificate for the use of the GAMA site for internal storage within Class B8. Historic England considers that such a use could well represent the optimum viable use for the site. He agreed that secure storage, which would use the shelters for internal storage and would by its nature not require significant alteration to the tunnels, other than that which is applied for in this case, would be a possible optimum viable use for the structure and would require little further interference.

The proposal would secure the shelters and protect Building No. 703 from further internal damage. The Inspector considered therefore that the securing of the optimum viable use of Building 703 would outweigh the less than substantial harm that the proposed access lobby would cause to the scheduled monument. As such he considered that, when taken in the round, the proposed development would have a beneficial effect on the Cruise missile shelter complex, Greenham Common Airbase, and would comply with the Framework and Policy CS19 of the Core Strategy.

Conditions

He imposed conditions relating to implementation time and development in accordance with submitted plans, in the interests of providing certainty and also imposed conditions relating to the approval of materials samples and for a schedule of works to be approved prior to development commencing. Such conditions are necessary to protect the significance of the scheduled monument.

The Council have requested a condition for details of the proposed sliding doors to be approved prior to commencement, with drawings required at a scale of 1:20 and 1:2. The appellant is of the view that such a condition is overly onerous and impractical. The Inspector considered this matter carefully, and was of the view that while drawings at 1:2 would be impractical, a condition requiring details at a scale of 1:20 is reasonable given the national and international importance of the monument. Materials of the proposed doors would be covered by the proposed overall materials condition and would not need to be replicated by the condition though.

Conclusion

For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be allowed.

Decision

The appeal is allowed and planning permission is granted for the erection of new access lobby unit to building No. 703 at Former Gama Site Greenham Common, Basingstoke Road, Greenham, Thatcham RG14 7HQ in accordance with the terms of the application, Ref 17/00219/COMIND, dated 26 January 2017, subject to the conditions set out below.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GAMA Site Greenham Common Block Plan of Building no 703, Proposed Roof Plan at 1:100, Greenham Common Silos Proposed Floor Plan, Greenham Common Silos Front Elevation Opt. 2, Greenham Common Silos Longitudinal Section A-A.
- 3) No development shall take place until details of the design of all proposed sliding doors including plans/elevations/drawings at a scale of 1:20 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until samples and an accompanying schedule of all materials and finishes visible external to the building have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.
- 5) No development (including preparatory or demolition work), shall take place until a detailed schedule of works has been submitted to and approved in writing by the Local Planning Authority. This shall include all work required to meet Building Regulations. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Costs Decision

The application for an award of costs is refused.

Reasons

Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.

The costs application was based on the ground that the Council has failed to properly exercise their development management responsibilities, relying upon a refusal reason which did not stand up to scrutiny, contrary to advice received from their own archaeological advisor and from Historic England, and that the existence of scheduled monument consent for the site was not properly considered.

The Council's Historic Environment record officer states in her consultation response that she considers that the proposal will have an impact on the appearance of the scheduled monument, but that this adverse impact could be said to be acceptable if it leads to suitable reuse of the building, but notes that it is unclear what re-use has been authorised.

The consultation response from Historic England follows a similar vein, in where they note that their decision in 2014 to grant scheduled monument consent was based on the view that the harm that the proposal would cause would be outweighed by the opportunity of a viable use on the site. They were also unclear about the current use of the site, and recommended that the Local Planning Authority consider the proposal along the requirements of paragraph 134 of the National Planning Policy Framework.

The Council refer to this test in their officer's report on the proposal, noting that the silos do not benefit from B8 use and that with no secured viable use for the site the harm that the scheme would cause is not justified. The appeal granting the lawful development certificate for the use of the overall site for internal storage within Class B8 was yet to be determined.

The Inspector therefore did not consider that the Council behaved unreasonably in their consideration of the proposal. While he had disagreed with the Council in his planning appeal decision, since the time of the application decision the LDC has been granted and this was a fundamental consideration in his decision.

The Planning Officer's Report for the application notes that the site has the benefit of scheduled monument consent for the erection of lobbies and silos to all six shelters, but considers that Historic England made this recommendation they considered that a viable use for the site had been ascertained. The report fully notes and considers the existence of the SMC but considers that, when taking into account all considerations the application would still be contrary to the development plan. The Inspector did not consider therefore that they behaved unreasonably in this matter.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

DC

SHAW-CUM-DONNINGTON 16/03472/FUL Pins Ref 3179729	3 Love Lane Donnington Newbury A Simeunovic	Change of use from C3 to Sui Generis HMO with neither external nor internal alterations to the existing	Delegated Refusal	Dismissed 14.11.17
---	--	---	-------------------	-----------------------

Procedural Matters

The application form describes the proposed development as a change of use from C3 to C4. However, this change of use would be permitted development under Class L of the General Permitted Development Order (GPDO) and would allow between three and six unrelated individuals to live in the same property. However, the property has seven bedrooms. The Council therefore determined the application on the basis that permission was sought for a change of use to Sui Generis HMO to accommodate up to seven individuals. This is the description of the development on its decision notice and on the appeal form. The Inspector determined the appeal on that basis.

The Council adopted its Housing Allocations Development Plan Document (HADPD) on 9 May 2017, after this application was determined. However, it is the Inspector's duty to determine the appeal on the basis of current planning policy and her attention has therefore been drawn to Policy P1 of the HADPD, which is relevant to this case.

Main Issue

The main issue is the effect of the proposed change of use on the provision of parking and highway safety.

Reasons

Love Lane is a local distributor road which carries significant volumes of traffic. It passes through a residential area, largely characterised by semi-detached properties that are set back from the road. Most of the dwellings therefore have sufficient space within their front gardens to park vehicles off-street.

Consequently, there is little on-street parking in Love Lane, although parking restrictions are in operation around the school and the village hall, which are located almost opposite No. 3. These restrictions are essential to ensure safety for road users and pedestrians, and to reduce congestion around these community facilities.

No. 3 is a semi-detached dwelling which has been significantly enlarged with the addition of side and rear extensions and a loft conversion. The permission which resulted in the house having six bedrooms, Ref: 16/00640/HOUSE, included a condition requiring approval of a parking plan. This condition has been discharged on the basis that 3 parking spaces will be provided. The approved drawing shows the spaces and an area sufficiently large for vehicles to turn around and exit the site in a forward gear. A loft conversion has also been approved, effectively providing an additional bedroom, Ref: 17/00360/HOUSE. However, this permission is subject to a condition that the property would continue to be used solely as a dwelling (C3). This condition was imposed primarily because of concerns regarding the lack of parking in the event that the property could subsequently be used as an HMO.

The Council's parking standards for residential dwellings are set out in Policy P1 HADPD, which is therefore highly relevant to the appeal proposal. The site is within Zone 2 and the requirement for a house with four bedrooms would therefore be 2.5 parking spaces. The standards do not set out the requirements for houses with more than four bedrooms and do not specifically address the requirements for HMOs. Instead the Policy states that such cases will be assessed on an individual basis. When the house was enlarged to provide six bedrooms, the requirement was assessed to be 3 parking spaces.

The area in front of the dwelling had been paved at the time of the site visit. However, the 3 parking spaces had not been marked out. Although no change of use has occurred and the internal alterations have not yet been completed, the use of the property as an HMO for up to six occupants is the appellant's fall-back position. It could be implemented without having to provide any additional parking spaces.

The highway authority assessed the appeal proposal for a seven bedroom HMO assuming that it would be the equivalent of seven one-bedroom flats. On this basis it would require eleven parking spaces. In the Inspector's view, an HMO accommodating seven people is most unlikely to operate in this manner. Although occupants of an HMO will be unrelated, levels of car ownership are likely to be lower than those who occupy

self-contained flats. Consequently, she considered it would be unreasonable to expect the site to provide eleven spaces.

However, it seemed to the Inspector that the change of use from a single family dwelling to an HMO would be likely to increase the demand for parking and result in changed travel patterns. As individuals living in an HMO would not be part of an extended family, there would be more limited opportunities for sharing vehicles and agreeing parking arrangements. She therefore was not persuaded that provision of only three spaces would be adequate.

From the evidence provided it is apparent that it is not possible to provide even one additional parking space on the site whilst retaining sufficient space for vehicles to turn around and leave in a forward gear. If the change of use generated any additional demand for parking it would therefore result in on-street parking away from the site and within the surrounding streets. It would be possible to park legally in those parts of Love Lane that are not subject to parking regulations. However, in view of the volume of traffic on this road and the proximity of the site to the school and the village hall this could still result in danger and inconvenience for other road users. There are also opportunities for on-street parking in the adjoining residential area. Although these streets are not subject to parking regulations, the on-street parking in them is clearly well-used by local residents. Capacity to absorb additional uncontrolled on-street parking is therefore limited.

Furthermore, parking either in Love Lane or in any of the surrounding streets would involve occupants walking some distance to their cars. There would therefore always be a temptation to turn in and park on the appeal site. If this occurred there would be a significant risk that cars would subsequently have to reverse out onto the highway. Given the proximity of the site to the school and village hall, the Inspector considered this would be potentially dangerous. She accepted that this could occur if the house was in use as an HMO for up to six people. However, that it not a justification for permitting a development that would increase the likelihood of such manoeuvres taking place and causing additional danger to pedestrians and other road users in the vicinity.

The Inspector noted that the appellant expects that some occupants may work at the Vodafone Headquarters, which is within walking distance of the site. However, occupancy of the proposed HMO could not be restricted to Vodafone employees through the planning system. In any event trips by future occupants would not only relate to their journeys to and from work. Secure cycle storage should be required in addition to, not a replacement for, vehicle parking. Its provision is therefore not a justification for reducing the requirement for an adequate number of vehicle parking spaces.

For all these reasons the Inspector concluded that the proposed change of use would fail to provide adequate on-site parking which would adversely affect highway safety in Love Lane. The proposal would therefore be contrary to Policy CS13 of the West Berkshire Core Strategy which, amongst other things, seeks to promote safe travel, and Policy P1 of the HADPD which requires parking provision to meet minimum standards and to be within the curtilage of the dwellings. It would also fail to comply with Paragraph 32 of the National Planning Policy Framework which requires safe and suitable access to be provided to serve new development.

For this reason, and having regard to all other relevant matters raised, the Inspector concluded that the appeal should be dismissed.

DC

Pins Ref 3177099 & 3158306	Land north of Irish Hill Road, Kintbury	<ol style="list-style-type: none"> 1. Development of 32 dwellings and associated access. 2. Development of 72 dwellings and associated access 	Dele. Refusal	Dismissed. 27.11.2017
-------------------------------------	--	---	------------------	--------------------------

Decisions -

Appeal No. 1: Appeal Ref: APP/W0340/W/17/3177099

1. The appeal is dismissed.

Appeal No. 2: Appeal Ref: APP/W0340/W/17/3158306

2. The appeal is dismissed.

Procedural matters

Both planning applications were submitted in outline with all matters save access reserved for future determination. The appeals have therefore been determined in like manner.

In respect of appeal No. 2, the appellant has sought to revise the access arrangements so that they accord with those subsequently presented in Appeal No. 1. Two revised plans (Indicative Masterplan E174-33-1A and Peter Brett drawing 37787/2001/001 Rev: P1) were presented with a request that they be accepted as minor amendments under the 'Wheatcroft' principle. During the Inquiry it also became apparent to the appellant that there had been an error in the drafting of the 'red line' demarcation on the submitted plans in respect of the precise area of the ownership of the site. To regularise this further revised plans were presented indicating a revision to the boundary of the respective sites and revisions to the layout of the indicative masterplans illustrating that the broad arrangement in both cases could still be maintained.

There is a written objection to the revised access plans, although this is more an objection to the principle of amending appeal proposals rather than a substantive objection on the grounds of people's interests being compromised. Furthermore, the amended access plans have been the subject of thorough consultation, have in any case been considered in detail in respect of Appeal No. 1 and the Council afforded the opportunity to consider them in respect of Appeal No. 2. The Inspector also took the opportunity to ask at the opening of the Inquiry if there were any further representations to be made on this matter and there were none. He asked the same question in relation to the site boundary revisions with the same response.

With these matters in mind, the Inspector concluded no party's interests in relation to both appeals would be compromised by his acceptance of them. The Inspector had therefore taken them into account in respect of the relevant main issues on which they may bear.

A signed and dated unilateral undertaking has been presented in respect of each appeal making provision for affordable housing and open space and its future management. These are considered below.

Subsequent to the closure of the Inquiry two appeals decisions the subject of a request for Planning Statutory Review in the High Court (Siege Cross and Henwick Park, Thatcham) and referenced by the parties in evidence in relation to this appeal, have been delivered³. Both parties were formally notified of the initial judgements and invited to comment, each confirming their respective positions that they have no bearing on the outcome of these appeals.

The signed and dated Statement of Common Ground (SoCG) agrees that Appeal No. 1, at 32 dwellings should not, for the purposes of paragraph 116 of the National Planning Policy Framework (the Framework), be considered major development. It similarly agrees however that Appeal No. 2, at 72 dwellings, should be. The appellant helpfully sets out the evolved thinking on this matter in relation to both proposals. The Inspector had no basis to disagree with these conclusions and the main issues and subsequent reasoning are cast in light of this below.

Main Issues

These are a) the effect of the proposed development on the safety and convenience of highway users in respect of traffic movements in relation to Newbury Street, Station Road and the proposed mini-roundabout for access to the sites; b) the effect of the proposed development on the character and appearance of the village of Kintbury and the wider special landscape character of the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB); c) the effect of the proposed development on the setting of the Kintbury Conservation Area, a designated heritage asset; d) the effect of the development on the setting of Kintbury Park (a Grade II listed building); e) the effect of the proposed development on local green infrastructure, including trees on the site and f) whether there are any material considerations that would justify the appeal being determined other than in accordance with the policies of the development plan and, in respect of appeal No. 2, whether exceptional circumstances can be demonstrated.

Reasons

Description of the appeal site

The appeal sites (the greater site) are located on elevated ground to the east of the historic settlement boundary of Kintbury. Both are bordered by C20 suburban housing to the south, residential curtilage to the west and farmland and open countryside to the north and east. Topographically the site overall falls gently to the north, with the declination being most evident in the north western corner of the combined site. At present the greater site is strongly demarked by boundary planting, with mixed tree belts and hedges to the west and south, an open avenue of semi-mature trees to the east and stands of tall conifers forming a very distinctive boundary to the north. The greater and lesser sites are also divided by a coterminous stand of conifers running north to south.

Proposals

Both appeal proposals are for residential development and open space with a mix of affordable and market housing, Appeal No. 1 being for 32 dwellings located within the western enclave of the site, Appeal No. 2 being for 72 dwellings encompassing that of Appeal No. 1 and the adjacent eastern field. The matter of access being for consideration in both cases, details are presented of a fourth arm to the existing mini-

roundabout at the junction of Newbury Street, Burton's Hill and Holt Road / Irish Hill Road. In order this is appropriately accommodated visibility splays and profiled landscaping are proposed, replacing the existing section of verge, bank and treed hedge. Supplementary evidence indicates reserved matters would incorporate extensive landscaping and planting here to mitigate the effects of the development.

Highway safety - Newbury Street, Station Road and their junction

It is the case that both appeal proposals will generate additional pedestrian, cycle and vehicular movement along Newbury Street; the scale of this multi-modal trip generation is broadly agreed between the main parties. There would be a maximum increase of between 1 and 5 pedestrian movements and between 11 and 25 vehicular movements during the peak hours. This would be in addition to a current level of pedestrian activity of between 11 and 24 movements at peak hours and between 231 and 295 vehicular movements at the same time. By any reasonable comparative analysis, this does not represent a significant increase in combined transport related activity on the road network.

That said, even if one were aspiring to design a shared surface environment as a highway engineer, one would not produce a result similar to that existing in Newbury Street. Road width is variable, the footpath widths are sometimes below anticipated modern standards, these are intermittent along the length of the street, there is irregular on-kerb parking in places and the 20 mph speed limit is at times exceeded. Listening to local residents, some with ambulant impairment, it is understandable that some may find this a challenging environment in which to navigate the street on foot at peak traffic times.

However, as the Inspector was repeatedly reminded, this circumstance is within a rural village context. Trip frequency is relatively low, as are vehicular speeds. These are in the main repeat local trips by those generally familiar with the driving and walking environment who will generally anticipate the constraints and modify their behaviour accordingly. Moreover, these constraints also serve to reduce vehicular speeds and offer opportunities for pedestrians to navigate their path, anticipating oncoming traffic movements. From his experience during the site visits, this was borne-out as both a driver and pedestrian, and from observing the behaviours of those others using the street in such modes of travel. Neither would this environment appear to intimidate the road users, including commuters, school children and cyclists from using the route to Station Road and thence the Station in the morning. Such a conclusion is also borne out by the absence of any statistical evidence for personal injury having been incurred in these environs.

Even if some future residents, like those who spoke at the Inquiry, felt apprehensive at the prospect of Newbury Street, the alternative route available along Burton's Hill, Gainsborough Avenue and Hop Gardens, the open space and Inkpen Road, is a credible alternative for access to the settlement services. Whilst the initial uphill approach of Burton's Hill might seem a counterintuitive preference to the fall of Newbury Street, this is more than compensated for by the tranquillity and openness of the alternative route thereafter.

It is the case that the junction of Newbury Street and Station Road is restricted, especially in relation to visibility to the right, which has the effect of drawing cars into the junction in order to achieve visibility, thus restricting flows at the junction to a degree at

peak times. Moreover, such is the nature of these historic road network arrangements that the presence of agricultural traffic or a delivery vehicle, in coincidence with peak hour travel flows, may acutely but only occasionally lead to significant disruption to the flow of traffic.

It is agreed that traffic movements associated with Appeal No. 1 would have no material impact on the functionality of the Newbury Street / Station Road junction. Anticipated additional car numbers as a result of the Appeal No. 2 development would also be limited in this respect, with 10 additional right turn movements in the am peak and 1 in the pm at the junction. Nor has any evidence been presented that the junction is at the present time over-capacity. Indeed, as with Newbury Street, there is no accident or personal injury record that might support the assertion that the junction at present represents a risk to highway safety.

For all these reasons therefore the proposals would not result in any increased risk to pedestrian and cycle users on Newbury Street, Station Road and their junction. There would therefore be no conflict with policy CS13 of the West Berkshire Core Strategy (WBCS), which inter alia, seeks to reduce the need for travel and promote opportunities for healthy and safe travel. As such both appeal proposals are consistent with the objectives of paragraph 32 of the Framework, which only seeks to prevent development on transport grounds where the residual cumulative impacts are severe.

Highway safety – the mini-roundabout proposals

Both appeal schemes now present access proposals that include the provision of a fourth arm on the existing mini-roundabout at the Newbury Street junction. As part of this provision the access will also include the necessary visibility splays and the reconfigured roundabout will have enhanced ancillary features such as signage and increased profiling to the central dome and to dividing splitter markings.

Whilst there is a range of guidance available on the use of mini-roundabouts in relation to new development, including TD 54/074, Manual for Streets and mini roundabouts good practice guidance, the former relates to trunk roads and its application in relation to these proposals must be calibrated accordingly. The over-arching concern expressed in all the guidance is that in a four arm scenario where traffic flows on each arm are unbalanced there is a risk that drivers will have an expectation of 'free-flow conditions'. This implies they will not observe the constraint of the roundabout, and drive through it. The resultant risks to other road users in these circumstances are readily understood, and most transparently in relation to such circumstances on trunk roads with high traffic volumes and greater speeds. The tipping-point of such a hazard is suggested where there are less than 500 vehicle trips per day or minor arm flows are less than 15% of those of the major road.

The comparative evidence in respect of vehicle numbers and flows is instructive insofar as minor adjustments to a range of inputs readily offer an outcome both within and outwith the tolerances identified above. If nothing else, this suggested to the Inspector that the arguments are reasonably finely balanced and an applied assessment of the circumstances prevailing in relation to this particular scenario is appropriate. The three-arm roundabout was created as a means of reducing traffic speeds at this approach to the settlement. From his observations during the site visits this was its effect. Traffic travelling towards the village slowed as the driver became aware of the multiple arms of the roundabout and braked accordingly in anticipation of the presence of other road

users. This is despite the continuous line of the northern hedge/bank that affords a strong sense of visual continuity consistent with the 'free-flow' conditions of the preceding section of lane.

In the Inspector's view, with its visibility spays, signage and enhanced surface treatment, the proposed fourth arm would break-down this visual continuity, enhancing the calming effect of the existing installation. Moreover, visibility is already good here, traffic speeds are relatively low and the existing flows commensurately so. Again, the absence of any reported accidents or personal injury suggests there is no material hazard at this location at the present. These circumstances are very readily distinguishable from the trunk road scenario anticipated in TD54/07, and even if the Council's assessment of the fourth arm numbers being below or marginally below the 500 measure is correct, this proposed access would not represent a materially increased risk to highway users. There is therefore no conflict with policy CS13 of the WBCS, which inter alia, seeks to promote opportunities for healthy and safe travel. As such both appeal proposals are consistent with the objectives of paragraph 32 of the Framework, which again only seeks to prevent development on transport grounds where the residual cumulative impacts are severe.

Effect of the proposed development on the character and appearance of the village of Kintbury and the wider special landscape character of the North Wessex Downs Area of Outstanding Natural Beauty

Both main parties advise that their evidence in respect of this matter is based on current best practice, carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (third Edition). As is well established, these guidelines set out a framework for understanding the value of any given landscape and an approach for assessing its sensitivity to development proposals. The Inspector's reasoning below draws on the two approaches but concludes in his own terms as to the outcome in relation to local and national policy.

Prior to understanding the effect of the proposals on the NWDAONB it is necessary to understand the extent to which the greater appeal site contributes to the purposes of its designation, amongst the highest status of landscape protection in national policy terms.

The western part of the greater appeal site is enclosed by the two stands of conifers on its northern and eastern boundaries, whilst the remaining two boundaries are densely treed, enhancing the sense of enclosure. It is also the case that the eastern boundary of the site is defined by an open avenue of trees that have the effect of demarking the boundary and at present filtering views into it from the east.

Moreover, it is the case currently that residential development extends along the southern side of Irish Hill Road along the south eastern section of its boundary, and although this is in part screened by hedges along the lane, the upper superstructure of the dwellings are apparent from it. It is also a matter of fact that this modern residential development, whether pre or post-dating the initial designation of the NWDAONB, is clearly visible in views from the lanes and footpaths to the east of the village, strongly defining the modern urban form of the settlement to the south of Irish Hill Road.

It must also be remembered that previous landscape assessments, commissioned by the Council to inform potential housing site allocations, have identified the southern and western part of the site as it abuts the settlement. Here a linear plot of land was

identified for limited development without adverse impact on the landscape character of the NWDAONB. Taken together these considerations mean that the greater appeal site may not be held to express the highest defining landscape characteristics of an area designated for its natural beauty.

However, that is not to say the site and its environs and the sum of their attributes do not make a significant contribution to what makes the greater NWDAONB *beautiful*. Equally, whilst the conifer planting is certainly conspicuous and mutually agreed to detract from the quality of the landscape here, this can be easily overstated. They are there, it is proposed they will be removed in greater part and with their intended purpose redundant in light of the proposals, their longevity limited. Additionally, whilst the southerly residential development is visible and clearly a component of the character of this part of the settlement and landscape, its northerly edge and abutment with open countryside is very well defined. This is especially apparent in views from the east and north, where the line of the hedge on Irish Hill Road, with the extended band of tree cover forming the westerly backdrop to the scene beyond the conifers, clearly demarks the contrast between settlement and countryside.

Aside from its intrinsic attributes of treed boundaries and status as agricultural land, the greater appeal site also performs two further key functions in contributing to landscape quality here. As has been noted by both parties, the NWDAONB washes-over Kintbury, as it does with other settlements within its designation. This is a clear reflection of the role such historic settlements play in defining landscape character, and as contributors to its intrinsic picturesque beauty. This relationship is an important one, not just in visual terms but in also underpinning the close ties between the settlement and the making and management of the rural landscape on which its occupants depended, and indeed depend still. This relationship is epitomised by the location of Kintbury Park Farm, located at the very edge of the village, with its dependent land holding spreading into the open countryside beyond.

Although the western part of the appeal site is at present enclosed with tree planting, the greater site plays an appreciable role in forming the context, or interface between settlement and open countryside. This is most saliently apparent from the network of footpaths to the east of the site, where this open prospect can be seen, spreading from the border of the residential development to the south, across the plateau at the crest of the higher land, before descending towards the river valley floor to the north; it is a quintessential North Wessex Downs landscape tableau.

The site also performs a very specific role in relation to the immediate relationship between settlement and open countryside. Although the junction of Newbury Street, Irish Hill Road, Burton's Hill and Holt Road is to a degree characterised by residential built form, it can by no means be said to dominate it. Indeed, as the sequential views of these approaches provided by the appellant show, there is a constant and pervasive presence of the countryside in all these aspects. This is no more strongly typified than in the case of the approach along Burton's Hill. Here, although initially characterised by dwellings, the view is nevertheless progressively framed by green, and is in fact terminated by a wall of verdant greenery, clearly heralding the immediate presence of the agrarian landscape beyond. In the macro and micro sense then, the appeal sites plays an important role in defining the intrinsic character and scenic beauty of this part of the NWDAONB. Thus the effects of the two appeal proposals need to be considered very much within this context.

Because each of the schemes is of a different scale and extent, and because they rely in different ways on the retention and deployment of landscape treatment, what he terms the macro landscape effects of each have to be considered separately. Where the micro effects, that is how both relate to the access and immediate juxtaposition of development with the settlement, are considered, these being the same, the Inspector assessed them together.

He considered Appeal No.2 first. Although the amendment of the site boundaries renders an element of the northern conifer belt outside of the appellant's control, the remainder of this screen is relied upon in the early life of the development to mitigate its visual presence from the north. This, it is agreed, will be felled as and when the replacement deciduous planting has achieved parity in screening terms. However, the north/south stand dividing the appeal sites, for the purposes of Appeal No.2, is lost. To mitigate visual impact from the east this scheme relies on a deep band of landscaping with structural planting on the eastern border.

This landscape planting is heavily relied upon to deliver the visual mitigation considered by the appellant to be necessary in order that the scheme may be considered acceptable in valued landscape terms. Because of its nature and make-up, this planting will take time to mature and this is fully acknowledged by the appellant in their assessment of the effects of the development set out in their evidence. It should properly be acknowledged that this planting, when considered from the east at a maturity of 15 years, does, to some degree, achieve the screening objective desired. However, even at this stage of maturity the roofs and gables of the development would be clearly discernible, sustaining the spread of built form already established to the south along the plateau. Whilst it may not be judged as 'spilling down the valley side' towards the valley floor to the north, it can still nevertheless be perceived to begin a degree of visual descent in that direction, giving the clear sense of development extending beyond the lip of the plateau. Moreover, expectations about the maturation of this cover may prove over-optimistic and none of the views allows for deciduous leaf-fall, which, for a considerable part of the year, will significantly reduce the effectiveness of the screening.

Although opportunities to see the development from the tow path of the canal would be limited, in light of the potential greater visibility of the development through the defoliated season, this too has the capacity to increase the sense of creeping urbanisation at the crest of the ridge when viewed from the valley floor looking south.

The result would in his view be the clear and apparent extension of the southern settlement across the plateau beyond the cusp of its descent to the valley floor beyond. This would have the demonstrable effect of urbanising the current limits of the settlement, diminishing the sense of rurality and eroding the delicate interface of historic settlement and open landscape beyond.

It is the case that the proposals presented in Appeal No. 1 would be, in its initial stages and in the wider landscape context, contained by the existing coniferous boundary planting to the north and east, and by the existing hedge to Irish Hill Road. However, the visualisations presented in the appellant's landscape evidence do not extend to illustrating the transition for the coniferous cover to the maturation of the deciduous planting belts envisaged to take on the task of screening the development. Although the Council accept that such a boundary treatment would afford some containment, this performance would again be diminished in the winter months and the similar though

lesser degrees of visibility of the site when viewed from the east and north east have to be a possibility. Although the broader landscape impact of Appeal No.1 would be significantly less than that of Appeal No.2 in the initial phase, the Inspector concluded it would still have the capacity longer term to adversely affect the key existing relationship of settlement to landscape previously identified as a contributor to landscape character.

Both schemes now propose a common access by adding a fourth arm to the existing mini-roundabout at the junction of Newbury Street and Irish Hill Road and Burton's Hill. The works associated with this have been described above. Again, in both schemes this access arm becomes the arterial route into the respective developments, and although the details are reserved, it is a reasonable assumption that further details would have to elaborate this arrangement with houses on both sides of the approach as it heads northward into the site.

This access would be located at more or less the point where the key sense of transition between settlement and landscape is perceived as one leaves, enters or skirts the settlement on its eastern road network. In both cases a significant extent of mature verge/bank and hedgerow would be lost and replaced by the measured engineered curves, splays and graded banks of an access portal necessary to safely access such a development. In addition, the signage and road markings would give added emphasis to the existing junction. Moreover, as this access point is approached from each of the key directions, the residential, not to say suburban characteristics of the development would become apparent. On leaving the settlement at this point, where currently Newbury Street rises and curves to the right, affording an increased perception of rurality, this would be replaced by the new and forceful dominance of built form. As one descends Irish Hill Road at this point towards the settlement, the currently rising green presence of the bank dominating on its northern side would be replaced by an open prospect of the junction, splays and residential development below the access road. Although the starkness of this juxtaposition will be lessened with the maturation of planting, the shift in character will still be discernible and permanent. Again, in the winter months this mitigation would be significantly diminished.

However, perhaps the starkest shift in the landscape character of this critical interface between settlement and more open countryside is understood in the perspective down Burton's Hill looking north. Here the curtain of green formed of the verge/bank/hedge spans across the view strongly contrasting with the run of houses forming the perspective along the road and heralding the agrarian character of the landscape beyond. In both proposals this would be replaced by the broad mouth of the access with its attendant footpath, splays and verges and the deep perspective of the arterial road flanked by dwellings and their domestic landscaping. Whilst the planting proposed would, over the extended 15 year period, soften this stark suburbanism, even this cannot mitigate the structural effects that would result. The sense of suburban development in depth would remain, effecting a permanent and quantum shift of character at this most sensitive of points between settlement and countryside.

The Inspector accounted for the fact that the Council accept that some limited development on part of the site may be considered acceptable. He also acknowledged that the landscaping in place and which is proposed will, over time, help to mitigate the effect of the development in some measure. Nevertheless, considering the sum of effects of both schemes, the outcomes defined above would be in clear conflict with policies CS14 and CS19 of the WBCS which both seek to ensure that proposed

development respects and enhances the character and appearance of an area and that local distinctiveness and landscape character are conserved. More specifically in relation to the NWDAONB designation, the proposals would also conflict with policy Area Delivery Plan Policy (ADDP) 5, which anticipates development will again conserve local distinctiveness and sense of place, while responding to local context and respecting identified landscape features and components of natural beauty.

For the same reasons both proposals would be inconsistent with paragraph 17 (bullet point 5) of the Framework which anticipates that planning decisions should take account of the intrinsic character and beauty of the countryside. They would also be in conflict with paragraphs 109 and 115 of the same, which anticipate the planning system (and therefore development) enhancing the local and natural environment by protecting and enhancing valued landscapes and with great weight being given to the conservation of the landscape and scenic beauty of AONBs. Again, for the same reasons, both proposals would fail to conserve or enhance the natural beauty of the AONB, a purpose of the Act9 to which the Inspector is required to have regard, and any breach of which he is also required to apportion substantial weight.

There is no disagreement on the locational sustainability of the proposals, the site being well placed in terms of community facilities, services and sustainable transport modes. However, ADPP1 of the WBCS, also makes clear that the acceptability of development in any given location will inter alia also be dependent on character and surroundings. For the reasons set out above, both proposals would have significant adverse effects on their surroundings and its character. He therefore also found conflict with policy ADPP1 in this regard. Moreover, policy C1 of the West Berkshire Housing Site Allocations DPD (WBHSADPD) also makes clear that planning permission should not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside. Insofar as he had identified harm expressly in relation to this precise matter, both proposals also conflict with this policy.

The effect of the proposed development on the setting of the Kintbury Conservation Area, a designated heritage asset

Both parties set out in some detail their analysis and understanding of the significance of Kintbury as an historic settlement, recognised in the designation of its core and hinterland as a conservation area in 1971. The architectural and historic interest of the settlement is well understood, and one of its recorded attributes is the approaches to the village from the east and west. These approaches are not a pristine transition between historic settlement and countryside. In both cases, and more specifically in relation to the eastern one, the approach is transitioned by C20 development, some dating from the first half of the Century with others being relatively recent infill. This pattern is most obviously expressed along the southern side of Irish Hill Road and at the junction with Burton's Hill.

Nevertheless, this eastern approach, which quickly becomes Newbury Street within the boundary of the conservation area, remains very much rural in character. Whilst the suburban housing to the south is perceptible, the register from the road is one predominantly of a gentle linear descent from open countryside, flanked by hedges into the closer built confines of Newbury Street. Moreover, and perhaps counter-intuitively, despite the presence of the dwellings on the higher ground at the junction of Burton's Hill, the sense of rurality is heightened at the very limits of the conservation area. Here first the rising verge and then hedge overhanging the lane and thence the rustic brick

wall bearing the continuing mature hedge above, amplify the naturalistic characteristics of this immediate entry to the historic settlement.

There is a similar experience from Holt Road, where the suburban character of its south west side is first perceived but then gives way to a heightened sense of verdancy at the junction with Burton's Hill. Moreover, whilst the initial approach along Burton's Hill to towards the junction is one of suburban character, this is consistently visually checked by the tall curtain of green formed by the verge, hedge and tree canopy beyond the mini-roundabout – a strong visual reminder that the naturalism of the open countryside is never far away. Even in the leafless months of winter these underpinning characteristics would still prevail. This is by no means a unique experience on the approach to the settlement. Whilst Station Road has some conspicuous though not unattractive modern infill, the sense here too is of the strong linear visual draw of the road lined first with buildings but also lengths of verdant cover, with the open countryside beyond the lateral breaks of the river, canal and railway.

It must be acknowledged that the settlement has been extended considerably beyond its historic core in the C20, especially to the south, where this process has continued and consolidated subsequent to the designation of the conservation area in 1971. This is most evidently apparent when traversing the modern settlement from east to west through Gainsborough Avenue to the more recent Hop Gardens. However, this is an experience largely discrete from the perception of the conservation area, and one is not readily perceived in conjunction with the other. This is helped by the retention of key areas of open space between the two distinct components of the settlement.

Thus whilst the conservation area is in part abutted by more recent residential development, in key areas the immediacy of its relationship with the surrounding countryside is still strong. Given the undisputed historic interrelationship between agrarian community and the land on which it largely depended, this visual relationship of open land to settlement is an important component of the latter's setting, and so to the significance of the conservation area as well.

The appeal sites abut the easternmost boundary of the conservation area where the limit of the historic settlement is demarked by the former access lane to the service range of Kintbury Park and Kintbury Park Farm, which runs to the north.

The indicative layouts of the two appeals anticipate the same arrangement of dwellings to the west of the access road. This layout is supported by the photo montages presented in the landscape evidence of the appellant that illustrate the visual presence of development here from Newbury Street and as it is perceived from views over the proposed mini-roundabout. These arrangements have been described above. In order that the access and splays be accommodated a length of approximately 20 - 30 metres of verge, bank, hedge and trees running from approximately the end of the brick wall on Newbury Street to its junction to Holt Road will need to be removed.

It is the case that the programme of landscaping and planting indicated by the appellant as achievable in the evidence will, to a degree, ameliorate the presence of the access at the roundabout and the form of the residential development to its west, north and east. The tell-tale geometry of the visibility splays and the stark presence of the dwellings, over the projected 15 years maturation, will be softened. However, this will be a long time coming, and the deciduous screening on display in the photomontages will not be

sustained throughout the winter months. Despite these efforts the engineered geometry of the access and visibility splays will be clearly evident in the street scene, whilst the grouped forms of what will inevitably be seen as modern suburban development will be apparent in the key views leaving and approaching the settlement, and would confront the viewer full-on when approached from Burton's Hill.

Moreover, it is not just what would be seen here, but also what would be lost in its creation. The tall green edifice of verge, bank, hedge and trees marking the point of arrival and departure from the village would be replaced with further burgeoning suburban development. Moreover, this tall curtain of greenery viewed from Burton's Hill, would be replaced with a deep perspective of the residential estate beyond, betraying the depth of the development beyond the filter of the hedges bordering the greater site, an outcome common to both appeals.

The result would be the demonstrable suburbanisation of this key interface between historic settlement and open countryside at the very boundary of the conservation area. Given the importance and sensitivity of this relationship, such an outcome would cause significant and material harm to the setting of the conservation area, a designated heritage asset. On these terms both appeal proposals would therefore conflict with policies CS14 and CS19 of the WBCS, both of which seek to conserve diversity and local distinctiveness and promote high quality design. Most relevantly they specifically seek to ensure proposed development is appropriate in terms of the context of existing settlement form, pattern and character and that heritage assets and their settings are conserved.

Historic England makes clear in *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3 (2015)*¹² that 'in primary legislation, the setting of conservation areas is not a statutory duty'. This is consistent with a precise application of the wording of section 72 (1) of the Act, which makes explicit reference to 'buildings or land *in* a conservation area' and to the desirability of enhancing 'the character or appearance of *that* area'. Whilst the character or appearance of that area may be affected where a designed or incidental view looking from within that area is compromised by development, this does not amount to some clear equivalence to a requirement to have regard to the setting of the conservation area in the same way expected of section 66 (2) of the Act as it relates to the setting of listed buildings. Section 72 of the Act is not therefore engaged for the purposes of these appeals and the statutory duty in respect of conservation areas has no application here, or in any consideration of the final planning balance.

The proposals would nevertheless cause material harm to the setting of the conservation area, a designated heritage asset. As such they are in conflict with the clear expectation of paragraph 132 of the Framework, which anticipates that great weight should be given to the conservation of such assets and their setting. When this sum of effect is considered in relation to the special interest and significance of the conservation area as a whole, in accordance with the considerations of paragraphs 133 and 134 of the Framework, the magnitude of this harm can properly be judged less than substantial. Where on the scale of less than substantial harm this may lie is not a question the Framework asks. However, it was clear to the Inspector that there is no reasonable basis for concluding, when considering the sum of the significance of the conservation area and its setting as a whole, that this degree of harm could be characterised as being near the upper or top end of the less-than-substantial spectrum. More appropriately he

considered this magnitude of harm should be judged as somewhere towards the middle of this lesser paragraph 134 classification.

Paragraph 134 also requires that identified harm to heritage assets is balanced against any public benefits the development might bring. As is set out below in greater detail, both developments would bring forward market and affordable housing now, would also bring collateral economic benefits and would help sustain the village of Kintbury as a rural settlement. All these attributes, in the context of paragraph 134, may rightly be considered public benefits. However, although he characterised the harm here as less than substantial, it should be remembered that less than substantial harm should not be equated with less than substantial planning objection, particularly in light of the entreaty of paragraph 132 that great weight should be given to the asset's conservation. The harm to the setting of the designated heritage asset here is significant and material. These identified public benefits, especially in the context of the Council being able to demonstrate a five year supply of housing land, do not outweigh the harm identified.

The effect of the development on the setting of Kintbury Park

The effect of the development on the setting of Kintbury Park was not a matter identified in the reasons for refusal of either decision, though this is a matter raised in both the Council's and the appellant's evidence. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Kintbury Park is evidently a multi-phased building of some age. Whilst its earlier development remains uncertain, its remodelling in the late C18 or early C19 is clearly evident in the front elevation, where the use of the distinctive *Gothick* detailing of the fenestration give it a distinctive picturesque character. This picturesque aesthetic is still legible in the immediate landscape context of the house with immaculate lawns and some spectacular specimen trees leading down to the canal. It is these elements of setting that most evidently contribute to significance of the house as a heritage asset.

The land rises to the south behind the house and this has been adapted for modern residential purposes. There are garden areas, pool and tennis court all screened by dense coniferous and broadleaf tree cover. Cumulatively this element of landscape forms a dense buffer between the house, the significant elements of its setting and the appeal sites. There would be no significant inter-visibility between the two, and therefore the setting of the listed building would be preserved. Some of the map evidence suggests the possibility of some historical or associative relationship of the house to the adjacent farm and attendant farmland. However, no documentary evidence to substantiate any such link was presented. In respect of both appeals therefore the setting of the listed building would be preserved and there would be no conflict with either the expectations of the Act, paragraph 132 of the Framework or local development plan policies that seek to underpin these national statutory and policy objectives.

The effect of the proposed development on local green infrastructure

It is the case that hedges are not recorded amongst the list of what is defined as green infrastructure in paragraph 5.123 of the supporting text of Policy CS18 of the WBCS. It is also the case that although there is no definition of the term offered, the predominant focus of such infrastructure relates to open spaces. However, the list is not defined as a closed one, and includes such provision as green roofs and walls, which cannot be held

to have an open functional purpose. Moreover, the supporting text refers to such infrastructure as that which 'supports the natural and ecological processes, and is integral to the health and quality of life of sustainable communities'. Paragraph 5.125 goes on to stress that 'the multi-functional nature of GI... is important for many reasons', noting that 'it contributes significantly to the conservation and enhancement of biodiversity...'.

It is accepted that the bank and hedge forming the southern boundary of the site is an important boundary feature. That it is of some considerable age, either judged by the extensive map evidence presented, or by the essentially unchallenged methodology of Dr Hooper applied to its species-related dating, is clear. Moreover, its physical extent, form and ecological diversity do make it a conduit that 'supports natural and ecological processes'. On this basis, and given the scope of the definition of 'GI' in the WBCS, the Inspector concluded the hedge may properly be considered green infrastructure and therefore within the ambit of policy CS18.

The precise extent of hedgerow loss is not defined, though considered to be between 20m – 30m in extent. On the other hand, the banks adjacent to the new access would be re-profiled and planted, and indeed additional biodiversity would be provided across the wider sites. Nevertheless, a considerable section of venerable bank and hedge would be lost and the linear continuity of the corridor broken by the access and splays. Such an outcome would, he concluded, result in the loss of a limited though significant piece of local green infrastructure, thus conflicting with policy CS18 of the WBCS.

Whether there are any material considerations that would justify the appeal being determined other than in accordance with the policies of the development plan and, in respect of appeal No. 2, whether exceptional circumstances can be demonstrated.

The reasoning above clearly establishes conflict with the development plan policies in key regards. It is however right, in the light of the axial principle of the Framework, that any such conflicts are considered against any other benefits the proposed developments may bring. This is considered below.

Both appeal proposals offer to bring forward significant numbers of market and affordable housing now. In the context of paragraphs 47 and 50 of the Framework, as well as the current national picture of housing supply, this is a consideration that merits significant weight in support of the proposals. Moreover, the provision of affordable housing at 40% of the total number proposed, in the context of concerns over future delivery and achieving identified targets of affordable housing, and overriding concerns of affordability in the district, mean significant weight may be afforded this provision in the planning balance. Indeed, the collateral economic benefits the development would bring, both in the short and longer term, also merit weight in the final balance. There is an expectation that policies and development management decisions will enhance or maintain local rural services, and these schemes would undoubtedly contribute to that aim, thus meriting further limited weight in favour of the proposals in the planning balance. In both the social and economic sense then the proposals are consistent with the two of the three strand definition of sustainable development set out in paragraph 7 of the Framework, and merit a measure of support as such.

Beyond this straightforward measure of housing provision however, a considerable amount of Inquiry time, and rigorously presented argument, was spent considering the current housing land supply position in the district and the chronological status of related

development plan policy. This came as no surprise, as there is a long record of debate on this matter in planning and appeal decisions, including those determined by the Secretary of State, in the district. It is also the case that much of the debate on this matter revolves around the genesis of the current WBCS and its initial provisions for housing, its subsequent augmentation through a published Strategic Market Housing Assessment (SHMA), elaboration through the adoption of a subsequent site allocations DPD (2017) and now consideration of its replacement by a new local plan, anticipated in around 2020.

The appellant argues that although the Council may at present be able to demonstrate a five year supply of housing land, this is no panacea for defending the development plan's up-to-datedness. It is argued that the WBCS 2012 housing number (10500 units at 525 per annum) is out of date, notwithstanding the validity of the revised SHMA housing number (13300 units at 665 per annum) or the adoption of the allocations DPD, which in any event is predicated upon the WBCS number. Moreover, it is argued, the cap of 2000 dwellings set for the number of dwellings within the NWDAONB as part of the WBCS housing number has not moved-up with the SHMA revisions and is now too rendered not up-to-date in the context of Framework expectations.

To compound these issues it is further argued, the current five year land supply position is fragile, and not projected to be long sustained against future projections, thus falling short of the wider expectations of paragraph 47 of the Framework in maintaining a supply of housing land going forward in the years 6 - 6 and where possible in the years 11 - 15. Lastly, it is contended that the Council's expectations that this deteriorating supply position and the structural weaknesses of the evolved development plan will be resolved through the provision of a new local plan in the near future are misplaced. The reality, it is said, is that no such plan will be in place before 2020 at the earliest.

There is clear and legitimate purpose in the pursuit of these arguments on behalf of the appellant as, if the out-of-datedness of relevant policies of the development plan and/or their inconsistency with those of the Framework is demonstrated, the decision maker is then required to engage the weighted or tilted balance presented in paragraph 14 of the Framework. Here at the fourth bullet point it makes clear that 'where the development plan is absent, silent or the relevant policies are out of date permission should be granted unless any of the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the development plan as a whole'. In such circumstances the presumption in favour of sustainable development is engaged. Such an outcome would also support the argument in relation to major development in the NWDAONB (in respect of Appeal No. 2) that exceptional circumstances existed to help justify them being allowed.

However, the fourth bullet point of paragraph 14 also states that permission should be granted unless 'specific policies in this Framework indicate development should be restricted'. Here also footnote 9 sets out some examples of such policies, which include those relating to Areas of Outstanding Natural Beauty and designated heritage assets. Moreover, as the Supreme Court makes clear in relation to the Suffolk Coastal judgement, such policies constraints should also include those relevant policies of the development plan.

In light of the debate around housing land supply and development plan policy in the district currently prevailing, it is entirely reasonable for the appellant to pursue such a

line of argument, seeking to demonstrate the out-of-datedness of the development plan and thus the engagement of the tilted balance set out in paragraph 14. But any such approach has to be conditioned by the hope and expectation that no specific policies of the Framework or development plan that indicate development should be restricted are engaged, or much more importantly, breached. For if they were to be, the tilted balance of the fourth bullet point would not be engaged, so *righting* the planning balance.

This is the case here, and consideration of the out-of-datedness of the policies of the development plan is therefore a sterile one, as in fact the policies of the development plan and Framework clearly determine that development should be restricted here. For the very detailed reasons set out above in respect of the NWDAONB and the setting of the conservation area, a designated heritage asset, the Inspector concluded that not only are these specific policies engaged, but they are clearly also manifestly breached by both appeal proposals. In the case of the latter, through a balancing exercise also required by the Framework. The presumption in favour of sustainable development anticipated in paragraph 14 of the Framework is not therefore engaged. Such a conclusion thus also significantly diminishes any such argument that there may be exceptional circumstances (in the form of meeting a shortfall in housing delivery) that could help justify development in the case of Appeal No 2.

Other matters

The unilateral undertakings make provision for affordable housing at 40% of the total of units in respect of each case. This meets policy expectations and delivers a mix of tenures that supports the principle of creating inclusive and mixed communities. Similarly the undertakings make provision for the setting-out and management of public open space within each scheme. These obligations would make the development proposed acceptable in development terms, they would be proportionate and they are directly related to the development. If I were to allow one or both the appeals he could have reasonably taken these into account.

Planning balance and conclusion

Both proposals offer significant amounts of market and affordable housing now. They also offer collateral economic benefits and would underpin and sustain the rural village community through the use of existing local services. Accordingly, taken together, and judged against paragraphs 17, 28 and 47 of the Framework, they may be afforded substantial weight. Furthermore, locationally both proposals are well sited in relation to local services and sustainable transport modes. Moreover, the Inspector found there to be no harm in respect of all highway matters or with respect to the setting of Kintbury Park, whilst the unilateral undertaking, through mitigating planning harms, are rendered neutral in the planning balance.

However, these benefits (which again may be understood as public benefits for the purposes of paragraph 134 of the Framework) are very substantially outweighed by the significant harm to the NWDAONB in both the wider and local landscape context, to the setting of the Kintbury Conservation Area and to a lesser degree the harm to local green infrastructure. Finally, in the context of these conclusions, the demonstration by the Council of a five years supply of housing land and the absence of other compelling evidence, he could find no exceptional circumstances that would justify the grant of planning permission for the proposal presented in Appeal No. 2 in the NWDAONB, in accordance with paragraph 116 of the Framework.

Having considered all matters raised in evidence and at the Inquiry, the Inspector therefore concluded that both appeals should be dismissed.

DC

HUNGERFORD 17/00730/HOUSE Pins Ref 3182996	Millstone, Smitham Bridge Road Hungerford	Erection of single storey garage with timber refuse store plus single storey rear extension	Delegated Refusal	Allowed 1.12.17
--	---	--	----------------------	--------------------

Main Issues

The main issues in this case are the effect of the appeal proposal on: the character and appearance of the area; highway safety; and the living conditions of the existing and future occupants of both the host dwelling and neighbouring residential properties.

Reasons

Character and Appearance

The site is situated within a street of varied architecture with a mix of residential and commercial uses. A stepped footpath runs adjacent to the north east boundary of the appeal site which is demarcated by a high close-boarded timber fence, and which together separate the site from an elevated block of garages served via Chilton Way. These garages are clearly visible from Smitham Bridge Road.

The appeal site's frontage is screened by high conifer hedging and the existing area to the front of the appeal site, much like for those dwellings due south west, provides space for the parking of vehicles. Some other front gardens in the street are also partly lawned, but all are subdivided from each other to some degree by a mixture of vegetation and boundary fencing. Therefore, the Inspector found that whilst largely undeveloped by buildings, front garden areas within the area cannot be described as being open when viewed together.

The proposed garage would have a low and shallow pitched roof, and would not project beyond the conifer hedge, it would therefore be largely screened from public view. He accepted that it would be forward of the notional building line created by Millstone and its adjoining neighbour, however due to its relatively modest proportions, he considered that it would not amount to an obtrusive feature within the street scene. He stated this bearing in mind the context formed by the aforementioned Chilton Way garages and the range of boundary treatments which enclose the adjacent residential frontages. Furthermore, he accepted that the garage building would, in part, be built in front of the host dwelling's principal elevation, however, this would just be past the front door and would not therefore significantly obscure or dominate it.

The Inspector acknowledged that the Council's House Extensions Supplementary Planning Guidance (2004) (HESPG) stipulates that garages should normally be located to the side or rear of dwellings and be set back from the highway to allow access or parking between the garage and the pavement. There is no pavement in front of the appeal site, but nonetheless due to the proposed location of the garage at 90 degrees to the road there would remain space for driveway parking in front of the garage's door. The HESPG also stipulates that care should be taken to ensure that garages do not dominate the main elevation, which the Inspector found not to be the case for this proposal, especially with the low ridge and eaves lines proposed.

He noted the Council's concern about a precedent being set, but each case must be assessed on its own merits. In addition, he noted that the Council is concerned that when taking into account the proposed single storey rear extension, the proposal would give rise to an overdevelopment of the site. However, bearing in mind that the extension to the rear would be obscured from public view, he considered that its overall impact would be at the very most a neutral one upon the character and appearance of the area.

Therefore, in summary, the Inspector concluded that the proposed garage by virtue of its positioning would not result in an incongruous addition to the street scene and combined with the proposed single

storey rear extension would not have an unacceptable detrimental impact upon the character and appearance of the area, with adequate space remaining around the dwelling.

The Inspector found no material conflict between the proposal and Policy CS19 of the West Berkshire Core Strategy 2006–2026 (2012) (WBCS) and the proposal complies with WBCS Policy CS14 which is concerned with design principles and requires new development to demonstrate high quality and sustainable design that respects the character and appearance of the area. On this matter the Council have not substantiated why the proposal conflicts with the guidance contained in the Quality Design – West Berkshire Supplementary Planning Document Part 2 Residential Development (2006), however he found that the proposal complies with paragraphs 56 and 64 of the National Planning Policy Framework (the ‘Framework’) which require good design of the built environment and seek to resist development of poor design respectively.

Living Conditions

In respect of the effect of the proposal upon the living conditions of the existing and future occupants of the host dwelling, the garage would only obscure the existing front door to the property and would not impinge upon outlook from any habitable room windows, with the single storey rear extension improving the internal living accommodation of the dwelling.

The Inspector had not been provided with any specific standards in respect to external amenity space, but he noted on his visit that there would still be a reasonable amount of garden provided both to the rear and to the side of the dwelling. The Inspector had already found that the site would not become overdeveloped as a result of the proposal and he found that the living conditions of the occupants of Millstone would therefore be protected by the proposal.

The Inspector noted that the Officer Report highlights that the primary impact of the development would be to the adjoining property to the south west, but then it goes on to state that whilst the proposed extension would be larger than that which could be erected under permitted development rights, it was considered on balance acceptable, with a minimal impact on light and outlook.

The Inspector had no reason to come to a different conclusion on this matter and therefore he found that the proposal would not have a materially detrimental impact upon the amenities of the occupants of neighbouring residential properties either. Again, the proposal complies with WBCS Policy CS14 which would make a positive contribution to the quality of life in West Berkshire, as well as complying with one of the core planning principles of the Framework which is to always seek to secure high quality and a good standard of amenity for all existing and future occupants of land and buildings.

Highway Matters

The Inspector noted the previous advice given from the Local Highway Authority (LHA) was that the proposed garage would be taking up an existing parking space. However as cited by the appellant, the purpose of the proposal is to accommodate one of their cars. There would remain space for at least one, if not two cars on the driveway. Therefore, there would be no net loss of parking provision on the site.

The LHA has referred to the proposal giving rise to the removal of available manoeuvring space, but from what the Inspector could see, no such space currently exists to enable a vehicle to enter and then leave the site in a forward gear. Therefore, whether or not a vehicle enters the site in a forward or reverse gear, there is always going to be one reversing movement undertaken when vehicles are either entering or leaving the site. The Inspector also noted that there are no on-street parking restrictions in front of the house and vehicle movements and speeds were low at the time of his visit, therefore traffic conditions are such that the likelihood of the free flow of traffic being stemmed would be low.

Reference has been made to the Council’s Housing Site Allocations DPD (adopted May 2017) (HSADPD), but it has not been substantiated as to why the parking of a vehicle on the street outside

the frontage of the appeal dwelling, where vehicles were already parked at the time of his site visit, would give rise to harm to highway safety. The Inspector stated this notwithstanding the fact that HSADPD Policy P1 stipulates that garages will not be counted as a parking for the purposes of meeting the required levels of parking set out therein for new development, which is not the case here as the proposal relates to an existing dwelling.

The Inspector therefore considered that the proposal would provide adequate parking facilities, would not give rise to obstructions to the free-flow of traffic along Smitham Bridge Road, and therefore would not adversely affect road safety. He found no conflict with WBCS Policy CS13 which requires development that generates a transport impact to, amongst other things, improve and promote opportunities for healthy and safe travel.

Conclusion and Conditions

For the reasons set out above, and having regard to all other matters raised, the Inspector concluded that the appeal should succeed.

Other than the standard time limit condition, the Council has suggested a condition requiring the external materials to be used in the construction of the extensions to match those of the existing building. In the interests of the character and appearance of the surrounding area this is an appropriate condition, in addition to imposing a condition that requires the development to be carried out in accordance with the approved plans.

The Council has suggested an additional condition to be imposed which restricts the use of the garage hereby approved. The reason imposed is so that a separate unit of accommodation is not created and to protect the special character of the area, including that of the North Wessex Downs Area of Outstanding Natural Beauty, the Inspector found that by virtue of the limited floor area proposed that such a change of use would unlikely occur. However, in view of the fact that there is a need to maintain at least two car parking spaces on the site, and notwithstanding the absence of parking standards for existing residential developments, he considered it necessary to impose a condition that requires the garage to be retained for the parking of vehicles at all times.

Decision

The appeal is allowed and planning permission is granted for the erection of a single storey garage with timber refuse store plus single storey rear extension at Millstone, Smitham Bridge Road, Hungerford RG17 0QP, in accordance with the terms of the application Ref 17/00730/HOUSE, dated 12 March 2017 subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1409.01A, 1409.02B, 1409.03A, 1409.03B, 1409.04A, 1409.05, 1409.11A and 1409.12B.
3. The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.
4. The garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

DC

This page is intentionally left blank