

# Notice of Meeting



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## Western Area Planning Committee Wednesday 25th April 2018 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:** Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

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

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

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

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

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



**Agenda - Western Area Planning Committee to be held on Wednesday, 25 April 2018**  
*(continued)*

Any queries relating to the Committee should be directed to:

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Date of despatch of Agenda: Tuesday 17 April 2018



**Agenda - Western Area Planning Committee to be held on Wednesday, 25 April 2018**  
(continued)

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

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 7 - 30  
To approve as a correct record the Minutes of the meeting of this Committee held on 4<sup>th</sup> April 2018.
  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: 17/03392/OUTD - Land at Windsor House Stables, Crowle Road, Lambourn** 31 - 44
- Proposal:** Erection of 6 new dwellings on existing paddock land.
- Location:** Land at Windsor House Stables, Crowle Road, Lambourn
- Applicant:** Charlie Parker
- Recommendation:** **The Head of Development and Planning be authorised to GRANT conditional planning permission, subject to the first completion of a s106 planning obligation.**



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(continued)

- (2) **Application No. and Parish: 17/03127/FULD - 39 Newbury Street, Lambourn, RG17 8PB** 45 - 62

**Proposal:** Demolish existing bungalow and redevelop to provide two 1 bed flats and four 2 bed flats with parking and ancillary areas.

**Location:** 39 Newbury Street, Lambourn, RG17 8PB

**Applicant:** Mr S Church

**Recommendation:** **The Head of Development and Planning be authorised to APPROVE the application.**

**Items for Information**

5. **Appeal Decisions relating to Western Area Planning Committee** 63 - 78  
*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, 4 APRIL 2018

**Councillors Present:** Jeff Beck, 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

**Also Present:** Jake Brown (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer (Information Management)), Paul Goddard (Team Leader - Highways Development Control) and Catherine Ireland (Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth

#### PART I

#### 47. Minutes

The Minutes of the meetings held on 21 February and 14 March 2018 were approved as a true and correct record and signed by the Chairman.

#### 48. Declarations of Interest

Councillor Hilary Cole declared an interest in Agenda Items 4(1) and 4(3), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Jeff Beck, James Cole and Virginia von Celsing declared an interest in Agenda Item 4(3), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### 49. Schedule of Planning Applications

#### 50. Application No. and Parish: 18/00223/FULD - Chieveley

*(Councillor Hilary Cole declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was a Member of Chieveley Parish Council and was present at the meeting when the application was discussed. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/00223/FULD in respect of a proposal to erect a detached dwelling, garaging and associated works on land adjacent to Morphe, Downend, Chieveley.
2. In accordance with the Council's Constitution, Mr Mike Belcher, Parish Council representative, Mr Richard Griffiths, objector, Mr Mark Campbell, agent and Councillor Hilary Cole, speaking as Ward Member addressed the Committee on this application.

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3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. He advised that the planning application had been called in by Councillor Hilary Cole due to concerns from residents about the effect on the footpath and ten letters of objection had also been received. However, the report detailed that the proposal was acceptable and a conditional approval was justifiable.
4. Paul Goddard was invited to make a comment on the highways matters. He advised that access to the site was over a footpath and if the Committee was minded to grant planning consent, it did not mean that the site would have vehicular access, as this issue would need to be resolved by the applicant. In his opinion, vehicular movements from the site would be minimal. However, the Construction Management Plan included in the conditions, required that the footpath was restored to its original state once construction on the site had been completed.
5. Mr Belcher in addressing the Committee raised the following points:
  - The Parish Council did not have any objections to the development.
  - Their concerns were in relation to the narrow and rustic nature of Morphe Lane and the fact that it was a Public Right of Way (PROW), which meant it was used as a footpath by walkers.
  - If Members granted planning consent, the Parish Council requested that visitors to the property were made aware of the status of the footpath to enable priority to be given to pedestrians and repairs were made, following any damage. Therefore, they hoped the pedestrian right of way would be sympathetically protected.
  - As parking in the lane would cause an obstruction, parking should be provided on the site for construction traffic.
  - A condition was requested requiring reasonable hours for construction work on the site.
  - Suitable screening was required following construction in order to protect neighbouring properties.
6. Mr Griffiths in addressing the Committee raised the following points:
  - He was representing some of the objectors.
  - The site where the house would be constructed was within the settlement boundary, but the footpath was not. Therefore the usual presumption in favour of development did not apply to the whole area.
  - The character of the site should be protected and the proposed dwelling was out of character with the area.
  - The case officer's report was incorrect as it stated there was currently a garage building on the site. However the original planning permission had been given for the erection of a workshop.
  - Sustainable development should not preclude protection of the area and there must be a limit to the number of vehicles that could access the lane.
  - The proposed dwelling would result in an additional four vehicles accessing the lane, which represented a 25 percent increase in usage and this was not beneficial to the area.

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- It would be reasonable to refuse planning permission. However if planning permission was granted, it would be a criminal offence to use the footpath without vehicular rights and proof of private vehicular rights had not been addressed in the report.
  - Consequently a condition should be included requiring proof of private vehicular rights prior to the commencement of construction.
7. Councillor Anthony Pick asked Mr Griffiths how he had concluded that there would be a 25 percent increase in vehicular movements. He replied that there were currently 34 daily movements in the lane and another eight equated to a 25 percent increase.
  8. Councillor Hilary Cole enquired which part of the site was within the settlement boundary and Mr Griffiths advised that the lane was not within it. Derek Carnegie interjected that this was not a planning concern and Mr Griffiths added that as the plot was within the settlement boundary, it would be possible to access it from the Peasemore Road.
  9. Councillor Paul Bryant noted that access to development sites did not need to be within the settlement boundary and wondered why it was important in this case. Mr Griffiths responded that this was because the only way to access the site was through the lane, which would result in it being overused, as it could not take any further traffic.
  10. Councillor Bryant further enquired if the other six dwellings on the lane were accessing their properties illegally. Mr Griffiths answered that the occupiers had been granted access either by long use or by the original owner. He added that he expected the plot had been granted access by long use for use of the workshop only and not for access to a dwelling.
  11. Councillor Garth Simpson questioned how vehicles were currently managing to access the lane, since it had been described as narrow. Mr Griffiths responded that it was accessed with difficulty, as although there was a reasonable width at the bottom, vehicles had to pull into driveways further up the lane.
  12. Councillor Simpson added that he found the proposed 25 percent increase in vehicular movements to be overstated and where he lived, which was similar in nature, the neighbours had a code of conduct for accessing their properties.
  13. Councillor James Cole enquired what the track was constructed of and was advised it consisted of scalping, mud and gravel and was informally maintained by the residents.
  14. Mr Campbell in addressing the Committee raised the following points:
    - The application was for a single dwelling within the settlement boundary and consequently the presumption was in favour of a new housing development.
    - There were no valid reasons for planning permission to be refused.
    - He had noted that no objections had been received from Highways and PROW officers and that they were in favour of planning consent being granted if legal rights of access to the site could be obtained.
    - Access to the property was not a valid planning matter and there was no planning requirement for this.

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- There was a garage already situated on the site, which generated vehicular movements along the lane and therefore, there would be little impact from the proposed dwelling.
  - Conditions could be included to regulate the construction traffic.
  - He urged the Committee to grant planning permission and heed the officer's recommendation.
15. Councillor Hilary Cole asked whether the garage was in use, as the surrounding area looked overgrown. Mr Campbell confirmed that it was possible for the applicant to use it.
  16. Councillor Bryant enquired whether the refuse lorry accessed the lane and affirmation was received on this point.
  17. Councillor Bryant suggested that sprinklers should be included in the dwelling and Mr Campbell confirmed that this requirement could be included as a condition.
  18. Councillor Hilary Cole in addressing the Committee raised the following points:
    - She understood the desire to develop the site and the objectors concerns.
    - Just because there was a presumption in favour of development, it did not mean that the application had to be approved.
    - The issue regarding access to the site had to be taken into consideration, as it was a public footpath, which the applicant might or might not have access rights to.
    - She had called the application into the Committee as she had wanted to provide the objectors with the opportunity to voice their concerns.
  19. Councillor Clive Hooker asked if Councillor Hilary Cole was a Member of Chieveley Parish Council and if so, if she had been involved in the discussion about extending the settlement boundary. Councillor Hilary Cole responded that she was a Member of the Parish Council but the extension to the settlement boundary had been approved by the Planning Policy Group. However, it was her view that when sites were put forward, they should be visited by Members of the Planning Policy Group, as if this site had been visited, the settlement boundary might not have been extended.
  20. Councillor Pick enquired whether Councillor Cole's comment referred to the legality or the practicality of accessing the site. Councillor Cole confirmed she had been referring to the practicality issues, as it would be difficult to widen certain parts of the lane and a fire tender would have difficulty accessing the site in a hurry.
  21. Councillor Simpson asked Paul Goddard if the pedestrian traffic along the PROW had been measured and if the narrowest section of the lane, where it was only three metres wide, would be sufficient for pedestrians to use without putting them at risk. Paul Goddard responded that no count had been taken. He considered that three metres would not be sufficient for a pedestrian and vehicle to pass each other; however he assumed there would be places for pedestrians to wait in order to allow a vehicle to pass.
  22. Councillor Bryant sought clarification as to whether a condition could be included covering a requirement for sprinklers in the dwelling. Derek Carnegie answered that it would not be appropriate from a planning perspective for such a condition to be included as an Inspector would not agree to it being a valid condition. He added that it was more appropriate to consider whether a fire tender could access the site.



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23. Councillor James Cole questioned whether it was possible to include a condition relating to the requirement for proof of access rights prior to the commencement of construction. However, Derek Carnegie advised that this was a matter for the applicant to resolve and it was not appropriate to refuse the application on this issue.
24. Councillor Hilary Cole conjectured that, therefore, it was possible that the site could be landlocked and Derek Carnegie confirmed that this could be the case.
25. In considering the above application Councillor Jeff Beck proposed that the Committee accepted the officer's recommendation to grant planning consent. He added that the query from Councillor Bryant regarding sprinklers was covered in the report; however the applicant should take note of the comments regarding fire tender access. He also agreed that clearance of the track needed to be taken account of. Councillor Beck's proposal was seconded by Councillor Bryant.
26. Councillor Pick pointed out that he did not believe the objectors had a sustainable argument.
27. Councillor Bryant commented that access to the site was not perfect but there were a number of similar sites in the district and it could be resolved if the residents worked together. Therefore he supported the application and Councillor Simpson also added his support.
28. Councillor Hilary Cole observed that she did not have any strong arguments against the Committee's comments. However, she had called it in to the Committee to enable the objectors and the Parish Council to voice their concerns.
29. Councillor James Cole stated that granting planning permission was not providing the applicant with access rights and Councillor Hilary Cole added that the applicant and the residents would need to resolve this.
30. 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 carried.

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

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:  
Location and Block Plan 17067/002 P3  
Site Plan 17067/001 Rev P3  
Proposed Plans and Elevations 17067/003 Rev P2  
Proposed Garage Plans 17067/004 Rev P1  
Proposed Roof Plan and Sections 17067/005  
  
Associated documents  
Design Statement  
Planning Statement  
Arboricultural Impact Assessment by SJ Stephens Associates

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### Preliminary Ecological Appraisal

Site Levels 17067/006

All received with the application on 19th January 2018.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

3. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the dwelling 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 indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on site on request. Thereafter the development shall be carried out in accordance with the approved materials unless alternative materials are first agreed in writing by the Local Planning Authority.

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 CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and Chieveley: A Village Design Statement.

4. Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan Tree Protection Plan within the Arboricultural Impact Assessment. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

5. No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

6. No trees, shrubs or hedges shown as being retained on tree survey project no.1075 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

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7. No development or other operations shall commence on site until a detailed scheme of hard and soft landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing (to incorporate the use of a porous material to any hard surfaced areas) and materials to be used, schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;
- a) Completion of the approved landscape scheme within the first planting season following completion of development.
  - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.
  - c) Details of the carrying out of any earth moving operations concurrently with the carrying out of the building and other works.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

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

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is

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applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

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

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

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

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

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

11. No development shall commence until a written specification for the surveying of the public footpath, between Downend and the site access, so as to assess its condition, has been submitted to and approved in writing by the Local Planning Authority.

The public footpath, between Downend and the site access, must be surveyed in accordance with the approved details before work commences, and again after work has been completed on site. Details of both surveys shall be submitted to the Local Planning Authority, along with details of any repairs or making good of any damage caused by the works hereby approved, within 1 month of the completion of the development. The repairs and making good shall then be carried out within 1 month of approval in writing by the Local Planning Authority of the submitted details or in accordance with a timetable to be agreed with the submission of the details of repairs.

Reason: To enable the Local Planning Authority to determine whether any damage to the Public Right of Way is attributable to the works carried out by the developer. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5, CS13 and CS 18 of the West Berkshire

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Core Strategy (2006-2026) and, Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. No development shall take place until details of the finished floor levels of the dwelling hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

13. No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwelling hereby permitted is occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026).

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

Reason: The creation of a separate planning unit has not been considered as part of this application, and may not be acceptable. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS 14 and CS 19 of the West Berkshire Core Strategy (2006-2026).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted shall be constructed at first floor level of above on the east elevation of the garage building hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

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

16. Any gates to be provided at the site access where vehicles will enter or leave the site shall open away from the adjoining Public Right of Way and be set back a distance of at least 13 metres from the edge of the Public Right of Way. Any such

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gates must provide a minimum of 3.1m clear opening to allow for emergency access to the site.

Reason: In the interest of emergency access. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

### 51. **Application No. and Parish: 17/02772/FULC - Hampstead Norreys Parish Council**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/02772/FULC in respect of change of use of a grain storage building to B8 use class at the Grain Store, Wyld Court Farm.
2. In accordance with the Council's Constitution, Mr David Barlow, Parish Council representative, Mr Alexander Dick, adjacent Parish Council representative, Mr George Greenham, objector, Mr Peter Danks, agent and Councillor Virginia von Celsing, speaking as Ward Member, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. He advised that the planning application had been called in to the Committee as 97 objections had been received from residents in relation to traffic congestion. However, the report detailed that the proposal was acceptable and a conditional approval was justifiable.
4. Paul Goddard was invited to make a comment on the highways matters. He advised that the facility was currently being used as a grain store that could accommodate one thousand tonnes, with access to the site from the B4009. The sight lines to the left of the site were substandard, but whether this was an issue depended on vehicle movements. Highways officers had had difficulty in calculating the traffic that the change in usage would generate.
5. The applicant had advised that the grain store with dryer could be used twice a year, with some 130 fifteen tonne tractor and trailers delivering the grain to the store and larger 29 tonne vehicles removing the grain. With other movements such as monitoring, there could be up to 470 vehicle movements per annum. Consequently there were periods when there was a considerable amount of activity and others when there was no activity. However this averaged out at one traffic movement in and out per day. While this was much disputed by residents, there was no evidence to cast doubt on the information provided by the applicant.
6. It was difficult to project the vehicle movements following a change to B8 usage, as it would depend what type of B8 the facilities were used for. For example, if they were used for self-storage there would be a low level of vehicle activity. A B8 use, similar to that of the joinery workshop already operating with B8 usage, would also be low. On the other hand, the facilities could be used for parcel distribution with up to four heavy goods vehicles (HGVs) coming in and out of the site per day.
7. However, the latter use was considered unlikely as such uses were usually located near the strategic road network. It was also stressed that the size of the storage facilities should be taken into account, as they comprised two units with a total floor area of 510 square metres. Consequently any HGVs accessing the site would not be large and frequent.
8. Paul Goddard referred the Committee to paragraph 32 of the National Planning Policy Framework (NPPF), which stated that a planning application should only be refused on transport grounds unless the impact on the area was severe. Having

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considered the likely B8 uses, the Council could have some difficulty in defending a refusal at Appeal. He also referred the Committee to page 65 of the report, which provided the results of a five day traffic survey undertaken in March 2016 that showed only some 3% of vehicles over 3.5 tonnes. In conclusion, he stated that Highways officers recommended planning consent was granted.

9. Mr Barlow in addressing the Committee raised the following points:
  - It was a rural parish and the change to B8 usage would set a precedent.
  - Concerns had been expressed by residents about the increase in traffic in the area, which would put cyclists and pedestrians at risk of harm.
  - The B4009 did not provide suitable access to the site as its layout would result in HGVs and large goods vehicles (LGVs) having to drive in the middle of the road in places. In addition, when turning left into the site, it would be necessary to turn into the centre of the road.
  - The B4009 was susceptible to flash flooding, resulting in vehicles heading south having to cross onto the north-bound carriageway.
  - The traffic would have to pass through a conservation area that was valued for its distinctive appearance and character, which would be negatively impacted as a result.
  - There was nowhere for HGVs and LGVs to pass easily on the road that accessed the site.
  - There were existing proposals for a further 140 properties in Compton, which would lead to more traffic, as would the changes to the school catchment areas for Hampstead Norreys Primary School and the Downs School.
  - Hampstead Norreys Parish Council was not averse to development but they did not feel this was an appropriate site, due to the existing road infrastructure.
10. Councillor Garth Simpson asked Mr Barlow if he had had some reservations when the planning permission for the B8 usage for the joinery workshop was submitted. Mr Barlow responded that he had not been on the Parish Council at the time.
11. Mr Dick in addressing the Committee raised the following points:
  - Ashampstead Parish Council was objecting to the planning application because the road network would be better suited to B1 usage than B8.
  - He urged the Committee to consider the photographs he had provided, which showed the existing problems that residents had to contend with.
  - There would be no point in forcing HGVs to approach the site from the west as drivers use satnavs to navigate, which would not take them this way.
  - He agreed that the adjacent joinery workshop already had B8 usage but this was utilised for light industrial use, which was more appropriate to the area.
  - The existing traffic movement data provided by the applicant for the grain store were a fallacy, as this had never been a large scale operation. In addition the traffic would only have used local roads and would not have used the wider road network.
  - A common sense approach would result in the planning application being refused, as there were more appropriate places to site a unit with B8 usage.

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12. Councillor James Cole noted that the case officer's report stated there were currently a total of 470 vehicle movements per annum and he asked what a realistic estimate would be. Mr Dick responded that these traffic movements would only have been along the roads that link the grain store to the farm and would not have included the highway.
13. Mr Greenham in addressing the Committee raised the following points:
  - He was representing the 850 residents of the parish.
  - They were not objecting to the change to the grain store; however B1 usage was more appropriate for the location than B8 and this would still provide employment for the village.
  - Even though the adjacent joinery workshop had been granted permission for B8 usage, the facility was smaller than the grain store and it was only operating with B1 usage.
  - The objections were in relation to the generation of traffic from the change in usage and the estimates provided by the applicant for current usage were misleading, as they were grossly understated.
  - Traffic through Hampstead Norreys was already well above that predicted by the Council.
  - The extension to the catchment areas for Hampstead Norreys Primary School and the Downs School would lead to an increase in traffic.
  - The increase in HGVs would pose a risk to residents and children who were encouraged to walk and cycle.
  - It was a rural community in an Area of Outstanding Natural Beauty (AONB) and it was not an industrial estate.
  - Therefore enough was enough and this needed to be said before there was a fatality.
14. Councillor Hilary Cole asked how the extension to the catchment area for the Downs School would affect traffic travelling through Hampstead Norreys. Mr Dick advised that it was necessary for traffic from Hermitage to travel through Hampstead Norreys to get to Compton.
15. Mr Danks in addressing the Committee raised the following points:
  - The proposal was for change of use from agricultural storage to general storage.
  - It would not result in large numbers of HGVs accessing the site but was more likely to be frequented by white vans using the storage facilities.
  - The units would provide opportunities for local builders and carpenters or for the storage of classic vehicles and would help make a contribution to the local economy.
  - The applicant recognised the potential for the change in usage to cause disturbance to neighbours and they were willing to work with the Council to prevent this from occurring.
16. Councillor Jeff Beck asked what type of business the applicant hoped to attract, if the intention was not to provide large scale warehousing. Mr Danks responded that



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the applicant had already been approached by someone holding a large collection of classic cars.

17. Councillor Anthony Pick questioned the need to change the usage from B1 to B8. However Mr Danks advised that this was necessary to enable the units to be used for storage purposes.
18. Councillor Paul Bryant noted that there had been an application for B8 usage in 2007 and enquired whether this was for the grain store or the joinery workshop. It was confirmed that it had been for the latter.
19. Councillor Virginia von Celsing asked how many jobs would be generated by the change in usage and Mr Danks informed her that there would be 8-10 parking spaces for employees or visitors. He added that if the facility was used as a builder's yard, it would be possible to employ a store person and other staff, but a restriction on vehicle movements would make this difficult.
20. Councillor James Cole reflected that if the facility was used for the storage of vehicles, the movements would be low. However he wondered what the vehicle movements would be like if it was used as a builder's yard. Mr Danks speculated that it could include the delivery of vehicles once a week and that the movements would be undertaken by light vehicles.
21. Councillor Pick enquired whether the classic cars would be delivered or driven to the facility and he was advised that it was likely they would be driven there by their owners.
22. Councillor von Celsing in addressing the Committee raised the following points:
  - She was representing the three parishes of Hampstead Norreys, Ashampstead and Hermitage.
  - None of the parishes were against the creation of employment but wanted the site to be for light industrial usage and were fearful of HGVs travelling through Hampstead Norreys.
  - Hermitage Parish Council had not been consulted on this planning application although they were a neighbouring parish and there was no pavement from Wyld Court.
  - There was a public footpath that went through the site, which was not compatible with pallets and lorries utilising the site.
  - The application might cause a large amount of HGVs to access the site and she urged the Committee to refuse the application.
23. Councillor Bryant asked for clarification with regard to Building Research Establishment Environmental Assessment (BREEAM). Derek Carnegie replied that they had not included a condition requiring it, as the Council was not in a position to do so.
24. Councillor Bryant further enquired whether it would be appropriate to introduce a weight restriction on the road to the west of the site. Paul Goddard advised that this would need to be taken up separately by the Parish Council as it would be difficult to enforce, because it was often difficult to distinguish between vehicles that were genuinely using the B4009 and those that were not.
25. Councillor Paul Hewer asked if the facility could end up being used for Amazon style deliveries if the application was approved. He was advised that this was possible with B8 usage, but it was unlikely due to the poor road network distribution

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away from roads such as the M4 and the fact that the units were relatively small in size.

26. Councillor Adrian Edwards enquired as to whether there were any cycle routes in the vicinity and he was advised that there were not.
27. Councillor James Cole questioned whether it would be possible to restrict usage of the site and Derek Carnegie responded this would not be possible, as the applicant would be able to appeal any conditions imposed with such restrictions. However, he reiterated that the size of the buildings would restrict their use. He added that Highways officers had calculated the implications of vehicular movements and any use of HGVs and white vans was likely to be determined by the size of the units.
28. Councillor Simpson noted that B8 usage enabled the facilities to be used for distribution and storage and queried whether B1 usage could not be used for storage, as the joinery workshop appeared to be operating with B1 usage. Derek Carnegie answered that it was difficult to be precise about how the joinery workshop was operating and what its usage complied with. Furthermore if Members were minded to grant the B8 permission there could be elements of manufacturing and storage.
29. In considering the above application Councillor Beck stated that he shared the concerns of local residents. However, it was unrealistic from a business perspective, to select this site for a high throughput operation. Consequently he felt the risk of it being utilised for high volume distribution was extremely low. Therefore, he proposed that the Committee accepted the officer's recommendation and granted planning permission. This was seconded by Councillor Hilary Cole.
30. Councillor James Cole drew attention to the current vehicular movements provided by the applicant, which he did not believe were correctly described. As a result, he would have difficulty in supporting the application, which could result in large numbers of HGVs accessing the site.
31. Councillor von Celsing concurred with Councillor James Cole as her view was that by approving the application the Council would be giving permission for large lorries to access the site and the road network could not support it.
32. Councillor Hilary Cole advised that she agreed with Councillor Beck's view as it would not be possible for a large distribution centre to be sited in this location. In addition, she felt it was necessary to support the local economy and create some employment through the use of a redundant building. In addition, in order to enable people to carry on living and working in rural areas, it was necessary to accept some vehicle movements.
33. Councillor Simpson commented that he was deliberating whether to take the risk and grant permission for B8 usage or restrict it to B1 usage.
34. Councillor James Cole stated that he would support B1 usage on the site, as he was definitely in favour of providing places of employment in rural areas.
35. Councillor Bryant conjectured that the Planning Inspector would not turn down the application for B8 usage. However he added that he was worried about the references made by officers to their inability to carry out enforcement, as he considered that the Council should be looking at what was right and not what was expedient.
36. Councillor Edwards offered the view that having seen the restrictions with the road network, he could not see HGVs utilising the facility and therefore, he could not see any reason not to approve the application.

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37. The Chairman invited the Committee to vote on the proposal of Councillor Beck as seconded by Councillor Hilary Cole to approve planning permission. At the vote, the motion was carried.

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

### Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the approved drawings and supporting documentation:

#### Drawings:

- RAC/7000/01 (location plan)
- RAC/7000/02 (proposed site plan)
- RAC/7000/05 (proposed layout)
- RAC/7000/06 (proposed internal layout plan)
- RAC/7000/07 (proposed elevations)
- RAC/7000/09 (parking plan)
- 8170470/6101 rev.B (visibility splay plan attached to Transport Statement).

#### Documentation:

- Transport Statement prepared by Glanville
- Structural Survey prepared by Graham Smith Associates
- Arboricultural Report prepared by GHA Trees Arboricultural Consultancy

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

3. The use hereby permitted shall not commence until the visibility splays at the approved access have been provided in accordance with drawing number 8170470/6101 rev.B. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 1.05 metres above the carriageway level.

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

4. The use hereby permitted shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans listed under 2. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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

5. Prior to their installation, details of the colour and finish of the roller shutters doors and new pedestrian/fire exit doors on the building, and the specification of the hard surfacing areas and details of the post and rail fence adjacent to the Public Right of Way hereby permitted shall be submitted to and approved in writing by the

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Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development harmonises with the surroundings and responds to local character. This condition is imposed in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and SPD 'Quality Design' (June 2006).

6. The development hereby permitted shall be carried out strictly in accordance with the recommendations of the approved Arboricultural Method Statement ref: GHA/DS/15560:17 prepared by GHA Trees Arboricultural Consultancy received by the Local Planning Authority on 6 October 2017. The method statement shall be carried out in full, including the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

7. Prior to their installation, details of any external lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be installed, maintained and operated strictly in accordance with the approved details.

Reason: To protect the character and appearance of this rural area designated as an Area of Outstanding Natural Beauty, and to protect neighbouring residential amenity from excessive light pollution in accordance with the objectives of the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies ENV19, OVS5, OVS6 of The West Berkshire District Local Plan 1991-2006 (saved policies), SPD 'Quality Design', SPG 'House Extensions' and the NPPF.

8. No works, in association with the use hereby permitted, shall take place outside the following hours:
  - 7:00am to 19:00 Mondays to Fridays;
  - 7.00am to 13:00pm Saturdays;
  - There shall be no working on Sundays or Bank or Public Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the objectives of the NPPF and Policies CS14 of the West Berkshire Core Strategy (2006-2026) and Policies ENV19, OVS5, OVS6 of The West Berkshire District Local Plan 1991-2006 (Saved Policies), SPD 'Quality Design', SPG 'House Extensions' and the NPPF.

9. With the exception of the storage of motor vehicles under condition 4 above, there shall be no external storage of material, equipment, vehicles or any other items associated with the use of the building hereby permitted.

Reason: To protect the character and appearance of this rural area designated as an Area of Outstanding Natural Beauty, and to protect neighbouring residential amenity from excessive noise and disturbance in accordance with the objectives of the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies ENV19, OVS5, OVS6 of The West Berkshire District Local Plan 1991-2006 (Saved Policies), SPD 'Quality Design', SPG 'House Extensions' and the NPPF.

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10. The development hereby permitted shall be used for B8 use only and for no other purposes including any other purposes in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and reacting that order with or without modification.

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

### 52. **Application No. and Parish: 17/01550/FULEXT - Greenham**

*In accordance with point 7.2.8 of the Council's Constitution, the Chairman asked the Committee if they were in agreement with continuing the meeting past 10.00 pm if necessary. At the vote the motion was carried.*

*(Councillor James Cole declared a personal interest in Agenda Item 4(3) by virtue of the fact that he knew one of the objectors on a personal basis and he had been lobbied on the application. Councillors Jeff Beck, Hilary Cole and Virginia von Celsing had also been lobbied on the item. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 17/01550/FULEXT in respect of change of use of agricultural land to land for siting 40 additional holiday lodges, construction of access road, parking spaces and hard standing bases and associated landscape planting and infrastructure at land south of Lower Farm, Hambridge Lane, Newbury.
2. In accordance with the Council's Constitution, Mr Adrian Abbs, Mr Frank Chitty and Ms Sarah McGonnell, objectors, Mr Nick Laister, agent and Councillor Billy Drummond, speaking as Ward Member, addressed the Committee on this application.
3. Jake Brown introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. He advised that the recommendation had been amended in the Update Report to allow a reasonable time for the planning obligation to be completed. He concluded that officers were recommending approval, having taken account of the Planning Inspector's reasons for overturning the applicant's previous application. However, the considerations were finely balanced
4. Paul Goddard was invited to make a comment on the highways matters. He advised that Highways officers had objected to the previous application. However it was overturned at Appeal, which was probably because it included access improvements that the Planning Inspector found to be acceptable. The previous application had comprised 25 units with an estimated 30 vehicular movements into the site and 30 out on a daily basis. The estimates for the current application were an additional 48 vehicular movements into the site and 48 out on a daily basis.
5. It was noted that there was no one present from Greenham Parish Council to address the Committee on the application.
6. Mr Abbs, Mr Chitty and Ms McGonnell in addressing the Committee raised the following points:
  - Point 6.3 in the officer's report relating to the 'Impact on Heritage Assets' had underplayed the impact the development would have on the Pigeon's Farm heritage buildings as the buffer between them would be eroded.

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- Point 6.4.4 of the officer's report in relation to the impact of noise was also incorrect as the units would have outdoor verandas and there had already been an increase in noise from the current units.
  - There was an error in the applicant's report at point 5.5, which stated that Great Crested Newts were absent from the site, which was incorrect.
  - The units were called holiday chalets but they were being advertised as retirement properties and permanent dwellings.
  - This was a rural area enjoyed by walkers and there would be a 160% increase in traffic, which would equate to 260 vehicle journeys per day, without including delivery vehicles accessing the site.
  - Conditions were included in the Inspector's Appeal Decision Report relating to the need for a second footpath, which was later overturned and would impact on the safety of local residents and walkers.
  - They implored the Committee to consider the conditions included in the Appeal Decision Report.
7. Councillor Paul Bryant queried where the units were being advertised as retirement homes. Mr Abbs replied that this had been on the Dream Lodge website and marketing information received from them. In addition, a complaint had been submitted to Trading Standards by residents from outside the district in 2017.
8. Mr Laister in addressing the Committee raised the following points:
- The development would meet visitors' expectations and create local employment in line with local policy and the West Berkshire Economic Development Strategy 2013-18.
  - Amendments and improvements had been made to the scheme since last year. For example, net gains would be made to bio diversity and traffic calming would be made to the Public Right of Way (PROW).
  - None of the consultees had provided any objections to the scheme.
  - It would increase expenditure in the local area.
  - There was no requirement to consider the landscape and visual impact of the development. However they would be providing landscape planting to improve the site and a planning condition had been included in relation to this. This would include two-three metre high trees and fast growing plants.
  - The neighbouring properties were in excess of 80 metres from the site and Environmental Health officers had not raised any concerns about the impact from noise.
  - They had provided a comprehensive Heritage Statement.
  - Traffic calming would be provided along the access track and Highways officers had not raised any objections to the application.
  - The development was sustainable and complied with all the relevant planning policies.
  - The applicant would be donating £31,000 to the Wildlife Trust and a contribution of £16,000 would be made to public transport improvements.
9. Councillor Jeff Beck noted that the Planning Inspector had been in favour of a separate footpath but this had been overturned. He therefore asked if the

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application was approved, whether the applicant and Rivar would reinstate the offer to provide a separate footpath. Mr Laister replied that they would be prepared to discuss the reinstatement of the footpath with Rivar to see if it could be provided. However, the traffic calming measures they would be introducing would also slow the traffic and make the road safer.

10. Councillor Anthony Pick noted that Dream Lodge was offering properties for purchase on its website and asked how they would ensure they would only be used for holiday lets. Mr Laister assured him that they had standard conditions covering this, which were relatively straight forward to enforce and there was a considerable amount of case law on this type of enforcement. In addition, purchasers had to demonstrate they had another permanent residence. The site would be a mixture of lodges that had been sold and others that had been retained for holiday lettings by Dream Lodge. As a result, people renting the chalets for a holiday let would not know if it was owned by a private owner or Dream Lodge.
11. Councillor Pick asked why this application for a further 40 lodges had been submitted. Mr Laister advised that following the high level of interest in the first phase of lodges, Dream Lodge had taken the view that a second phase was viable.
12. Councillor Pick went onto enquire how many of the 25 lodges in phase one had been constructed and how many were being offered as holiday lets. Mr Laister advised that 80 percent had been completed and 60 percent of the total would be offered for holiday lets.
13. Councillor Adrian Edwards referred to the point raised by Mr Abbs when he had suggested that the chalets were being offered for sale as permanent retirement homes. Mr Laister confirmed that the units were popular as retirement investments but could not be used as permanent retirement homes and he suggested that perhaps this related to another site.
14. Councillor Bryant questioned whether they were licensed as holiday homes and Mr Laister confirmed that this was the case.
15. Councillor Bryant further questioned where the construction of the access road would start and end. Mr Laister confirmed that it was the section that led to the diversion from the PROW and would include an improved surface and traffic calming measures.
16. Councillor Hilary Cole enquired as to whether a register of lettings would be maintained and she was assured that this would be the case.
17. Councillor Virginia von Celsing asserted that if it was possible to purchase the chalets and use them for holiday homes on a frequent basis, they could effectively become a permanent home. Mr Laister confirmed that this was possible but the purchaser still had to have another permanent home and was required to demonstrate this by providing council tax and utility bills. They were also required to sign a contract stating that they would not be residing at the chalet.
18. Councillor Pick asked about progress with the boundary treatment and hard and soft landscaping. Mr Laister advised that 90 percent of the planting and landscape management had been completed. They had hoped it would be completed by Easter, but it had been delayed by the bad weather and they were now aiming to complete it by the first May Bank Holiday.
19. Councillor Pick further enquired about completion of the reception centre and he was told this would also be completed by the first May Bank Holiday.

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20. Councillor James Cole asked if the chalets would be furnished and Mr Laister responded in the affirmative.
21. Councillor Drummond in addressing the Committee raised the following points:
  - It would set a precedent for further development in the surrounding fields, including residential development.
  - He was in full agreement with the comments made by Mr Abbs, Mr Chitty and Ms McGonnell and hoped Members would consider them.
  - The applicant was actively pre-selling the units suitable for permanent and retirement homes.
  - The footpath needed to be made up to a bridleway and traffic calming measures were required.
  - There would be an increase in light and noise pollution.
  - There would be an adverse effect on the character and beauty of the area.
  - Access to the site was unsuitable.
  - The application did not address the need for housing and resources to support local housing needs.
  - The development would not be of benefit to the local community.
22. Councillor Hilary Cole questioned whether officers would have recommended approval of the application if refusal of the previous application had not been overturned by the Planning Inspector. Derek Carnegie confirmed that if the previous application had not been overturned, they would be recommending refusal.
23. Councillor Beck noted that the Inspector had made a strong argument for a separate footpath and improvements to access to the site. These had later been overturned, which he considered a retrograde step. He therefore asked whether the Council had endeavoured to obtain a separate footpath with this application. Jake Brown confirmed that he had requested this from the agent; however the agent had confirmed this could not be achieved as was agreed by the Council in the application to remove the separate footpath.
24. Councillor Bryant queried whether a condition could be included stating that an access road and a separate footpath should be completed before construction commenced on the site. Jake Brown responded that there had been a condition to this effect in the last application and therefore, it would be unnecessary to repeat it.
25. Councillor Bryant added that as the applicant had shown a reluctance to carry out the improvements to the access road, it was important that a condition was included stating this should be undertaken before any further chalets were constructed. Jake Brown acknowledged that this could be achieved, however it was also possible to enforce the earlier condition.
26. Councillor Bryant noted that Environmental Health had stated a licence was required as the site was 50 metres from a road and he queried which road this related to. Jake Brown advised that as this was an Environmental Health requirement, it would be necessary to query it with them.
27. Councillor Edwards asked what direction the bus route would take and Paul Goddard explained that the previous application included Section 106 monies for



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- buses, but this was for general bus routes and there would not be a bus route in this area. This was following on from the previous application
28. Councillor James Cole queried the requirement for the buffer zone and the habitat for the Great Crested Newts. Jake Brown assured him that a buffer zone under separate land ownership remained between the development and the heritage assets. In addition, a Habitat Enhancement Management Plan that included the protection of the Great Crested Newts would be secured by condition.
  29. Councillor Pick questioned whether condition four in the original planning permission had been implemented. Jake Brown advised that the signage had not been implemented and nor had some of the improvements to the PROW.
  30. Councillor Hilary Cole asked if the Planning Service had had sight of the letting register and Jake Brown confirmed that this had been received and was currently with the Enforcement Team.
  31. Councillor Hilary Cole further enquired as to the public benefits in the NPPF that were referred to in the case officer's report and Jake Brown replied that this related to the economic benefits.
  32. Councillor Clive Hooker asked for confirmation of the amended date for the applicant to complete the planning obligations and was advised that this had been extended to 29 June 2018.
  33. In considering the above application, Councillor Hilary Cole noted that the Planning Inspector had only approved the original 25 chalets and this application would take it up to 65 units. She therefore speculated whether this would have been approved if the original application had been for 65 chalets. Since Mr Laister had confirmed that the standard size of the Dream Lodge sites was 50+ units, the submission of the earlier smaller application might have been a ploy to obtain approval. Consequently, she proposed that the Committee refused this application, which would send a message to the Planning Inspector to say that the original application should have been refused.
  34. Derek Carnegie interjected that if the application was refused, it would be necessary to provide planning reasons for this. Councillor Hilary Cole responded that the Planning Inspector had approved 25 units on the site, which would not impact on the heritage buildings and landscape. In addition, access to the site had been approved for 25 units and not 65 units.
  35. Councillor Pick noted that Newbury Town Council was interested in the development of Newbury Leisure and consequently he was not as anti the application as some of the other Committee Members. However the access road was in a bad condition and some of the other conditions had not yet been fulfilled. In addition, he was concerned the Planning Inspector had allowed representations to be made to him that made the wording of holiday lets unclear. He was also disturbed that sites could be sold and it had not been made clear to purchasers that these were holiday lets.
  36. Councillor Hooker added that some of the chalets were being sold as investments, so it would be possible for them to be inhabited for the whole year.
  37. Councillor von Celsing stressed that just because the Planning Inspector had approved the earlier application for 25 units, it did not mean that the Committee should approve the application for a further 40 units. Therefore she was unable to support it.

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38. Councillor Edwards seconded the proposal for refusal and added that he was opposing the application as it was over development, out of keeping with the area and the infrastructure was inadequate.
39. Councillor James Cole stated that the access road was dangerous for walkers and the Planning Inspector had worked on the perspective that HSG1 applied to housing and not holiday lets. There appeared to be a query about whether these chalets were holiday lets and he believed the Planning Inspector had been misled.
40. Councillor Simpson said that he was opposing the application as it did not provide sufficient screening for neighbouring properties.
41. Councillor Paul Hewer expressed the view that the first application was a Trojan horse and he could not support this one.
42. The Chairman invited the Committee to vote on the proposal of Councillor Hilary Cole as seconded by Councillor Edwards to refuse planning permission. At the vote, the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

### **1. Impact on setting of listed buildings**

The proposed development would detrimentally impact on the setting of the Grade II listed buildings to the south, Pigeon's Farm and Hall Barn House. The heritage significance of the two listed barns, lies in their traditional appearance and historic construction, along with their contribution to the group value of the former farmstead. To the extent that both the visibility and historical context of the farm relies on its relationship with the surrounding fields, the loss of further agricultural land to the north of Pigeon Farm and the subsequent reduction in the size of the agricultural buffer, would have some detrimental effect on the setting of the listed buildings. This fact is recognised in the applicant's Heritage Statement (HS), which finds that the proposed development would result in the slight loss of significance of these heritage assets as a result of change within their setting. The harm would be less than substantial, however, there would, nevertheless, be real and serious harm which requires clear and convincing justification for it to be overcome. The public benefits of the development proposed are not considered to outweigh the real and serious harm identified and there are no material considerations that justify the harm to the setting of the listed buildings as a result of the proposed development.

Therefore the application is considered to run contrary to Policies CS14 and CS19 of the Core Strategy 2006-2026 as well as the NPPF.

### **2. Access**

The application site is to be accessed off a public right of way (GREE/6/3). This consists of an unadopted gravel track of poor surface, width and alignment. It is considered that the increased traffic generated by the proposal will be detrimental to users of the public right of way. In the absence of any plan to segregate vehicle users and pedestrians, it is considered that the application runs contrary to Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the NPPF.

### **3. Impact on Character and Appearance of area**

The proposed change of use for an additional 40 holiday lodges is considered to result in an overdevelopment of the site, and, in combination with the existing use to the north for 25 holiday lodges and a reception building, would introduce development that is out of keeping with the area. Therefore, the development proposed would result in a

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detrimental impact on the character and appearance of the area and the amenity of users of the public right of way contrary to Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and the NPPF.

**4. Lack of Planning Obligation**

The application fails to secure contributions to mitigate the impact on infrastructure and services (local bus and local living landscape). These are considered necessary to mitigate the impact of the development proposed in accordance with the CIL Regulations 2010 (as amended) and the NPPF.

Therefore, this application is contrary to Policies CS5, CS13 and CS17 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations SPD (December 2014) and the NPPF and PPG as well as the statutory obligations of the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981) (as amended).

*(The meeting commenced at 6.30 pm and closed at 10.00 pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	17/03392/OUTD Lambourn Parish Council	13 <sup>th</sup> February 2018.	Land at Windsor House Stables, Crowle Road, Lambourn.  Erection of 6 new dwellings on existing paddock land.  Charlie Parker.

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/03392/OUTD>

**Ward Member(s):**

Councillor Jones  
Councillor Lundie

**Reason for Committee determination:**

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

**Committee Site Visit:**

19<sup>th</sup> April 2018.

**Recommendation.**

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

**Contact Officer Details**

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

## 1. Site History

15/00218/pre app – Erection of 8 dwellings on the site. Response by Council dated 23<sup>rd</sup> October 2015.

16/01093/OUTD – Outline planning application for the erection of 7 dwellings, with associated access. Withdrawn July 2016.

16/03204/OUTD – Outline planning application for the erection of 6 dwellings with associated access. Withdrawn. November 2017.

## 2. Publicity of Application

Site notice displayed 10<sup>th</sup> January 2018. Expiry 31<sup>st</sup> January 2018.

## 3. Consultations and Representations

Lambourn Parish Council	Objection. Position of loading ramp not acceptable. Dual access to the stables will make stables inoperable. It will also compromise the rules of the BHA. It would remove parking spaces for staff. Access onto Crowle Road is dangerous.
Environmental Health.	Conditional permission.
Highways	The internal road way is capable of being adopted subject to detailed revisions. The increase in vehicle trips is low so cannot be rejected on this basis. Subject to the applicant entering a s278 agreement, conditional permission is recommended.
Conservation.	No objection. The application site does not lie in the local conservation area, nor will it harm the setting of any listed buildings adjacent the High Street to the east.
Waste Management.	No objections. Once the internal road is adopted, adequate waste storage and access will be possible.
SuD's	Conditional permission.
Archaeology.	The site is of some medieval archaeological interest. Conditional permission re. pre-recording.
Housing	No response received. However under policy CS6, 20 % of the dwellings [i.e.1 unit] is required for affordable purposes. The applicant is willing to agree an appropriate off site contribution for this, via a s 106 obligation.
Jockey Club Estates	Objection. The application is contrary to policy CS12 in the Core Strategy, and will have a poor access. It will encourage fragmentation, and so not acceptable.
Tree Officer.	Initially objected to the application. The application will lead to the unacceptable threat of the future life of two trees the subject of a TPO. In addition given the location of the proposed new housing future pressures to remove/prune the tree canopies will arise due to significant shading issues. Further information submitted by applicant. Conditional permission

	now recommended.
Public Representations	25 letters of objection received. Based on the following issues – in summary only. Will increase local flooding and drainage issues, will harm the ongoing operation of the stables, impact on valuable trees, impact on the local heritage assets, very poor and dangerous access, loss of horse walker not acceptable, contrary to well established policy, no need for the housing, impact on local amenity, loss of privacy. Would ultimately diminish the future viability and operation of the race-horse stables, application should not be in outline form but should provide more detail, increase in level of local disturbance, waste collection will be difficult. Loss of attractive open space in the village, in addition.

#### **4. Policy Considerations**

National Planning Policy Framework 2012.  
National Planning Practice Guidance 2014.  
West Berkshire Core Strategy 2006 to 2026.  
Policies CS6, CS12, CS19, ADPP5.

#### **5. Description of development**

5.1 The application is in outline form, with all matters to be agreed at the reserved matters stage with the exception of access, i.e. appearance, layout, landscaping and scale are reserved. The site lies within the existing curtilage of Windsor House stables, currently operating within the defined settlement boundary of Lambourn. It presently comprises a small paddock, with trees, which incorporates a horse warm up / trot area. It is just over 0.4ha in extent. It is proposed to erect 6 dwellings on the site with associated 14 car parking spaces, and individual curtilages. Access will be off Crowle Road to the south, combined with the stable as now. A loading ramp is to be relocated, to improve the access. The horse walker [via a s106 obligation to be agreed] will be relocated on the large field to the south of Crowle Road, to replace the existing. In terms of the dwellings, three will be 2 bed in a terrace to the west of the site, whilst opposite will be three 3 bed houses, including a pair of semi-detached dwellings.

#### **6. Consideration of the application**

The application will be considered under the following matters.

- 6.1 - Access/parking.
- 6.2 - Policy/principle.
- 6.3 - Drainage /flooding.
- 6.4 - Trees
- 6.5 - Other issues.

##### 6.1 Access and parking.

6.1.1 The applicant has submitted a Transport Statement to justify the application submitted, having regard to the advice in policy CS13 in the WBCS. It is noted that the Highways Officer has recommended conditional permission be granted to the scheme, subject to the internal road way being built to adoptable standards. In addition a s278 agreement will be required to ensure the highways works on Crowle Road are carried out - namely the forward visibility splays in both

directions, and the formal crossing point to be created across Crowle Road. In addition the Highways Officer has not objected on the grounds of increased traffic generation from the 6 dwellings on the local highways network - the stables at present generate about 40 two-way movements per day, whilst the development will generate approximately 32. It is also clear that the site location is highly sustainable being very close to the centre of Lambourn. Given in addition that the level of on-site parking accords with policy P1 in the HSADPD, the application is accepted on highways grounds - no objections have been raised on the future potential conflict of the domestic traffic with the continuing use of the Yard which many objectors are concerned about. Notwithstanding, the application is accepted as complying with policy CS13.

## 6.2 Policy and principle.

6.2.1 The application needs to be carefully examined under the remit of policy ADPP5 in the WBCS as adopted. This policy corresponds to the Council's planning policies in regard to the AONB. Lambourn of course lies in this designated landscape area. Under the housing and environment section in the policy, [inter alia] where Lambourn is identified as a rural service centre, where the needs of the equestrian industry is given special emphasis. However, it is also clear that under policy C1 in the HSADPD as adopted, there is a general presumption in favour of new housing being permitted within defined settlements.

6.2.2 Balanced against this, is policy CS12 in the WBCS. This is the most pertinent policy for the Committee to take into account in the analysis of this application, in the view of the officers. This notes that [inter alia] permanent fragmentation of existing race yard facilities will be resisted, where in the AONB. The Committee will need to balance whether the partial re-use of the yard is acceptable for this non equestrian use, whether it will irrevocably harm the ongoing operation and viability of the yard, and whether the advantages of six additional dwellings in a sustainable location, including the provision of one affordable unit, is sufficient to mitigate these concerns.

6.2.3 Officers have carefully examined these issues and have concluded that, given the relocation of the warm up area being delivered via the s106 [and its use commenced prior to any start on the site to be achieved by the legal agreement], the actual operation of the yard will not be harmed to any appreciable level, such that there would be an objection on policy grounds. It is of course also important to recognise that this is the sole remaining yard within the village, given the access difficulties experienced of horses to the gallops, and the fact remains that a funding injection from the proceeds of the sale of the site for dwellings would assist in the future viability of the yard. This is identified as being the clear intention of the applicant and owner of the site, although NPPF advice makes it clear that the LPA cannot direct the proceeds go to such a use, via a s106 obligation, since this would not meet the three tests in para 204.

6.2.4 In conclusion no policy objection is raised against the application, which will also comply with policy CS6 in the WBCS re. affordable housing.

## 6.3 Drainage and flooding.

6.3.1 The application site lies in Flood Zone 1 so the sequential and exception tests as set out in the NPPF do not apply. Given the "small" [i.e. less than 1ha] site area normally no flood risk assessment [FRA] would normally be required to be submitted. However the site does lie in a critical drainage area, so a FRA has been submitted. This has concluded that subject to additional SuDS measures being incorporated on the site [to be achieved by condition], the development of the site will not increase the risk of flooding off site and will not create an environment in flooding terms unacceptable for future occupants of the proposed dwellings.

6.3.2 Initially, the Council's SuDS Officer was objecting to the scheme, given the need to obtain a physical outfall for off-site drainage across third party land over which the applicant has no control. This issue has now been effectively resolved since given very recent legislation changes on off-site drainage, Thames Water, the local utilities Company, are legally obliged to make such a connection if required, and they have statutory powers to make such connections across third



party land. This would of course be undertaken at the applicant's expense, but this is not a planning matter for consideration. Accordingly a "Grampian" style condition can be applied, to ensure off-site drainage is properly mitigated against, before any building can commence on site. Accordingly the application is considered to comply with policy CS16 in the WBCS. To clarify for the Committee, if this outfall for some reason is not achieved then no development could start, or if it did, it would be automatically unauthorised, being in breach of the relevant condition.

#### 6.4 Trees.

6.4.1 The Tree Officer initially objected to the application on the basis that two mature and attractive trees on the site of the paddock will be potentially harmed due to impact on their respective root protection areas, and future pressure from occupants of the housing to lop / prune the trees due to overshadowing and leaf drop etc. These are of course valid objections and fall to be considered under the remit of policy CS18 in the WBCS which corresponds to the conservation of green infrastructure, plus policy CS17 which relates to biodiversity.

6.4.2 There are two points to note here. Firstly the application is in outline form with only access to be agreed at this juncture. Accordingly IF the application is resolved to be accepted by the Council, in the subsequent reserved matters application the siting of the six dwellings on the site could be varied. So for example [without prejudice] one potential solution would be the relocation of plot 1 [annotated on the submitted site plan by the case officer] which is the two bed dwelling adjacent the proposed internal access road closest to the TPO tree, to between the three bed detached house and the pair of semi-detached dwellings to the east. This would involve varied garden areas etc., but it would remove the proximity problem of the TPO tree to plot 1. Secondly, via conditions and appropriate on site workings, the root protection areas could be satisfactorily protected but may entail [for example] the relocation of plot 6 further back into the site. Accordingly, the case officer is content that a satisfactory solution can be found at the reserved matters stage. If not such an application would be refused until a solution is found. This in turn will comply with policies CS17 and 18 in the WBCS. The tree officer has concurred with this view, albeit he still has some overall concerns about the future health of the trees/hedges on the application site, but these are not sufficient to recommend refusal to the application nor indeed to defend at any possible appeal - without prejudice. He is accordingly recommending conditional permission.

#### 6.5 Other issues.

6.5.1 Objectors have quite correctly raised a host of issues with which they are concerned about. It is hoped a number of those legitimate fears will be answered by the above text. However, some identify harm to the local heritage assets of the vicinity. Local planning authorities are required to have regard to the Planning [Listed Building and Conservation Area] Act of 1990, where regard must be had to the impact of new development on the setting and historic / architectural interest of listed buildings. The only one in the vicinity of the application site is Windsor House itself which is Grade 2 listed. The closest part of the red line application site to this listed building is 52m. Given the nature of the surrounding area and intervening buildings it is not considered that any undue harm will arise on that building. Given in addition that the local Conservation Area lies about 40m away from the application site, for similar reasons no harm is considered to arise. Accordingly, the application will comply with the advice on protecting heritage assets in the NPPF and policy CS19 in the WBCS.

6.5.2 The case officer has examined the submitted plans to ensure no undue harm will arise on local amenity. Clearly the advent of six new dwellings in this urban location will necessarily impact to a degree on surrounding amenity; local residents presently enjoy a pleasant setting of the paddock which will be largely altered but in terms of direct harm to privacy and / or overshadowing, this is taken to be acceptable, given internal separation distances. Loss of a private view is not a planning matter, in addition, nor is any reduction in house values. Next, it is inevitable that there will be a degree of noise and disruption during the construction phase, but once the dwellings are built, this will subside. In terms of CIL, should the scheme be permitted and built out, CIL will be payable; no calculation is yet possible since being in outline form the floor space calculations

cannot be undertaken. Finally the case officer is satisfied that there will be minimal impact upon the wider AONB landscape, in which the application site is located, given the surrounding built up nature of the site. It thus accords with the advice in policy ADPP5 in the WBCS and the advice in para 115 in the NPPF.

## 7. Conclusion.

7.1 All planning authorities are required to determine planning applications in accord with the three sustainability dimensions in the NPPF - These are addressed as follows:-

1. In economic terms, the application is supported. Not only will it provide a temporary boost to local construction firms, but in addition albeit in a small way additional household expenditure will become available in the local area, so supporting local facilities in the village from the additional six households. In addition, it is expected [although cannot be conditioned] that the capital gain arising from the site permission will assist the future viability of the sole race horse yard left in the main village of Lambourn.

2. In social terms the addition of one more affordable dwelling is supported.

3. The environmental aspect are less clear cut for the reasons set out in the main report. Officers are however satisfied, **on balance**, that the issues over access, amenity, trees and drainage can all be adequately accommodated on site.

7.2 Bearing in mind the clear advice in the NPPF that planning applications that accord with the Development Plan should be approved, without delay, unless material considerations indicate otherwise, officers are recommending this application favourably.

## 8. Recommendation.

The Head of Development and Planning be authorised to GRANT conditional permission, subject to the first completion of a s106 obligation to ensure a] a financial contribution towards one affordable housing unit off site and b] to ensure an off-site horse warm up / trot area in the paddock to the south of the site, completed prior to the first commencement of the scheme.

### CONDITIONS.

#### Time

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

- (a) three years from the date of this decision, or
- (b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

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

#### Reserved matters

2 Full details of the design and external appearance of the dwellings, and other works, layout, scale and the landscaping of the site (the 'reserved matters') shall be submitted to the Local Planning Authority not later than the expiration of 3 years beginning with the date of this permission and shall be approved by the Local Planning Authority before any building or other operations start. This condition shall apply irrespective of any indications as to the reserved matters which have

been given in the submitted application and the development shall be carried out in strict accordance with the approved details.

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

Permitted development rights.

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

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy CS14 in the WBCS 2006 to 2026.

Height - 2 storeys.

4 No dwelling hereby permitted shall be more than 2 storeys in height [9.5m to ridge].

Reason. To ensure local amenity is respected in accord with policy CS14 in the WBCS of 2006 to 2026.

CMS

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

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

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

Layout of site - highways.

6 The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a S278/S38 Agreement for the adoption of the site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. 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).

Visibility splays.

7 No dwelling shall be occupied until the visibility splays at the access on to Crowle Road have been provided in accordance with drawing number GA005 Rev I dated 05/01/2017 amended 14/11/2017. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 1.05 metres above the carriageway level.

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

Access.

8 No dwelling shall be occupied until the access at Crowle Road has been constructed in accordance with drawing no. GA005 Rev I dated 05/01/2017 amended 14/11/2017.

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

Cycle parking

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

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

Hours of working.

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

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

Reason: In the interests of the amenities of neighbouring occupiers. In accord with policy OVS6 in the saved WBDLP 1991 to 2006.

Suppression of dust.

11 No development shall commence until the applicants have submitted to the Local planning authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development construction phase. Development shall not commence until written approval has been given by the Local planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers. In accord with policy CS14 in the WBCS of 2006 to 2026.

Contamination.

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

Reason: In order to protect the amenities of proposed occupants/users of the application site. In accord with the advice in the NPPF on human health.

Archaeology.

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

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. In accord with the advice in the NPPF.

SUDS

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- i) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- o) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding;
- q) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible.
- x) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National

Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Plans approved.

15 The permission hereby granted corresponds to plan numbers 15007-01-sk12-S1-P14, Sk07-S1-P8, SK06-S1-P8, SK16-S1-P9, SK14-S1-P5, by BPR architects, and plan numbers GA005 Rev 1 , and TR005 Rev G by Caneparo Associates .For clarification the layout is not controlled by this condition as it is a reserved matter.

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

Arboricultural method statement.

16 No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Watching brief.

17 No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

Landscaping.

18 No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

CIL

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision

Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

NPPF

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

S106

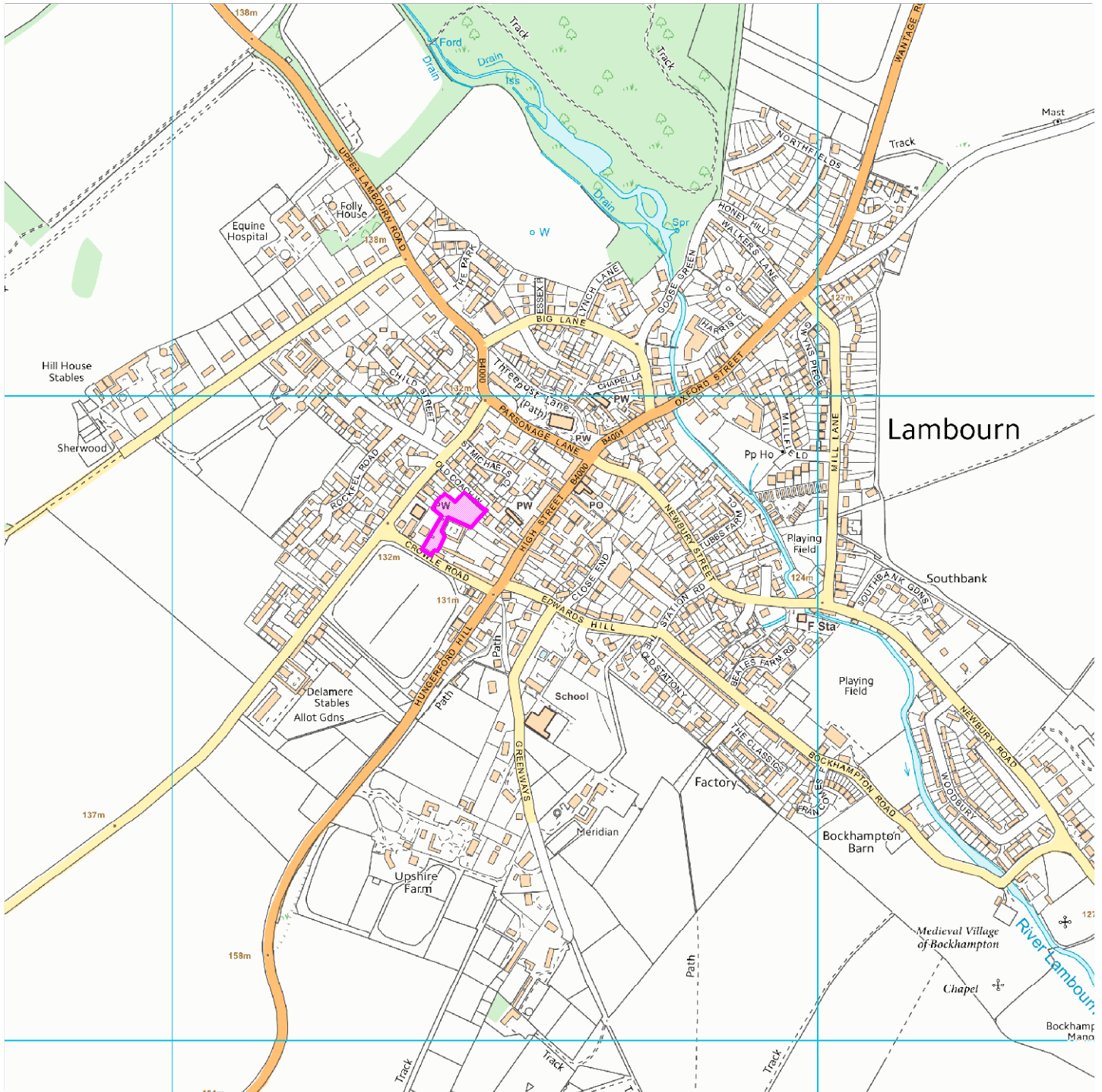
This decision should be read in conjunction with a s106 legal agreement signed on the xxxx date. The reader is advised to make himself / herself aware of the contents.

DC

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Windsor House Stables, Crowle Road, Lambourn, Hungerford, RG17 8NR

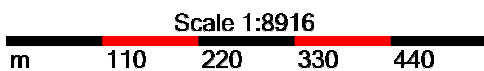


Map Centre Coordinates :

Scale : 1:8916

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	12 April 2018
<b>SLA Number</b>	0100024151

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# Agenda Item 4.(2)

Item No	Application and Parish	No. 8/13 Week Date	Proposal, Location and Applicant
(2)	17/03127/FULD Lambourn Parish Council	12 <sup>th</sup> January 2018	Demolish existing bungalow and redevelop to provide two 1 bed flats and four 2 bed flats with parking and ancillary areas.  Mr S Church  39 Newbury Street, Lambourn, RG17 8PB

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/03127/FULD>

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

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

**Reason for Committee determination:**                    More than 10 letters of objection

**Committee Site Visit:**                                19 April 2018

## Contact Officer Details

**Name:**    Mrs Sue Etheridge  
**Job Title:**    Senior Planning Officer  
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## 1. Site History

- 15//02781/FULD Demolition of existing bungalow and redevelopment to provide four 1 bed flats and four 2 bed flats with parking and ancillary areas. Refused October 2017.

## 2. Publicity of Application

Site Notice Expired: 28<sup>th</sup> December 2017.  
Neighbour Notification Expired: 13<sup>th</sup> December 2017.

## 3. Consultations and Representations

<b>Lambourn Parish Council</b>	Object Overdevelopment Insufficient car parking and amenity space Poor sight line close to busy junction
<b>Highway Officer</b>	Amended plans requested to provide visibility splays. Amended plans submitted. Proposal provides a new access point and closure of existing, visibility splays of 2.4m x 43m in each direction, 11 car parking spaces, area for cycle store (10 spaces required), footway widening to Newbury Street.  Details acceptable subject to S278 Agreement for footway widening works and conditions to secure a Construction Method Statement, Access Closure / Re-instatement, Visibility Splays, Surfacing of Access, Parking and Turning, Cycle Parking. Informatives also suggested.
<b>Waste Management</b>	Bin store shown close to collection vehicle stopping point on Newbury Street. Further amended details provided to demonstrate size can accommodate sufficient bins for the scheme. The provision of the store can be secured by condition.
<b>Trees</b>	Concern raised regarding impact on two trees (Whitebeam and Swedish Whitebeam) on adjacent highway land, which are prominent on the approach into Lambourn. Further details secured in respect of arboricultural impact. The trees can be retained however, they may be subject to pressure for removal from new residents. Agreement reached between applicant, highways and tree officer for new trees to be planted on highway land. This needs to be secured by condition and / or legal agreement to ensure maintenance.  No objection subject to conditions to secure replacement trees, AMS, Watching Brief, Tree Protection and landscaping scheme.
<b>Conservation</b>	No objection. Plot lies south of and outside the designated Conservation Area. Treatment of the boundary of the site with the open space to the south needs careful consideration.
<b>Archaeology</b>	No objection.
<b>Housing</b>	Policy CS6 requires provision of affordable housing. Schemes of 5 - 9 units should provide for a 20% provision. Proposal must either

	provide onsite provision of one unit or calculated contributions for off-site provision. Details for off-site contribution to be secured by S106 agreement.
<b>Environmental Health</b>	No objection. Conditions to limit hours of construction and minimise the effects of dust suggested.
<b>Drainage Engineer</b>	A Flood Risk Assessment has been provided which confirms that the area is at risk of groundwater emergence. This has occurred in the past – most recently in 2013/14. The proposed development footprint is substantially larger than that of the existing property and therefore there will be additional surface water run-off generated. This must be dealt with by provision of suitable sustainable drainage measures. The inclusion of ‘green’ SuDS in order to improve amenity and habitat value would be preferred. No off-site discharge will be possible due to the absence of a public surface water sewer. A condition to secure sustainable drainage measures is requested.
<b>No other consultation responses received</b>	No comments received from Thames Water, AONB Management, Ecology, Access Officer
<b>Representations.</b>	14 letters of objection The main concerns are: <ul style="list-style-type: none"> <li>• Lack of parking</li> <li>• Highway and pedestrian safety close to a poor corner and narrow road</li> <li>• Overdevelopment</li> <li>• Poor drainage, sewerage system</li> <li>• Out of character</li> <li>• Poor design and impact on neighbouring Conservation Area</li> <li>• Loss of trees</li> <li>• Loss of outlook</li> <li>• Lack of site notice</li> </ul>

#### 4. Policy Considerations

- 4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006- 2026 (WBCS), Housing Sites allocations DPD (2006-2026) and the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (March 2012) (NPPF)
  - National Planning Practice Guidance (NPPG)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
  - CS 1: Delivering new homes and retaining the housing stock
  - CS 4: Housing Type and Mix
  - CS 5: Infrastructure requirements and delivery
  - CS 6: Provision of Affordable Housing
  - CS 13: Transport
  - CS 14: Design Principles

- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

#### 4.4 West Berkshire Housing Sites Allocations DPD (2006-2026)

- C1: New Housing in the Countryside
- P1: Residential Parking

#### 4.5 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Some saved policies from the WBDLP have not been replaced by policies contained within the WBCS and are therefore relevant to this application:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- TRANS.1: Meeting the Transport Needs of New Development

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

- Supplementary Planning Document Quality Design (June 2006)
  - Part 1 Achieving Quality Design
  - Part 2 Residential Development
- Planning Obligations SPD (December 2014)
- Community Infrastructure Levy Charging Schedule, Adopted March 2014 – Effective from 1st April 2015.
- North Wessex Downs AONB Management Plan 2014-2019

## 5. Description of Development

5.1 This application seeks full planning permission to demolish the existing bungalow and garage and erect a two storey building comprising four two bedroom flats and two one bedroom flats, each flat will also have an open plan kitchen / living / dining and bathroom. The new building will be constructed close to the south-eastern boundary of the site. The design is of traditional pitched roof with a mix of hipped and gable ends and architectural features. Materials indicated are facing brick, render, composite roof slates, uPVC vertical sash windows and timber entrance doors. The existing vehicular entrance off Newbury Street is to be stopped up and a new entrance created, approximately 4 metres further to the south-east and 24 metres from the junction with Station Road. Car parking for 11 spaces are proposed, along with turning, a cycle store and bin store. There will be an area of shared amenity space located to the north-west and west of the new building. The application also includes a Design and Access Statement, Flood Risk Assessment and Arboricultural Statement. During consideration of the application amended plans have been received to provide visibility splays, cycle store and bin store area details along with additional arboricultural information.

5.2 The site is located on the corner of Newbury Street and Station Road, within the defined settlement of Lambourn, it is approximately 15 metres from the edge of the Lambourn Conservation Area and lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The existing bungalow appears to have been constructed during the 1960's, having replaced an earlier building dating from the mid 1800s. There is a wide area of highway verge immediately to the south-east of the site, between Station Road and the site boundary. There are two trees (Whitebeam and Swedish Whitebeam) on this land, along with a telegraph pole. Part of this land is used for informal parking by residents in the area. This open area of land and trees makes a positive contribution to the eastern approach into Lambourn and the Conservation Area. The site is in an established residential area comprising a variety of house types, styles and ages, although most are

two storey, making 39, a bungalow, an unusual dwelling form in the locality. To the north-west, adjacent to the site are two storey dwellings, dating from the mid 1800s. There is a modern housing development adjacent to the south-western boundary fronting Station Road.

## **6.0 Consideration of the application.**

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

- 6.1. The principle of the development
- 6.2. The impact on the character of the area including the Conservation Area
- 6.3. The Impact on neighbouring amenity
- 6.4. Highway impact
- 6.5. Affordable housing
- 6.6. Sustainable drainage
- 6.7. Community Infrastructure Levy
- 6.8. The assessment of sustainable development

### **6.1 The Principle of Development.**

- 6.1.1 The NPPF takes the development plan as the starting point for all decision making, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the West Berkshire Core Strategy (adopted 2012), Housing Sites Allocation DPD and the Saved Policies of the West Berkshire District Local Plan 1991-2006.
- 6.1.2 The site lies within the identified settlement of Lambourn, where there is normally a presumption in favour of development subject to consideration of material planning constraints and relevant policy considerations. Policy CS1 of the Core Strategy attracts full weight as a development plan policy adopted since the introduction of the NPPF. It states that new homes will be located in accordance with the district settlement hierarchy, and primarily developed on suitable land within settlement boundaries. This site is currently occupied by a bungalow and garage. The proposal will replace the bungalow with a two storey structure comprising four two bedroom flats and two one bedroom flats. This will make efficient use of previously developed land and add to the housing stock and mix of housing in the District. The principle of development is therefore considered acceptable.

### **6.2 Impact on the Character of the Area and setting of the Lambourn Conservation Area**

- 6.2.1 Policies ADPP1 and ADPP5 of the Core Strategy seeks to ensure that new development responds positively to the local context, particularly in the latter regard to the AONB landscape in which the site is set. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The site is situated outside, approximately 15 metres from the edge, of the Lambourn Conservation Area where the existing character should be conserved and enhance under Policy CS19.
- 6.2.2 The Council has adopted a Supplementary Planning Document series entitled Quality Design (SPDQD). Part 1 of SPDQD provides design guidance including key urban design principles. Part 2 of SPDQD provides detailed design guidance on residential development. Part 3 of SPDQD provides a residential character framework for the prevailing residential developments in the district.
- 6.2.3 The site lies within the settlement of Lambourn in an area which is largely characterised by two storey semi-detached and terraced dwellings of varying ages and styles. Development

is generally across the width of the plots. The application is to replace the existing bungalow with a new two storey building to provide six flats with associated car parking and shared amenity space. The building has been designed to respect existing building lines and wrap around the corner of the two roads. The layout, scale and form, including height is considered appropriate to the locality, relating well to existing neighbouring dwellings and with space about the building would not appear as an overdevelopment of the site. The external appearance will reflect the mixed development pattern in the area. Full details of materials can be secured by condition. The building will be constructed close to the south-eastern and north-eastern boundaries of the site. There will be opportunity for some landscaping to Newbury Street and with careful boundary treatments facing Station Road, the building will be read through the existing retained highway verge and not detract from the approach to the Conservation Area.

- 6.2.4 There are two trees close to the development site on the highway land. These could be affected by the development and their long term survival could be at risk due to the position of living rooms within the new flats and ground floor terraced areas. The Tree Officer has commented that whilst considered category 3 trees, their prominent position makes them category 2b. Their growth however is already affected by a telegraph pole and wires which necessitate regular pruning / management. Following negotiation between the Tree Officer, Highway Officer, Countryside Manager and applicant it has been agreed that two new trees could be planted on the highway land. These can be secured by a Grampian condition but a two year maintenance period (requiring a one off payment) must be secured through a legal agreement. It is considered that this pragmatic approach will enable the redevelopment of the site, increasing the housing numbers and mix, whilst also enhancing the amenity value of this corner plot and approach into the Conservation Area. It is noted that the previously refused application, comprising two separate blocks, with the larger block following a similar footprint did not raise an objection on impact on or loss of these trees.
- 6.2.5 It is considered that, subject to appropriately worded conditions and securing new tree planting on highway land, the proposed development would not adversely affect the character of the area, street scene nor visual distinctiveness of this part of the settlement or nearby Conservation Area. The development will therefore comply with development plan policies ADPP5, CS14 and CS19 and advice set out within the NPPF.

### **6.3 Amenity**

- 6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The West Berkshire Quality Design SPD provides guidance on the impacts of development on neighbouring living conditions and provision of amenity space for future residents. Local Plan Saved Policy OVS.6 relates to potential noise impacts of development.
- 6.3.2 The building will be located approximately 15 metres from the side of No.37 Newbury Street (a two storey semi-detached Victorian dwelling) and 8 metres from the side of Saddleford an end of terrace dwelling fronting Station Road. The siting will not extend forward of the front of either of these dwellings. The siting is such that the new building would not be overbearing for either neighbouring dwelling nor would there be any undue loss of day light or sunlight. However it is acknowledged that the outlook of dwellings opposite the site on Station Road and Newbury Street would be altered. There would be no direct overlooking into the rear of any properties. However there could be an element of overlooking of rear garden areas from first floor bedrooms and bathrooms in the northwest elevation of the new building. However this type of rear/side relationship with a 15 metre separation distance occurs elsewhere in this part of Lambourn and indeed in most built up areas.



- 6.3.3 The Environmental Health Officer has not raised an objection to the proposal, suggesting conditions in respect of hours of construction and dust minimisation, due to the proximity to existing residential dwellings. Suitably worded conditions could be attached.
- 6.3.4 The proposed development includes an area of shared amenity space for the flats. The area proposed is approximately 150sqm which would provide 25sqm per flat and meets the suggested communal outdoor floor space set out in the Quality Design SPD (part 2).
- 6.3.5 For the reasons set out above the development would not adversely affect amenity of existing and future residents and would comply with development plan policies ADPP5, CS14, OVS.6 and advice set out within the NPPF.

## **6.4 Highway Impact**

- 6.4.1 This application is for 6 flats to replace an existing bungalow. The position of the access off Newbury Street is to be altered. During consideration of the application an amended site layout plan has been secured to ensure that visibility splays of 2.4m x 43m in both directions can be achieved. The proposal includes 11 car parking spaces (including one disabled bay), a bin store close to the kerbside at Newbury Street. The proposed cycle store will hold 10 cycles. The details submitted are acceptable to the Highway Officer, with car parking provision meeting the standards for Zone 3 set out for flats in Policy P1 (one bedroom flats require 1.5 spaces and two bedroom flats require 1.75 spaces). It has been noted that there is local concern regarding car parking provision on site and existing roadside parking which can affect highway safety and pedestrian safety. As this site will provide car parking and visibility splays in accordance with current policy and advice, no further spaces can be sought
- 6.4.2 The proposed bin store meets the size requirements of the Waste Management Officer. The exact details of design/enclosure can be secured by condition to ensure that it is appropriate to the character of the area and street scene. This approach also applies to the proposed cycle store which is a galvanised steel low level structure with perforated sides and sprung door. Full details of design and size, to ensure 10 cycle capacity and appropriateness to the locality, could be secured by condition.
- 6.4.3 The application site is close to the centre of Lambourn in a fairly densely developed area. In order to ensure safety during construction it will be necessary to secure a Construction Method Statement. A suitably worded condition could be attached.
- 6.4.4 The development will comply with development plan policies CS13, P1 and TRANS1, current guidance set out in the Manual for Streets and advice set out within the NPPF.

## **6.5 Affordable Housing**

- 6.5.1 In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. Policy CS 6 sets out that on development sites of less than 15 dwellings a sliding scale approach will be used to calculate affordable housing provision, as follows:-
- 30% provision on sites of 10 – 14 dwellings; and
  - 20% provision on sites of 5 – 9 dwellings.

In this instance as the proposal is for 6 dwellings, this would require the provision of 20% affordable housing.

The Council's priority and starting expectation will be for affordable housing to be provided on-site in line with Government Policy. This proposal is for less than 10 units, but is within

an AONB which is considered a designated rural area. Therefore in accordance with the NPPF, NPPG and the Written Ministerial Statement November 2014, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units. The applicant has agreed to enter into a S106 agreement to provide a contribution for off-site affordable housing provision.

- 6.5.2 The development will comply with development plan policy CS6, Supplementary Planning Document - Planning Obligations (adopted December 2014) and advice contained within the NPPF, providing the required S106 is completed.

## **6.6 Sustainable Drainage**

- 6.6.1 Policy CS16 seeks to ensure that new development in flood risk areas should be safe and not increase flood risk elsewhere. The site is within a Critical Drainage Area. The application includes a Flood Risk Assessment (written for the previously refused larger scheme). The site falls in Flood Zone 1 and is not considered to be at risk of fluvial flooding but could be at risk of ground water emergence. It is noted that a number of residents have expressed concern in respect of sewerage capacity and surface water flooding. The Drainage Engineer requires a 'Green' sustainable drainage plan to manage surface water and notes that there can be no off site discharge due to the absence of a public surface water sewer. A condition is suggested.
- 6.6.2 Thames Water have not provided any comments in respect of this current application. However it is noted that under the previously refused scheme, comments regarding responsibility of pipes and surface water drainage were made with no objection to sewerage or water infrastructure capacity.
- 6.6.3 The development will comply with development plan policy CS16, subject to the submission of a sustainable drainage management scheme and implementation that can be secured by condition.

## **6.7 Community Infrastructure Levy**

- 6.7.1 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the Government Community Infrastructure Levy Regulations the proposal is liable for CIL. The CIL Charging Schedule sets out that the amount calculated is to be determined under the AONB Residential Rate of £125 per m<sup>2</sup> (plus indexation). A liability notice will be sent out by the CIL Team following the issue of the planning decision, if the application is approved.

## **6.8 Presumption in favour of sustainable development**

- 6.8.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 6.8.2. Future residents would make a contribution to the local economy, the development would provide Community Infrastructure Levy contributions and possible local employment in construction for a short period. The development would bring social benefits in terms of providing housing required to meet the needs of present and future generations and a contribution toward off site affordable housing provision. The environmental considerations have been assessed in terms of the impact on the character and appearance of the area and the adjacent Conservation Area, neighbouring amenity and highway safety. For these reasons the development is considered acceptable and would constitute sustainable development.

## 7. CONCLUSION.

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

## 8. RECOMMENDATION.

**The Head of Development and Planning be authorised to APPROVE Planning Permission subject to the completion of a legal agreement to provide a contribution toward off site affordable housing provision and a contribution for a two year maintenance of new trees to be planted on adjacent highway land and the following conditions:-**

### 8.1 Schedule of Conditions

#### 1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) and Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 should it not be started within a reasonable time.

#### 2. Plans Approved

The development hereby approved shall be carried out in accordance with drawing title number(s):

Location Plan and Block Plan 1682-A-001 rev B;  
Proposal Site Plan 1682-A-003 rev F (received by e-mail dated 18<sup>th</sup> December 2017);  
Proposed Floor Plans 1682-A-100 rev A;  
Proposed Elevations 1682-A-202 rev A and A-202 rev B;

Existing Plans  
Site Survey 1682-A-002;  
Existing Elevations 1682-A-200 and A-201;

Supporting Documents:  
Design and Access Statement (RPA Architects Limited);  
Flood Risk Assessment (Stilwell Partnership) April 2016 V.1;  
Arboricultural Method Statement and Constraints Plan (Sylva Consultancy), October 2015;  
Additional Arboricultural Information (1682 Sketch RPA for T2 and accompanying e-mail) received by e-mail dated 18<sup>th</sup> December 2017.

All received with the application validated on 17<sup>th</sup> November 2017, unless otherwise specified or agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted plans. In the interest of amenity and in accordance with Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **3. Materials**

No development shall commence until full details of proposed external facing materials (brick, render, roof covering, windows, doors and architectural features) have been submitted to and agreed in writing by the local planning authority.

A schedule shall be submitted listing all proposed materials, with samples made available on site upon request.

The new building shall be constructed using the approved materials unless alternative materials are agreed in writing by the local planning authority before being used.

Reason: In the interests of amenity and in accordance with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **4. Hours of Work (Construction)**

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

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

Reason: In the interests of the amenities of neighbouring occupiers.

### **5. CONS1 - Construction method statement**

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

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

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

### **6. HIGH2 - Access Closure with reinstatement (YHA10)**

The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved has/have been brought into use. The footway/cycleway(s)/verge(s) shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

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

**7. HIGH4 - Footway/cycleway provision (construct) (YHA11A) variation**

No development shall take place until details of a 1.5 metre wide footway to be constructed on the western side of Newbury Street fronting the application site is submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the footway has been provided in accordance with the approved scheme and any statutory undertaker's equipment or street furniture located in the position of the footway has been re-sited to provide an unobstructed footway. The Developer must enter into a S278 Agreement for the construction of the footway.

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

**8. HIGH7 - Surfacing of access (YHA15)**

No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

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

**9. HIGH9 - Visibility splays before development**

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

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

**10. HIGH12 - Parking/turning in accord with plans (YHA24)**

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

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

**11. HIGH20 - Cycle storage (YHA41)**

No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided

in accordance with the approved details and retained for this purpose at all times. This condition shall apply irrespective of any details shown on the submitted plans.

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

## **12. Storage of refuse**

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

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

## **13. Landscape Scheme**

No development (except demolition) shall commence on site until full details of proposed landscaping scheme have been submitted to and agreed in writing by the local planning authority.

The landscape scheme shall be implemented in full, within the next planting season following first occupation or completion of the development (whichever is the sooner).

The scheme will include the provision of at least two new trees on the highway and to the south of the application site. Maintenance for these trees and any required replacement will be limited to two years after first planting.

Any trees, shrubs or plants that die or become seriously damaged, on the application site) within five years of the scheme first being implemented (planted) shall be replaced in the following year by plants of the same size and species.

This condition shall be implemented in full unless an alternative scheme/timescale is agreed in writing with the local planning authority.

Reason: The landscape scheme will ensure that the visual character of the area and amenity is not unduly harmed. In accordance with the objectives of Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

## **14. AMS**

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **15. Tree Protection**

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained. On land to the south of the application site) is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **16. Arboricultural supervision condition**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **17. Boundary and Hard Surfacing Treatments**

No development or other operations (except demolition) shall commence on site until a scheme of fencing, other means of enclosure to be erected and hard surfacing on the site is submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied before the fencing, other means of enclosure and hard surfacing have been constructed in accordance with the approved plan and retained thereafter.

Reason: The fencing, other means of enclosure and hard surfacing are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **18. SuDS**

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;

- e) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- k) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- l) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- m) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

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

#### **19. PD Rights Fencing**

Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision to the Order), no wall, fence, gate or other means of enclosure shall be erected between the forwardmost part of the buildings and the highway/ access drive boundary and to the rear and side boundaries to the area of open space (except where approved as part of condition details).

Reason: The detailed design of this development relies upon an area of unenclosed space to provide a setting for the buildings and overall development. The enclosure in whole or in part of this space would destroy the setting and have an adverse effect on the character and amenities of the development in conflict with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.



Informatives

### **HI 1 Access construction**

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

### **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.

### **HI 8 Excavation in close proximity to the highway**

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

### **HI 9 Incidental works affecting the highway**

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

### **Informative – Construction / Demolition Noise**

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

### **CIL liability**

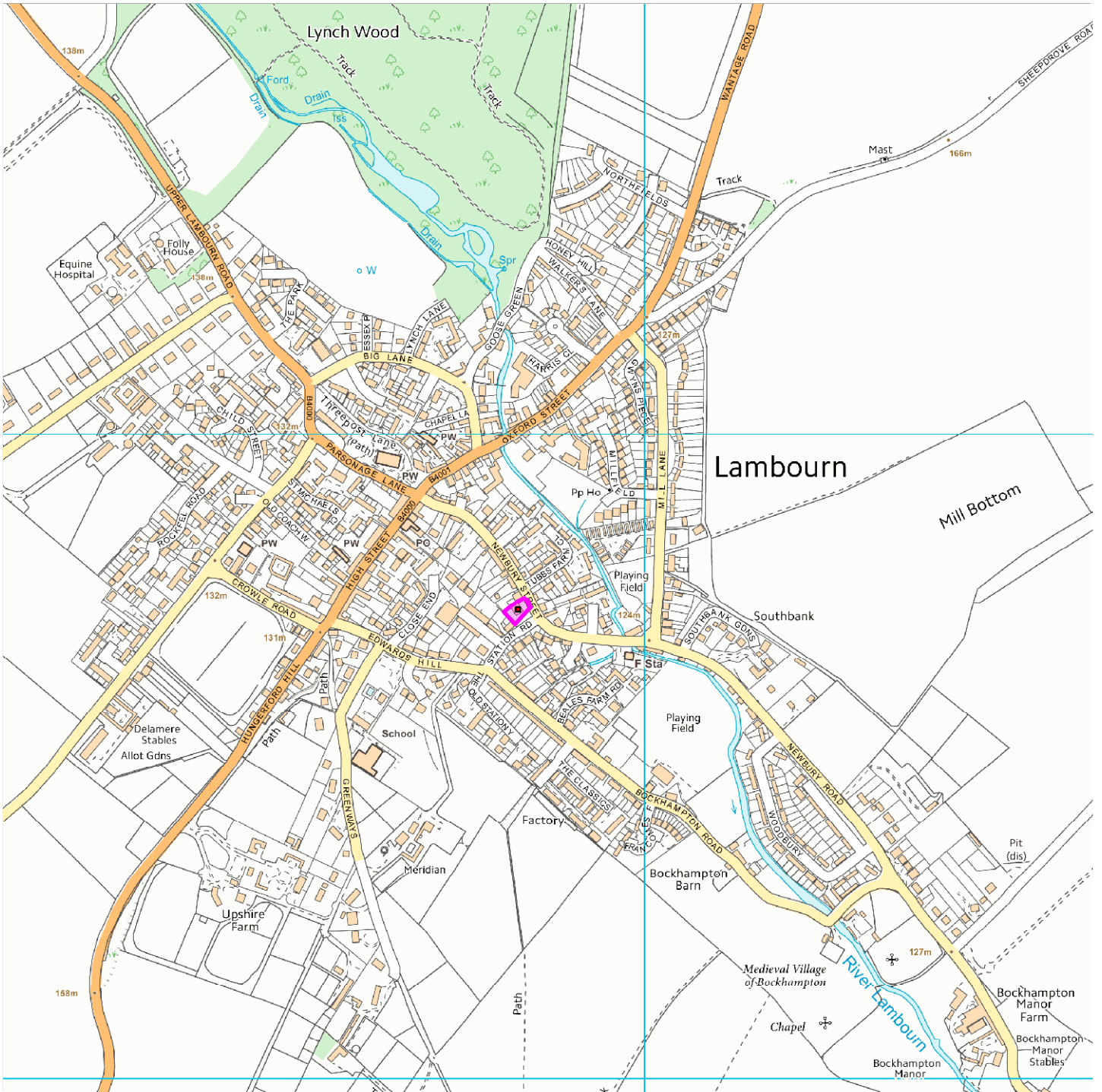
The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are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

### **DEC4 - Approval - Need for Revision/Reps rec'd**

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

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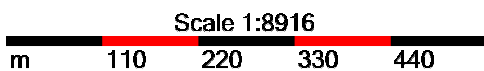


Map Centre Coordinates :

Scale : 1:8916

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	12 April 2018
<b>SLA Number</b>	0100024151

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# Agenda Item 5.

## APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
HAMPSTEAD NORREYS 17/02561/HOUSE  PINS Ref 3192416	2 Forge Cottages Forge Hill Hampstead Norreys	Alteration and side and rear two storey extension.	Refused	Dismissed 26.3.18
NEWBURY 16/03562/OUTD  PINS Ref 3185716	Upcot, Tydehams Newbury	Renewal of application no. 01/00254. Demolition of existing dwelling house, redevelopment with residential care home - matters to be considered access, layout and scale.	Refused	Allowed 27.3.18
GREENHAM 17/02461/PACOU  PINS Ref 3188399	Leat House Overbridge Square Hambridge Lane Newbury	Application to determine if Prior Approval is required for the Change of Use of office (Class B1) to 24 residential dwellings.	Refused	Dismissed 4.4.18
NEWBURY 16/03437/FUL  PINS Ref 3179304	The Flat, The Nags Head 91 Bartholomew Street, Newbury	To replace the existing unapproved fenestration with fenestration to match those approved by your conservation officer, but using a different material.	Refused	Dismissed 4.4.18

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Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
HAMPSTEAD NORREYS 17/02561/HOUSE  PINS Ref 3192416	2 Forge Cottages Forge Hill Hampstead Norreys  Peter Roberts	Alteration and side and rear two storey extension.	Refused	Dismissed 26.3.18

### **Procedural Matter**

The Council, in its decision notice, refers to its House Extensions Supplementary Planning Guidance (the SPG) and Quality Design – West Berkshire Supplementary Planning Document Series (the SPD). The Inspector had afforded some weight to those documents due to their role in providing more specific guidance in respect of the issues concerned and in supporting the relevant development plan policies.

### **Main Issues**

The main issues are the effect of the proposed development on:

- i) the living conditions of the occupiers of No. 1 Forge Cottages with regard to outlook and sunlight;
- ii) the character and appearance of the host dwelling and the semi-detached pair as a whole, and whether the proposal would preserve or enhance the character or appearance of the Conservation Area (CA).

### **Reasons**

#### *Living conditions*

The Inspector saw that the single story rear lean-to conservatory of No. 1 immediately adjacent to the site comprises habitable space that is internally directly linked and open to the rest of the house. The Inspector saw that a large area of the glazed roof of that extension was covered with blinds, although not the part nearest to the rear of the original house. However, not only do those blinds transmit a degree of light but it cannot be assumed they would be closed at all times in the future, particularly as the adjacent steeply banked part of No. 2's garden is unlikely to be frequently used and thereby cause a material loss of privacy to the occupiers of No. 1. That room concerned is also substantially reliant on light via its roof area due to the sunken position relative to the rear garden of No. 2 and likewise in respect of outlook skywards, albeit more so were the blinds opened.

Furthermore, although Horseshoe House, its decking area and detached garage to the east of No. 2 are at a raised level relative to No. 1, it is likely that the degree of separation currently enables some degree of morning sunlight to reach that conservatory particularly during the summer months with the sun higher in the sky. There is also currently a fence on the boundary between Nos. 1 and 2, at the raised ground level of No. 2, adjacent to the conservatory. However, it is not a high fence and it has alternate horizontal gaps between timbers and so is not a dominating feature or one that is likely to substantially reduce sunlight reaching No. 1's conservatory. There are also trees and shrubs in the rear garden of No. 2. However, that vegetation is not so dense and comprehensive as to be likely to further substantially reduce the amount of sunlight currently able to reach that conservatory or the degree to which outlook skywards from the room is affected.

The roof of the proposed rear extension would slope away from the boundary with No. 1 at a shallower angle than that of the original house. Despite that and in light of the existing conditions referred to above, the proposed extension, due to the combination of its close proximity to the boundary with No. 1, its height both to eaves and ridge, and depth, extending noticeably beyond No. 1's rear elevation and adjacent to its rear patio area, also at the lower

level, would be likely to cut out a significant amount of sunlight to, and have an enclosing and overbearing effect when seen from, both the conservatory and that rear patio of No. 1.

The appellant claims that the roof of No. 1's conservatory has not been constructed in accordance with the approved plans. However, the Inspector had no substantive details of the planning circumstances relating to this and have determined the appeal on its merits based on the current situation.

For the above reasons, the Inspector concluded on this issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of No. 1 with regard to outlook and sunlight. As such, in respect of this issue, it would be contrary to the National Planning Policy Framework (the Framework) which in paragraph 17 states that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and to more specific guidance set out in the SPG relating to, amongst other things, sunlight and outlook.

The Council, in the first reason for refusal of its decision notice refers to policy CS14 of the West Berkshire Core Strategy (the Core Strategy). However, that does not relate specifically to the living conditions of neighbouring occupiers and so is not relevant to this issue.

*Character and appearance of No 2 and the semi-pair and character or appearance of the Conservation Area (CA)*

The site is located in the CA and as such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA.

Nos. 1 and 2 together form an attractive traditional semi-detached pair of properties set within the CA which is characterised by a variety of designs of properties of varying age and proximity to the street. Although No. 1 has been extended to the side and rear over two storeys that extension is set well back from the line of the front elevation. The semi-pair therefore retains a generally well balanced front elevation which provides the main focus and key feature of the pair as a whole as seen from the street and in the context of the CA.

The proposed gable ended side extension would be very similar in terms of design and degree of set back from the front elevation as that of No. 1. As such, that element would, like that of No. 1, ensure that the balanced nature of the key front elevation is maintained. There would also be some benefit in respect of improving that balance with the introduction of the proposed similar side extension to No. 1's, replacing albeit modest and subservient existing single storey side extensions.

The substantial rear extension, although wider and deeper than that of No. 1, with a less steep roof slope, would be set well back from the front of the house, set in slightly from the side of the proposed side extension. As such it would be largely obscured in views of the property from the street by the existing house, the proposed side extension and the neighbouring raised detached garage of Horseshoe House. It would therefore not detract from the key front elevation of the pair of houses.

The Inspector had regard to the effect of the proposal in terms of the removal of existing concrete structures in the close vicinity of the house. However, those features, whilst functional, are not dominant or significantly detracting from the appearance of the property as a whole. Their removal would therefore not represent a material benefit of the proposed development.

For the above reasons, he concluded on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the host dwelling or the semi-detached pair as a whole and would preserve the character and appearance of the CA. As such, in respect of this issue, it would accord with policies CS14 and CS19 of the Core



Strategy, the SPG and SPD which together require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and to conserve and, where appropriate, enhance heritage assets and their settings including CAs. In respect of this issue, it would also accord with the Framework which in sections 7 and 12 respectively relates to requiring good design and conserving and enhancing the historic environment.

*Other matter*

It is claimed that the proposal would reduce the likelihood of people falling from the garden of No. 2 to the lower rear patio of No. 1 and through the glass roof of the conservatory. However, there is already a timber fence in place to prevent falling at the boundary and the building would only extend along one section of that boundary. The Inspector had therefore afforded little weight to this factor.

**Conclusion**

The Inspector found that the proposed development would not cause unacceptable harm to the character and appearance of the host dwelling or the semi-detached pair as a whole and would preserve the character and appearance of the CA. However, this does not deflect from the unacceptable harm that would be caused to the living conditions of the occupiers of No. 1 with regard to outlook and sunlight.

He acknowledged the appellant's desire to provide improved and enlarged internal living space for the house and that the proposal would utilise a currently steep and therefore less useable or easily maintained part of the rear garden that is claimed to be dangerous to walk on and manage. There would also be some visual benefits referred to above relating to balancing out the pair of dwellings with a similar side extension to that of No. 1. He also acknowledged the visual benefit relating to the intended reinstatement of the original arched soldier course design to front elevation windows of the house. Nevertheless, the harm that he had found would be caused in respect of the first main issue would significantly outweigh those benefits.

Therefore, for the reasons given above, and taking account of all other matters raised, the Inspector concluded that the appeal should be dismissed.

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NEWBURY 16/03562/OUTD  PINS Ref 3185716	Upcot, Tydehams Newbury	Renewal of application no. 01/00254. Demolition of existing dwelling house, redevelopment with residential care home - matters to be considered access, layout and scale.	Refused	Allowed 27.3.18
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### Procedural Matters

The application was submitted in outline with appearance and landscaping reserved for future consideration, and the Inspector had considered the appeal on this basis. The Appellant's appeal form describes the planning application as having been submitted on 7 February 2017, whereas the Council's refusal notice describes the application as having been submitted on 20 December 2016. The Council's suggested conditions refer to the plans on which the Council took its decision, and these are the same plans as those referred to by the appellant. The Inspector was therefore satisfied that the appropriate plans have been considered at application and appeal stage and have taken the application date to be 7 February 2017.

Following the Council's refusal the applicant has submitted an alternative layout with the appeal documents showing revised locations for parking spaces within the appeal site. The number of parking spaces has been reduced from 18 to 17. Some of the parking spaces would be slightly closer to the boundary of No. 139 Andover Road than would be the case with the original application. These would however be the furthest from the entrance to the care home and therefore the least likely to be used. Moreover, the parking for the existing house is close to the boundary with No. 139 and was in use at the time of his visit. The existing garage for the appeal site is also close to this boundary. As a result of these factors, he did not believe that his consideration of this alternative parking arrangement would prejudice any interests of acknowledged importance, and he had considered the appeal on this basis.

### Decision

The appeal is allowed and planning permission granted for the demolition of an existing dwelling house and redevelopment with a residential care home at Upcot, Tydehams, Newbury, West Berkshire, RG14 6JT in accordance with the terms of the application Ref 16/03562/OUTD, dated 7 February 2017, and subject to the conditions listed at the end of this decision.

### Main Issues

The Inspector considered the main issues in this case to be:

- i) whether the proposal would have a harmful effect on the character and appearance of the surrounding area;
- ii) the effect of the proposal on highway safety;
- iii) the effect of the proposal on protected species; and
- iv) whether the proposal would comply with BREEAM sustainability assessment requirements.

### Reasons

#### *Character and Appearance*

The appeal site comprises a corner plot containing a large detached house. The site bounds a verdant section of one of the main roads into Newbury, and the surrounding area contains examples of recent residential development within this garden suburb.

The Council's committee report accepts the principle of redevelopment on the appeal site, and indeed a similar proposal was granted planning permission in 2001. The proposed care home would be much larger in scale than the existing house in terms of its footprint and built volume. The width and ridge height of the west elevation of the proposed footprint would however be only a little greater than exists at present. Whilst the width of the south elevation of the proposed footprint would be much greater than exists at present, the illustrative elevation provided with the application shows that it could be broken up by the inclusion of a gable and dormers.

The proposal would therefore relate to the scale and density of its surroundings as required by Core Strategy1 (CS) Policy ADPP1 and indeed CS Policy CS4 which seeks higher residential densities along main transport routes. Furthermore, the footprint would generally respect the building lines of Tydehams and Andover Road

at this location. It would include some parking between the building and Andover Road, but this would not be unusual for the surrounding area.

The presence of a larger building on this corner plot would thus not be inappropriate in terms of the character of Andover Road, and indeed more generally. This is because the proposal would provide a corner plot book end to the pattern and character of the surrounding development in terms of its location and scale, as sought by CS Policies CS14 and CS19. Furthermore, the prevailing character of Tydehams and the nature of the cul-de-sac, with its informal road layout and art-deco housing, would remain beyond the corner plot. The Inspector was therefore satisfied that the proposal would not create a precedent for redevelopment further back into the cul-de-sac

The two highway boundaries of the appeal site and its Tydehams boundary are lined with mature trees, some of which are protected by a Tree Preservation Order (TPO). These are a very important element in the character and appearance of the surrounding area. The proposal would result in the loss of one of these trees, a horse chestnut, which is currently protected by the TPO.

The appellant's arboricultural impact assessment shows the tree to be subject to honey fungus together with the presence of dead bark and generally low vigour. The assessment advises that, in view of its condition, this tree should be removed within 10 years in any event. The Council has questioned the variety of honey fungus, as not all are said to have a detrimental effect on the host tree, although this information has not been submitted. On the basis that the assessment records that the health of the tree is already suffering, the Inspector agreed with the advice in the assessment.

The removal of the tree as part of the appeal proposal would also ensure that appropriate replacement planting was carried out. This may not be the case if the tree was removed for safety reasons at a later date. He therefore did not consider that the proposed removal of the tree adds weight in support of dismissing the appeal.

A healthy beech tree is situated within the appeal site at the highway corner of the plot. The assessment advises that it has a remaining life of between 20 to 40 years. A retaining wall alongside Andover Road is situated in close proximity to this tree, and the highway provides hard surfacing beyond this wall.

The proposal would include the reconstruction of this retaining wall to a position some 1m towards the tree in order to improve highway visibility at the nearby junction. Any work to remove the existing wall would be undertaken by hand, and any foundations would be left in place. Work to construct the new wall would again be undertaken by hand, and the wall would be supported by an above ground beam, rather than below ground foundations, resulting in limited and controlled ground disturbance. All of this could be regulated by the imposition of an appropriate condition

In the Inspector's view, the proximity of the existing wall and the highway must have a great impact on the spread of its rooting system. Any roots in the direction of the wall and beyond would have to pass below the foundations of the existing wall and indeed the road construction. He was satisfied that these roots would remain undisturbed as a consequence of the proposal.

The application proposal layout included a number of vehicle parking spaces within the root protection area (RPA) for this beech tree, and indeed RPAs for others. In his opinion, this layout would have placed an unacceptable burden on this tree and the other trees nearby. The alternative layout, already noted, would only result in minor conflict between the tree RPAs and this type of construction. Moreover, the RPAs used in the assessment include an offset away from the road to account for the proximity of the wall and the highway.

The conflict areas would comprise the rear and side part of a single parking bay and a small peripheral area of manoeuvring space which would not be likely to be heavily trafficked. An area including and around these conflict areas would be subject to no-dig construction controls, again required by condition.

Furthermore, the alternative layout would include more nearby grassed and landscaped areas than would be the case with the application proposal.

A similar situation would occur with the RPA for an oak tree in the north-west corner of the site. This area of conflict would again not be likely to be heavily trafficked. It would be accommodated by the use of ground

protection area controls, required by condition, within which mechanical and other damaging work would be minimised.

Along the Merricot boundary in the south west corner of the site, there would be limited conflict between the construction work immediately outside of the building footprint and the RPA of a douglas fir tree. This tree has the benefit of protection under the TPO. Work in this area would however again be regulated by the imposition of a ground protection area. A similar situation would occur with the RPA for a beech tree in this area of the site.

In view of the alternative layout and the regulation of the construction work proposed, the Inspector considered that the proposal would not have an unacceptable effect on the health of TPO protected and other trees. The proposal would therefore retain the well wooded, prosperous and set back nature of this key gateway approach into the town of Newbury, as sought by CS Policies ADPP2 and CS18 and the Council's Supplementary Planning Document (SPD). It would also protect the particular landscape of this area in accordance with Local Plan3 (LP) Saved Policy HSG1.

It has also been suggested that the proposal would affect the benefits that the trees in this locality provide in terms of screening Newbury from a nearby Area of Outstanding Natural Beauty. From what he had seen at and around the appeal site, the Inspector did not consider that any material adverse effect on this screening would occur.

The Inspector recognised that the proposal would significantly increase the proportion of building footprint and hardstanding on the appeal site. This would not however be readily apparent from the surrounding area, as the main effects would be the extent of the Tydehams elevation and the parking areas, which he had already considered. In terms of the visible use of the appeal site, it would be much more intensive than occurs at present. From the indicative appearance of the elevations however this would not necessarily lead to a harsh commercial atmosphere.

There would be some shading of the elevations of the proposed building from trees in the south east corner of the site in the morning and around mid-day. This is however a verdant area, and such shading is to be expected and should be weighed against the benefit of the visibility of the vegetation and its seasons to the occupiers of nearby rooms. The proposed parking spaces are not located below tree canopies. Any tree detritus would therefore be of a blown, and not falling or dripping, nature with far less risk of vehicle damage. The Inspector therefore did not consider that the trees would be under any greater pressure to be lopped or felled than would be the case in any event.

The Inspector therefore concluded that the proposal would not necessarily have a harmful effect on the character and appearance of the surrounding area. He further concluded that it thus would not conflict with CS Policies ADPP1, ADPP2, CS4, CS14, CS18 and CS19, LP Saved Policy HSG1 or the Council's SPD.

#### *Highway Safety*

Traffic relating to the proposed care home would access Andover Road, and the remainder of the highway network, at its junction with Tydehams, and he used this junction at his site visit. The generation of traffic related to the proposed care home would result in an increase of traffic of some 8% on Tydehams.

Visibility to the north along Andover Road when exiting Tydehams is both sub-standard and poor, with some 20m available along the kerb line compared to a standard of 43m. From the north, the approaching traffic is in the nearest running lane on Andover Road. The proposed relocation of the retaining wall on the boundary of the appeal site would improve this visibility to some 54m, and the Inspector was satisfied that this would be beneficial in terms of highway safety.

Visibility to the south along Andover Road when exiting Tydehams is again sub-standard, with some 20m available along the nearest kerb line compared to a standard of 43m. From the south, the approaching traffic is in the farthest running lane on Andover Road. To the centre of the carriageway, which is the nearest side of the running lane from the south, the visibility is some 60m which, in relation to this running lane, he found to be acceptable in terms of highway safety.

There is however the matter of vehicles travelling from the south on the opposite side of the road when overtaking slow or parked vehicles. Drivers exiting Tydehams would however see slow vehicles and be unlikely to pull out on them. The likelihood of parked vehicles requiring overtaking within the visibility splay

and potential conflict is much less than potential conflict with all traffic from the north, even with the 8% traffic increase resulting from the care home. He was therefore satisfied that the proposal would mitigate its impact on the local transport network, as sought by CS Policy CS13, by the improved visibility of vehicles from the north which would improve overall highway safety at this junction.

In terms of pedestrian safety, the improvement in visibility to the north along Andover Road at the Tydehams junction would also benefit pedestrians crossing Andover Road. This benefit would outweigh any harm from the additional 8% traffic at the junction.

The Inspector was satisfied that sufficient parking would be provided for staff and general visitors. He recognised that there could be peaks in visiting at the care home, but Tydehams is a cul-de-sac and not heavily trafficked, giving the opportunity for occasional highway parking.

The Inspector therefore concluded that the proposal would not have an unacceptable adverse effect on highway safety, and he further concluded that it thus would not conflict with CS Policy CS13.

#### *Protected Species*

The appellant undertook bat and emergence surveys in 2012. These described the building on the appeal site as having a medium/low/negligible habitat value for bats with no suitable features for roosting opportunities, and no emerging or roosting bats were found. Moreover, the National Biodiversity Network has no protected species recorded from the site. Some common minor activity of species was however recorded in the surrounding area. Whilst there is therefore no evidence that bats may be affected by the proposal, in view of the timing of the previous survey, it would be necessary for the survey to be updated should he allow the appeal.

The Inspector therefore considered that the proposal would not harm habitats or species of principal importance for the purpose of conserving biodiversity as required by CS Policy CS17.

He therefore concluded that the proposal would not have an unacceptable adverse effect on protected species, and he further concluded that it thus would not conflict with CS Policy CS17.

#### *BREEAM Sustainability Assessment*

The application is at outline stage with appearance to be considered at a later date. Much of the design therefore still has to be submitted to the Council, and it is at this later stage that BREEAM requirements should be considered in accordance with CS Policy CS15. In the Inspector's view, should he allow the appeal, any BREEAM requirements could be satisfied by the imposition of an appropriate condition, to be discharged before work commences on site.

The Inspector therefore concluded that the proposal would not necessarily contravene BREEAM standards, and he further concluded that it thus would not conflict with CS Policy CS15.

#### *Other Matters*

The east facing elevations of the proposed building would face the adjoining residential property, Merricot, including its main entrance elevation and rear garden. The illustrative elevations provided with the application do not however show any first floor windows on the nearest part of the east facing elevations. Moreover, the other east facing elevations would be set further back from the boundary of Merricot, leaving sufficient separation to avoid any harmful loss of privacy to the occupiers of Merricot. The Inspector was therefore satisfied that there would not necessarily be any harmful effect on the living conditions of the occupiers of Merricot as a result of the proposal in this regard.

The garden area around the proposed building would not be likely to have any more intensive use than could be the case with the existing residential property. The proposed parking and manoeuvring areas would be generally situated between the building and the surrounding roads with the exception of the northern boundary of the appeal site. Here, some parking spaces would be situated near the boundary with No. 139 Andover Road. The location of these spaces would however be similar to those for the existing house, which were in use at the time of his site visit, and its garage. Moreover, the proposed spaces would be the furthest from the main entrance to the care home and would thus likely to be the least used. In view of all of the above points, the Inspector was satisfied that the proposal would not have an unacceptable impact on nearby occupiers in relation to privacy, noise or disturbance.

The appellant has provided a swept path analysis for larger vehicles within the site, and there has been no objection from the highway authority in this regard. On this basis, he was satisfied that sufficient space has been made available for this purpose

The Inspector understood that some revisions may have to be made to the internal layout provided with the outline application. Such matters are covered in more detail under other statutes outside of the planning application but, if any changes to the outline proposal are required, then they could be dealt with in the usual manner under the planning regime. Changes may also have an effect on the illustrative elevations provided with this application, but these are to be considered at a future time following any detailed application for matters of appearance.

The Inspector recognised that access to local facilities from the care home could be described as limited. The home would however be situated in a generally sustainable suburban location in terms of travel distances. Any deficiencies in the accessibility of local services from the appeal site would not therefore weigh against the proposal.

The Inspector's attention had been drawn to another proposed care home in the locality. The Council has not raised any land use planning issues in relation to the proposal, and need or viability is not an issue in this case and he had therefore considered the proposal as submitted, notwithstanding the location of the other proposal.

It has been suggested that a covenant exists on the appeal site which would prohibit the proposed development. This is however a matter for those legally involved in the land concerned and is not a matter for this appeal.

#### *Conditions*

The Inspector considered that conditions would be necessary in relation to tree protection, landscaping, fencing, floor levels and spoil use or disposal to protect the character and appearance of the surrounding area. Conditions would be required in respect of a noise scheme, a construction method statement, construction hours, obscured glazing and land use to protect the living conditions of nearby occupiers. It would be necessary to impose conditions in relation to the intended footway, parking and turning areas and a visibility splay in the interests of highway safety. Conditions would be required in respect of a cycle store and BREEAM standards in the interests of sustainable development.

Biodiversity interests would also need to be secured by the imposition of a condition relating to ecology. He was satisfied that it would be necessary to impose the condition to ensure that the development only proceeded with the appropriate licence and mitigation in place. He was also satisfied that there is a reasonable prospect of any necessary licence being granted. This is on the basis of public interest, there being no satisfactory alternative and that the development would not be detrimental to the maintenance of a favourable conservation status at its natural range.

It would be necessary that the development should be undertaken in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition would therefore be required to define the approved plans. He would also amend the conditions suggested by the Council in the interests of precision and enforceability. The Council has suggested a condition in respect of external materials. This would however be a matter for consideration following the submission of detailed matters in respect of appearance, and the imposition of such a condition at this stage would be unnecessary.

#### *Conclusion*

Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and the Inspector's conclusion was based on the evidence before him in terms of policy as a whole. For the reasons given above, he concluded that the appeal should be allowed.

DC

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GREENHAM 17/02461/PACOU  PINS Ref 3188399	Leat House Overbridge Square Hambridge Lane Newbury Overbridge Development Ltd	Application to determine if Prior Approval is required for the Change of Use of office (Class B1) to 24 residential dwellings.	Refused	Dismissed 4.4.18
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### Main Issue

Paragraph O.2(1) of the order provides that development under this class is permitted subject to the developer applying for a determination from the Council as to whether prior approval will be required for a number of matters, including the transport and highways impacts of the development. The Council has no objections relating to the other matters which required approval, and thus the main issue is the effect of the proposal on highway safety.

### Reasons

The background to this appeal is the grant of prior approval for a change of use under Class O of the appeal building to 10 x 1-bed flats, 14 x 2-bed flats, with 48 car parking spaces. Planning permission has been granted for the construction of an additional storey to provide 3 x 1 bed flats and 4 x 2 bed flats, with a total of 12 additional car parking spaces. These proposals accord with the Council's parking standards. It is now proposed to provide fewer car parking spaces and to use part of the site previously earmarked for parking for landscaping.

In assessing the highways impact, the Council's parking standards, being evidence-based, provide some assistance in helping to inform the likely highways consequences of the proposed level of car parking relative to the number of dwellings proposed. The National Planning Policy Framework (the Framework) is to be taken into account in determining prior approvals. Paragraph 32 says, amongst other things, that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure, and also whether safe and suitable access to the site can be achieved for all people. The Framework also indicates that it is only if transport implications are severe that permission should be refused. However, the Courts have determined that this part of paragraph 32 addresses only matters of highway capacity and congestion, and it is not concerned with highway safety.

It is proposed to provide one parking space for each of the 24 proposed flats. No spaces are to be provided for visitors. The Council's parking standards require 1.3 spaces per dwelling, leaving a shortfall of 13.5 spaces from the required standard. The standards were devised taking into account the empirical evidence of census survey data. In this ward, the 2011 census data indicates that the average level of car ownership is 1.3 spaces per dwelling. Of the flats proposed in this case, about 58% would have two bedrooms, making them more attractive to couples and families, which is likely to result in a higher level of car ownership. There is no evidence that new flats in this area would have lower car ownership rates than those sought by the parking standards, and thus the Inspector considered it likely that the amount of parking proposed would be insufficient to meet occupiers' needs.

The Council advised the Inspector about the flats built at Newbury Racecourse, a few hundred metres distant, to the south-west of the appeal site. Parking was provided at the rate of 1 space per dwelling, which complied with the Council's standards at the time. The development also benefits from measures to promote travel other than by car. Despite this, during the last year the developer has sought additional car parking space, and has implemented enforcement measures in response to parking other than in the designated parking spaces, which has been reported (by the developer) as resulting in refuse and emergency vehicles being unable to access the site. The similarities between the circumstances of this development and the appeal site reinforced the Inspector's concern that the proposal would provide insufficient parking.

The appeal site forms part of a range of office buildings which have all had approval to convert to residential use. Car parking for the appeal building and the others which are intended to be put to residential use is distributed around courtyards and a long strip on the eastern side of the complex. There is little scope for additional parking within the former office complex without the risk of causing an obstruction, in which

eventuality refuse vehicles and emergency service vehicles may not be able to obtain access, and other occupiers would be inconvenienced. The offices are currently in use as such, and the Inspector saw on his visit that there were few free parking spaces, and one car parked in the access road in an area not marked out for parking.

Outside of the complex, the nearest places to park would be on adjacent roads, Hambridge Road and Hambridge Lane. Hambridge Road is the B3421, a local distributor road, which links to the A4 road not far to the north. The Inspector saw on his visit, during mid-morning, outside peak times, that the road was fairly busy in both directions (albeit that southbound traffic came in bursts as a result of a signalised junction with the A4) and traffic was moving close to the 40 mph speed limit. He considered that parking on this road, although not restricted by yellow lines, would result in a significant obstruction and would unacceptably interfere with the free flow of traffic Hambridge Lane is a more minor road, serving a large number of industrial and commercial units. There are double yellow lines in part, and, at the time of his visit, unrestricted parts of the road were heavily parked. There were only 3 available on-street spaces within about 500m distances of the appeal site. Parking on footways was observed on some of the minor roads leading off Hambridge Lane. The scarcity of convenient on-street parking reinforced his concern that residents of the proposed flats, their visitors, and drivers making deliveries will be tempted to park in a manner which would cause an obstruction, particularly to larger vehicles, which may include emergency vehicles, or would park on footways or restricted parts of the highway. This would be especially hazardous near to the roundabout close to the appeal site at the junction of Hambridge Lane with Hambridge Road. This would not provide the safe and suitable access that the Framework seeks.

The Inspector took into account the Framework's clear steer that sustainable transport modes should be favoured, but he had not been provided with any evidence that such modes would be likely to be utilised to a degree that would result in lower levels of car ownership on this site. The Council advised him that the car parking problems experienced at the Newbury Racecourse development were in spite of a travel plan being implemented as part of the permission, and this buttresses his conclusion that insufficient car parking spaces would be provided, leading to material harm to highway safety.

The Inspector therefore found that the highways impact of the proposed development would be unacceptable and that the appeal should be dismissed.

DC

NEWBURY 16/03437/FUL	The Flat, The Nags Head 91 Bartholomew Street, Newbury Nicholas Roffe	To replace the existing unapproved fenestration with fenestration to match those approved by your conservation officer, but using a different material.	Refused	Dismissed 4.4.18
PINS Ref 3179304				

### Procedural matters

The description of the proposal is somewhat opaque, and for the avoidance of doubt, it is proposed to replace the existing unlawful UPVC windows at first and second floor levels on the front elevation of the building with UPVC windows of a different design.

A sample of the proposed first floor window was submitted to the Council. The sample is said by the Council to be consistent with the technical data submitted with the application, but there were some slight differences between it and the drawings supplied with the application, in terms of the depth of window and the omission on the drawings of the decorative horns, albeit that the Inspector noted that the appellant says that the original windows did not have horns. As the drawings are caveated with a note that says that the dimensions on the plan are indicative only, the Inspector determined the proposal on the basis of the technical data sheets and the photographs of the submitted first floor sample, which, notwithstanding the different design, he treated as also being representative of the second floor window.

### Main Issue

Whether the proposal would preserve or enhance the character or appearance of the Newbury Town Centre Conservation Area.

### Reasons

The appeal building is a two-storey terraced property, with rooms in the roofspace, used as a public house on the ground floor, with a flat above. It lies in a central part of the Newbury Town Centre Conservation Area. The building is an historic one; the appellant has not provided an assessment of the significance of the conservation area or of the appeal building, but from what the Inspector saw on his visit, the building dates from at least the early part of the 19th century, and exhibits a number of architectural features typical of the era. These include the use of Flemish bond red brick, decorative door frame, timber sash windows at ground floor level, arched brick window heads, decorative corncicing above the ground floor and eaves, and tall chimneys with stepped courses and clay pots. Advertising, including that of a now defunct brewery, on the front and side of the building provides additional historic interest.

This part of the conservation area derives its significance from the mix of buildings of various ages, heights and designs. The majority of buildings in this stretch of the road from the railway bridge to Craven Road are two or three storeys, with some exceptions. Most date from before the 20th century, but some modern infills have occurred, mostly with little design interest. The appeal building, because of its age and architectural interest, makes a positive contribution to the significance of the area.

The background to this appeal is that the windows at first floor level were replaced a few years ago with the windows that are now in place. A retrospective planning application was refused and a subsequent appeal was dismissed in 2015. The Inspector in that case found that the modern, shiny and chunky appearance of the UPVC windows harmed the visual quality of the appeal building and its contribution to the character and appearance of the Conservation Area.

The current appeal proposal arises from a proposal to replace the existing windows with ones which better replicate the appearance of the originals. The Inspector had been supplied with a photograph which showed the appearance of the building when it was for sale, in which the former windows are visible.

Whilst he appreciated that the proposed windows better replicate the pattern of the original windows, he nevertheless found that the proposed windows lack the delicacy of the various elements of the originals, and that the thick frames and cross bar and the bright uniformity of the UPVC material (even with a matte finish) would fail to replicate adequately the qualities of the original windows. They would stand out as an

inappropriate modern replacement, damaging the significance of both the building and the wider conservation area. This would result in material harm to the significance of the conservation area, albeit that in the terms of the National Planning Policy Framework (the Framework) that harm would be “less than substantial”.

The Inspector recognised that there are several buildings in Bartholomew Street which possess UPVC windows in the upper storeys, particularly on the eastern side of the street, where the appeal building lies. The appellant suggests that these have been permitted by the Council, or that they have taken no action against them. Some of them are in modern buildings, where they do not appear out of keeping. But in the case of historic buildings, the Inspector had no information about their planning history to indicate that the Council has acted inconsistently or has otherwise accepted these windows. Notwithstanding these windows, of particular importance is that there are many original upper storey windows remaining in this part of the conservation area, which contribute to the significance of the area. If this appeal were to be allowed, it would make it difficult for the Council to refuse other damaging windows.

The Inspector therefore concluded on the main issue that the proposal would fail to preserve or enhance the character or appearance of the Newbury Town Centre Conservation Area and would conflict with Policies CS 14 and CS 19 of the West Berkshire Core Strategy, which respectively deal with design principles, one of which is to conserve and enhance the historic and cultural assets of the district, and the historic environment and landscape character.

#### **Other matters**

The Framework says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this case the public benefits are very limited. The new windows would be more energy efficient, and there would be some very small public benefit in helping to reduce the emission of greenhouse gases. There would also be some private benefits for the occupiers, providing a warmer flat and reducing traffic and other noise. However, the windows proposed are the only means of securing such benefits. It is possible to install double glazed timber sliding sash windows, or to provide secondary glazing. He had also taken into account the benefits of meeting modern requirements for means of escape. However, bearing in mind the great weight which is required to be given to the protection of conservation areas, the Inspector found that even cumulatively, the benefits of the proposal did not outweigh the harm that he had found.

#### **Conclusion**

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

DC