

Notice of Meeting



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Western Area

Planning Committee

Wednesday 21 November 2018 at 6.30pm

**in the Council Chamber Council Offices
Market Street Newbury**

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Further information for members of the public

Note: 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. **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

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

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

Date of despatch of Agenda: Tuesday, 13 November 2018



Agenda - Western Area Planning Committee to be held on Wednesday, 21 November 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 Jeremy Bartlett, Jeanette Clifford, Mike Johnston and Gordon Lundie
-

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 7 - 24
To approve as a correct record the Minutes of the meeting of this Committee held on 31 October 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: 18/01441/HOUSE - West Woodhay** 25 - 42
- Proposal:** Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.
- Location:** Hayward Green Farm, West Woodhay, Newbury, Berkshire
- Applicant:** Mr Charles Brown
- Recommendation:** **The Head of Development and Planning be authorised to GRANT planning permission.**



Agenda - Western Area Planning Committee to be held on Wednesday, 21 November 2018 (continued)

- (2) **Application No. and Parish: 18/01864/HOUSE - Cold Ash** 43 - 56
Proposal: Proposed first floor extension to current bungalow and associated alterations, new sauna. Render entire property. Widen existing access.
Location: Glendale Manor, Collaroy Road, Cold Ash
Applicant: Mr and Mrs Hammond
Recommendation: **The Head of Development and Planning be authorised to GRANT planning permission subject to conditions.**
- (3) **Application No. and Parish: 18/02595/HOUSE - Welford** 57 - 64
Proposal: Two storey rear extension.
Location: Cobb Cottage, Lambourn Road, Weston, Newbury
Applicant: Martyne Ellard
Recommendation: **The Head of Development and Planning be authorised to GRANT planning permission.**

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 65 - 74
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.

Background Papers

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

Andy Day
Head of Strategic Support

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



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DRAFT

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 31 OCTOBER 2018

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

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

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth and Councillor Paul Hewer

PART I

24. Minutes

The Minutes of the meeting held on 10 October 2018 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

Page 5: Councillor Billy Drummond had sent his apologies in advance of the meeting and therefore, he was not 'absent'.

Page 9: The last sentence in paragraph 36 should read 'blue line' and not 'red line'.

Page 11: The first line in paragraph 8 should read 'paddocks and stables'.

25. Declarations of Interest

Councillors Jeff Beck, Adrian Edwards and Anthony Pick 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.

26. Schedule of Planning Applications

(1) Application No. and Parish: 18/01657/COND1 - Cold Ash Parish Council

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/01657/COND1 in respect of land adjacent to Summerfield, the Ridge, Cold Ash.
2. Derek Carnegie introduced the report and update sheet to Members. He highlighted that there was an unusual situation with the application, as it would require a split decision because the detail was not available for two of the conditions and they could not be discharged. These were Condition 4 (materials) and Condition 12 (cycle storage). Officers were dissatisfied with the situation but as the application had received 47 objections, officers in the Legal Service had advised it should be brought to Committee. He therefore asked Members how they would like

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to deal with the application as they did not have the detail they required, which would have been set out in the reserved matters.

3. The Chairman then asked the Committee if they were able to approve the application before them.
4. Councillor Paul Bryant agreed that it was an unusual and unacceptable situation and he proposed that the matter should be deferred until the reserved matters had been agreed. The proposal was seconded by Councillor Hilary Cole.
5. Councillor Garth Simpson commented that the Parish Council had a major concern with Condition 11. The Chairman responded by advising that if the Committee was in favour of the proposal to defer, it would not be possible for the speakers to address the Committee. Councillor Simpson enquired whether this meant the conditions would be agreed at the same time as the reserved matters. Derek Carnegie confirmed that this would be the case and they would both come back to the Committee at the same time.
6. Councillor Hilary Cole noted that the Committee had never looked at a discharge of conditions and added she could understand residents' confusion, as they had not been provided with all the information on the application. She asked if the Council's Legal Service could look at the Constitution and decide what matters could and could not be taken to Committee to avoid a similar situation occurring.
7. Councillor Anthony Pick pointed out there was no information in the report on landscaping and the Chairman advised that this would be addressed in the reserved matters.
8. Councillor Jeff Beck noted it was a hopeless situation with Members being asked to make a split decision.
9. Councillor James Cole stated he agreed with the proposal but he had been confused at the site meeting, as the plan had shown a small access and he would like this clarified. Councillor Clive Hooker advised he had already passed this request on.
10. Councillor Adrian Edwards noted it was possible for the Committee to vote on some of the conditions.
11. Councillor Simpson pointed out that the residents who had attended the site meeting had been told the application would be considered at this meeting. Councillor Hooker replied that it was necessary to attend the site meeting as it would not have been possible to advise residents that it was not taking place.
12. The Chairman invited the Committee to vote on the proposal of Councillor Bryant, as seconded by Councillor Hilary Cole, to defer the application until the reserved matters had been agreed. At the vote the motion was carried. Councillor Edwards voted against the proposal.

RESOLVED that the Head of Development and Planning be authorised to defer the application until the reserved matters had been agreed.

27. **Application No. and Parish: 18/01914/HOUSE - Hampstead Norreys Parish Council**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/01914/HOUSE in respect of Cherry Hinton, Newbury Hill, Hampstead Norreys.

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2. In accordance with the Council's Constitution, David Barlow, Parish Council representative, Theresa Fleetwood, objector, Lee Clark, applicant and Councillor Virginia von Celsing, Ward Member, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which had been called in to the Committee by Councillor von Celsing and it had received more than ten letters of objection. He explained there had been a detailed discussion on this application at a previous meeting following the site visit, but as there had been confusion with the drawings, it had been deferred to this meeting.
4. Officers had been recommending approval of the application. However, the appeal decision relating to an earlier application had been received after the agenda papers had been circulated and, as detailed in the Update Report, it had been dismissed. As a result, officers were now recommending refusal of the application, as they did not consider the concerns raised by the Planning Inspector had been overcome.
5. The Chairman advised that the application should be considered by the Committee regardless of the change in recommendation.
6. Councillor Barlow in addressing the Committee raised the following points:
 - There had been a significant number of objections to the application.
 - Cherry Hinton had been built in 1962 and it did not enhance the conservation area as the other properties in the vicinity had been built around 1910.
 - The Parish Council did not consider that the application was appropriate for the area.
 - The drawings contained misrepresentations and it was difficult to appreciate the reality of the proposed extension without visiting the site.
 - It would result in substantial overshadowing of 1 Church Street and if approval was granted, their court-yard would become prison-like.
 - The Parish Council had objected unanimously to the application.
 - Policy CS14 required new developments to be of a high standard and to be appropriate to the neighbourhood, which this was not.
 - The impact of the extension would be exacerbated by the difference in ground levels between Cherry Hinton and 1 Church Street. The Planning Inspector had agreed with this and the appeal decision stated that the living conditions at 1 Church Street would be negatively impacted.
7. Councillor Anthony Pick noted that certain modifications had been made to the application and asked if these changes altered the Parish Council's view. Councillor Barlow replied that it did not and added that the main issue was the close proximity of the extension to 1 Church Street.
8. Mrs Fleetwood in addressing the Committee raised the following points:
 - She had lived at 1 Church Street for 12 years and had expected some improvements after the previous occupant had died, but the significant changes proposed by the applicant had been a shock.
 - The revised plans did very little to address her earlier concerns.
 - The light levels at the rear of her property would be significantly reduced and the kitchen would never receive any sun-light again.

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- There was only one foot between the two properties at the end wall.
 - Cherry Hinton had been built on ground 4 feet higher than 1 Church Street so the extension would be very overbearing, particularly to their court-yard which was only 15 feet x 25 feet in size.
 - It would also create a very dark alleyway from the driveway.
 - Suggestions had been made to the applicant about improvements to Cherry Hinton but they had not been considered.
9. Members did not have any questions of clarification for Mrs Fleetwood.
10. Mr Clark in addressing the Committee raised the following points:
- He was the owner of Cherry Hinton.
 - He clarified that the appeal decision related to the earlier application, which the Committee had refused and not the revised one before them.
 - In the second set of plans submitted, they had removed all the windows from the back of the extension and reduced its overall size.
 - The gap between the walkway at 1 Church Street and his garage was 1.5 metres.
 - The difference in height was 2.5 feet and not 4 feet.
 - He had discussed the revised plans with Mrs Fleetwood and she had acknowledged that they were an improvement but had said she would be objecting regardless of any modifications.
11. Councillor Anthony Pick asked how high the wall would be and Mr Barlow advised it would be 24 feet.
12. Councillor Virginia von Celsing, speaking as Ward Member, raised the following points:
- The amendments made by the applicant did not change the policy considerations and the extension would still be inappropriate and very overbearing.
 - 1 Church Street would have a high wall overlooking it, as would the walkway. Consequently they would not receive any afternoon sun.
 - Many of the points made by the Planning Inspector in relation to the earlier application were still relevant with this one.
13. Members did not have any questions of clarification for Councillor von Celsing.
14. In considering the above application Councillor Pick noted that the Planning Inspector had said the 28 feet wall would be overbearing. As it had only been reduced by 4 feet in this application, he considered it would still be overbearing and he proposed that it was rejected. This proposal was seconded by Councillor Paul Bryant who added that he had detected unhappiness from Members during the site meeting and was pleased they had had sight of the Appeal Decision prior to this meeting.
15. The Chairman invited the Committee to vote on the proposal of Councillor Pick, as seconded by Councillor Bryant, to accept the officer's recommendation and refuse planning permission. At the vote the motion was carried unanimously.

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

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- The proposal would result in an unacceptable impact on the living conditions of neighbouring residents, contrary to Core Strategy policies CS14 and CS19 and the SPG.

28. **Application No. and Parish: 18/02019/COMIND - Newbury Town Council**

(Councillor Jeff Beck declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a Member of Newbury Town Council and was present at the meeting when the application was discussed. In addition, he was Chairman of the Lambourn Renewal Project, which effected a section of the river near the application site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Adrian Edwards and Anthony Pick declared a personal interest in Agenda Item 4(3) by virtue of the fact that they were Members of Newbury Town Council. 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 18/0219/COMIND in respect of Newbury Manor Hotel, London Road, Newbury.
2. In accordance with the Council's Constitution, Peter Harvey-Di Gioia and Edward Sharp, objectors, Gavin Cooper, applicant and Councillor Jeff Beck, Ward Member, addressed the Committee on this application.
3. Matthew Shepherd introduced the report to Members, which had been called in to the Committee by Councillor Beck due to concerns about the impact on the neighbouring amenity. The application took account of all the relevant policy and other material considerations and Matthew Shepherd drew the Committee's attention to the amended recommendation. This was to approve the application subject to no objections from the Environment Agency. He concluded that the proposals were acceptable and therefore, on balance, Officers recommended the Committee should grant planning permission.
4. The Chairman invited Paul Goddard to comment on the traffic implications. He advised that they should be minimal and the reduction in parking spaces from 129 to 121 should provide sufficient parking on the site.
5. Mr Harvey-Di Gioia and Mr Sharp in addressing the Committee raised the following points:
 - They were representing neighbours from the flats and houses that were closest to the hotel.
 - They had received a letter on 4 October 2018 from the applicant stating that he was keen to work with them, but this was only a short time before the deadline for submitting objections. Consequently there was only a very limited amount of time for this.
 - Their main concerns were about noise from the site and loss of privacy from the boundary.
 - They were not happy with the opening times as the noise from guests in the car park at the end of the evening would be intrusive and no mention had been made of this.
 - They had been trying unsuccessfully to obtain answers to questions about what would be retained and removed from the boundary.

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- The applicant's ecology report stated there was no evidence of water voles or bat roosts, however they had provided evidence to the contrary.
 - They questioned whether policy OBS5 had been taken into account with the proposed siting of the restaurant.
 - They would like to work with the applicant as although progress had been made with this application, there was still more to do.
6. Councillor Anthony Pick queried whether it was the depth or width they had been referring to in relation to the boundary size. Mr Sharp replied that the width of the boundary was 2.5 metres in some places and 5 metres in others from top down.
 7. Councillor Pick further queried whether there had been any disturbance under the previous management. Mr Harvey Di-Gioia responded that the previous hotel had been very different but it had been possible to hear people talking in the grounds, and they were concerned about noise from the restaurant as it would be close to their homes.
 8. Councillor Paul Bryant asked if the measurements for the boundary strip included the roots and the tree trunks. Mr Sharp replied that he was not sure.
 9. Councillor Bryant further enquired about the relevance of policy OVS5 and Mr Sharp responded that it related to permitting development where it would not give rise to pollution. Councillor Bryant therefore suggested that perhaps the restaurant was not being located in the least environmentally sensitive part of the site.
 10. Councillor Clive Hooker commented that the tree Mr Sharp had measured during the site visit was now in the planting plan and consequently it had now been accommodated.
 11. Councillor Jeff Beck asked whether they had any concerns about the potential visual appearance of the air extractor unit on top of the building and Mr Sharp explained they would only see the slanted roof of the closest part.
 12. Mr Cooper in addressing the Committee raised the following points:
 - The main issue that remained was the impact on the neighbouring amenity. However as the site was adjacent to the noisy A4, planning officers had considered the impact would be minimised.
 - They had put measures in place to minimise the impact from the condensers and carried out work on the boundary strips.
 - All the noise impact assessments were based on there not being any landscaping so this would reduce the impact.
 - He had bought the hotel four years ago and it would generate significant benefits to the local community.
 - He also owned the Great House at Sonning where the restaurant was integral to the running of the hotel and employed 25 people.
 - The restaurant would serve the neighbourhood and in Sonning the regulars were close neighbours, so he wanted to work with the neighbours here too.
 - Unfortunately the planning process had taken a long time and it was not in their interest to alienate the neighbours.
 - They were trying to address the neighbours' concerns and he apologised if it appeared they had not consulted with them.

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13. Councillor Bryant asked if the planting strip of 2.5 metres was part of the canopy or for planting. Mr Cooper replied that they would retain all the trees in the area, some of which would be overhanging and additional ones would be planted to strengthen the boundary.
14. Councillor James Cole enquired about the coppiced Beech tree. Mr Cooper explained as it was less than 50mm from the boundary, it would fall within the 2.5 metre buffer strip and would be retained. Councillor Cole further enquired whether it would be chopped back to 2.5 metres and Mr Cooper advised that there would be some management but it would be retained and would be significant.
15. Councillor Anthony Pick asked what reassurances Mr Cooper could give about alleviating the noise generated by people where leaving the site in the evening. Mr Cooper replied that any noise would be covered by the licence and would be managed on a day to day basis.
16. Councillor Beck enquired whether he was satisfied that the condensers on the roof would be sufficiently shielded from the neighbours. He responded that they would be shielded by the significant boundary and hidden by two gables on the building.
17. Councillor Beck further enquired if Mr Cooper would be prepared to accept a condition requiring notices to be put up in the car park requesting guests to leave quietly and he said he would.
18. Councillor Beck, in addressing the Committee as Ward Member, raised the following points:
 - He had known the site for many years and remembered when it was a home and the occupants had held summer parties in the grounds.
 - He was also involved with Fish Pass and it concerned him was that there had been no mention of the River Bar, as it was outside the red line but was part of the estate and was a successful operation.
 - Highways officers had recommended two electrical charging points to be installed in the car park but he considered that this was not sufficient.
 - He felt that the amended application was an improvement and he understood the concerns of the residents in Two Rivers Way, but he was confident that there would be safeguards.
19. Councillor Bryant asked what Councillor Beck had meant by his reference to the River Bar and he responded that it would bring a large clientele and he was unsure whether this had been taken into account in the highways calculations.
20. Councillor Bryant also asked how many charging points he considered were required, as an amendment could be inserted, however Councillor Beck replied that he did not know.
21. In seeking clarification from officers, Councillor Bryant asked what their thinking was on the point made by the objectors about Policy OVS5 and the siting of the restaurant. Matthew Shepherd advised that they had consulted with officers in Environmental Health who did not consider it to be an unacceptable location. Councillor Bryant further enquired if this meant it was an acceptable location but not necessarily the best one, to which Matthew Shepherd conceded that he could not comment on any other locations as they had not been assessed.
22. Councillor Virginia von Celsing asked if electrical charging points were a planning consideration and she was told they were not.

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23. Councillor Hilary Cole queried the statement in the Update Report where it stated the trees on the boundary did not fall into the survey criteria as required under BS5837. Matthew Shepherd advised it was the standard used by arborists.
24. Councillor Anthony Pick queried the section under the heading of car parking on page 37 of the report and asked what it referred to. Matthew Shepherd replied he believed it related to the previous hotel and was probably an error in the report text, as it had been approved.
25. Councillor Pick went on to note that although the noise generated by the restaurant and the condenser unit had been addressed, the noise from guests leaving the car park in the evening had not been. Matthew Shepherd referred him to point 6.7 on page 47 of the report, which stated this had been assessed by Environmental Health through the relevant Noise Impact Assessment and they were content with the modelling used and level of noise.
26. Councillor Pick further asked if a condition could be included stating that the applicant would ask guests to keep noise to a minimum when leaving at night. However Matthew Shepherd advised that this was a licensing matter and not a planning consideration.
27. Councillor Jeff Beck referred to point 6 on page 37 of the report where it stated 'The highway recommendation was for conditional approval as set out in my email response' and he requested that the date of the email was added.
28. Councillor Beck then referred to the top of page 40 where it stated 'I recommend the following conditions' but it did not state what they were. Matthew Shepherd confirmed that they were conditions 11-20.
29. Councillor Beck further referred to the Tree Officer's recommendation on page 42 where it stated 'I raise no objections to this development subject to the following conditions' but it did not state what they were. Matthew Shepherd confirmed they were conditions 22-25.
30. Councillor Beck raised the fact that on page 42 it stated 'Thames Water recommended the following informative be attached' but it had not been. Derek Carnegie confirmed that this would be added.
31. Finally, Councillor Beck expressed concern about the lack of attention to the existence of water voles, as they should be protected. Matthew Shepherd advised this had been referred to the Ecologist and their response was provided on page 40. He also assured Councillor Beck that the issue was covered by condition four.
32. Councillor James Cole asked for clarification on the retention of the trees and Matthew Shepherd confirmed that they would be retained although they might be subject to some control, which would be the same for any site.
33. Councillor Beck enquired whether account had been taken of the potential traffic flow resulting from activity on the River Bar. Paul Goddard advised that as the main use of the river would be outside the busy hotel periods, it would not have any significant impact. However Councillor Beck was concerned that the use of the river could coincide with busy periods for the hotel and reiterated that this should be taken into account, but Paul Goddard advised that it had not been. Councillor Beck then asked whether the river could be reinstated without the need for a planning application, and Derek Carnegie advised it was not possible to refuse this application on account of speculation regarding River Bar usage.
34. In considering the above application Councillor Bryant noted his sadness at seeing the premises unused and therefore, it would be of benefit to Newbury to have it in

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use again. He also observed they had received assurances on all the issues that Members had expressed concerns about with the last application, which included motorcycle parking, noise and the condensers. As a result, he proposed that Members accepted the officer's recommendation to approve the application.

35. This was seconded by Councillor Hilary Cole who also remarked that the applicant had taken great steps to counter the concerns expressed by neighbouring residents about noise. However she would still like a sound woodland management plan to be drafted to ensure the rural part of the site was maintained.
36. Councillor James Cole endorsed Councillor Hilary Cole's views and added that it was to the applicant's advantage to do so.
37. Councillor Pick noted that further hotel capacity was required in Newbury although he was not so sure about the need for the additional restaurant capacity.
38. Councillor Edwards questioned the process that had prevented him from asking the objectors whether they were satisfied with the revised motorcycle parking because they had not mentioned it in their presentation. He asked if he could have an answer in relation to this and Councillor Hilary Cole suggested that this could be clarified at the Member training session being held the following week.
39. Councillor James Cole requested that the drafting of a policy on electrical charging points was considered to assist them with their decision making. Derek Carnegie pointed out that this was not currently a planning consideration and Councillor Cole added that this was precisely his point.
40. The Chairman invited the Committee to vote on the proposal from Councillor Bryant, as seconded by Councillor Hilary Cole, to approve the application. At the vote, the motion was carried with eight Members voting in favour of the application, whilst Councillor Beck abstained.

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

Conditions

1. Full planning permission time limit

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

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

2. Approved Plans

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

- Drawing title "Proposed Restaurant Elevations- Sheet 1". Drawing number RP.05. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Elevations- Sheet 2". Drawing number RP.06. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Sections". Drawing number RP.07. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Ground Floor Plan". Drawing number RP.02 A. Date stamped 14th August 2018.

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- Drawing title "Proposed Restaurant First Floor Plan". Drawing number RP.03 Rev A. Date stamped 15th October 2018.
- Drawing title "Proposed Restaurant Roof Plan". Drawing number RP.04. Rev A Date stamped 15th October 2018.
- Drawing title "Landscaping planting Plan". Drawing number 149/PA/PP/00/01 Rev E. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Site Plan". Drawing number RP.01. Date stamped 14th August 2018.
- Drawing title "Proposed Restaurant Location Plan". Drawing number RL.01 A. Date stamped 14th August 2018
- Drawing title "Proposed Restaurant Block Plan". Drawing number RB.01. Date stamped 14th August 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-01. Date stamped 14th August 2018.
- Drawing title "Kitchen Ventilation". Drawing number CCN-02. Date stamped 14th August 2018.

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

3. Schedule of materials (optional samples)

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) AND Supplementary Planning Document Quality Design (June 2006).

4. Submission of Construction Ecology Management Plan

No development shall take place until a Construction Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. Natural England shall be consulted upon the details submitted in the interest of the AC/SSSI. 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

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- (h) Measures to ensure no sediment or polluted runoff enters the river when undertaking activities such as wheel washing, refuelling of machinery, storing materials etc.
- (i) Measure to ensure best practice and Environmental standards will be adhered to where practically possible
- (J) 8m buffer zone from the river Lambourn prior to work by both visual and physical means to prevent any inadvertent impact on water voles. The buffer zone will be maintained as an undisturbed riparian corridor

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety and the safeguarding of the SAC/SSSI. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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).

5. Condition Environments Agency

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- Details of how the existing river corridor will be protected during the construction period. The river corridor and associated habitats should be clearly identified and marked out. Access by construction vehicles and storage of materials shall not be permitted in this area.
- The existing river habitat and that of the large pool area adjacent to the old restaurant on site are currently has very poor marginal habitat with limited growth of marginal plants and much of the bank is made up with hard revetment such as
- End 2 wooden sleepers. The management plan should include the improvement of these marginal habitats including the replacement of hard revetment with a more natural option. The suitable management of these habitats should be agreed, including leaving significant 'un-mown' areas adjacent to the river.
- The ecological management should include provision for the sensitive management of the fish passes which allow movement of fish from the River Kennet and into the River Lambourn SAC can become much less efficient without proper management

Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is placed in accordance with National Planning Policy Framework (NPPF), paragraph 109 and 118 and in line with CS 17 of the West Berkshire Core Strategy (2006-2026).

6. SUDS Pre condition

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:

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- (a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- (b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- (c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- (e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- (f) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- (g) Include elevated floors with voids underneath for flood storage to minimise the loss of flood storage capacity. Arches shall be fitted with grills to prevent access under the building by children or animals, or for storage of materials which would remove flood storage volume;
- (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.
- (n) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- (o) This will also include specific measures to ensure the protection of the River Lambourn SSSI and SAC from the SuDS system.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the building(s) hereby permitted is occupied. 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.

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

The development shall not be brought into use 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.

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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 (2018), 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).

8. HIGH19 – Motor Cycle and Cycle parking (YHA35) - variation

The development shall not be brought into use until the motor cycle and cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of motor cycles and cycles at all times.

Reason: To ensure the development reduces assists with the parking, storage and security of cycles and motor cycles. This condition is imposed in accordance with the National Planning Policy Framework (2018), 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).

9. HIGH19 – Electric Car Charging Point

The development shall not be brought into use until a parking space is installed with at least a single charging point with a minimum of two sockets to enable two vehicles to be charged at any one time with electricity.

Reason: To promote the use of sustainable travel methods. The provision of charging points is supported by paragraph 35 of the NPPF, which states that developments should be *'designed where practical to incorporate facilities for charging and plug-in and other ultra-low emission vehicles'*. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Public Foul Drainage System

The development shall not be brought into use until it has been connected to the public foul drainage system and that foul water will not be dealt with through a package treatment plant or septic tank.

Reasons: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is placed in accordance with National Planning Policy Framework (NPPF), paragraph 109 and 118 and in line with CS 17 of the West Berkshire Core Strategy (2006-2026).

11. Plant and machinery noise

Noise resulting from the use of plant, machinery and other equipment shall not at any time exceed a level of 5dB(A) below the prevailing background sound level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014, at the boundary of the application site at a point closest to residential

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dwelling in Two Rivers Way. Further assessment of the prevailing day time and night time background sound levels will be required to ensure compliance with this condition.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (March 2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

12. Plant and machinery maintenance and operating times

All extraction plant, machinery and/or equipment installed externally on the development shall be regularly maintained and, except for refrigeration plant, be switched off when the restaurant is not operating.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007)

13. Acoustic fencing

Acoustic fencing shall be installed in accordance with drawing "Proposed Restaurant Ground Floor Plan Drawing Ref RP.02 A" to the area adjoining the external seat area to the east and around the proposed plant compound on the eastern facade

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

14. Noise from waste and bottle disposal

Before the use hereby approved commences the applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of waste and bottle disposal associated with the development on neighbouring amenity. This will include information regarding the 'glass buster' referred to in Cole Jarman Noise Impact Assessment Report 16/0017/RO1// Revision 07. The use 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 protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007)

15. Hours of deliveries

No deliveries shall be taken at or despatched from the site outside the following hours:

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9:00 to 18:00 Mondays to Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2018) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

16. Hours of use (restaurants etc.)

The use hereby permitted shall not be open to customers outside the following hours:

07:00:00 to 23:00:00 Mondays to Fridays;
07:00:00 to 23:00:00 Saturdays;
07:30:00 to 22:00:00 Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is applied in accordance with The National Planning Policy Framework (March 2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

17. Hours of music

No amplified sound shall be played in the restaurant other than background music. No speakers shall be installed or used within or immediately adjacent to the outside seating area.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. The submitted Noise Impact Assessment Cole Jarman Noise Impact Assessment Report 16/0017/RO1// Revision 07 does not include music levels in its assessment. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

18. Hours of work (construction)

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

8:00a.m. 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 applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

19. Odour from extract systems.

Before the use hereby approved commences the applicant shall submit to the Local Planning Authority a scheme of works or such other steps as may be necessary to

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minimise the effects of odour from the preparation of food associated with the development. The approved use shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works. The extraction system including odour prevention measures shall be retained and maintained for the duration of the permitted development

Reason: In the interests of the amenities of neighbouring occupier. To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with The National Planning Policy Framework (2018), CS14 of the West Berkshire Core Strategy (2006-2026) and OVS5. And OVS6. Of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

20. Lighting strategy

No external lighting shall be installed on the development hereby permitted until a detailed Lighting Strategy has been submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall ensure that any lighting limits the impact on bats and avoid light spillage along the River Lambourn to avoid potential impact on otters. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of Bat and Otter species among other species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

21. Mitigation (implement)

Prior to the commencement of the use of the building Two Ibstock Swift Box, Schwegler Swift Box Type 25 or the Schwegler Swift Box Type 16 are provided on the exterior of the new building AND shall thereafter be retained and maintained.

Reason: To ensure the protection of Bats, Otters and other species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

22. Tree Protection (scheme submitted)

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 Arboricultural Plan ref no: ARB/3519/Y/500. 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.

23. Arboricultural supervision condition

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No development shall take place (including site clearance and any other preparatory works) until the applicant has secured with the implementation of an arboricultural watching brief in accordance with written scheme of site monitoring within the Arboricultural Report, 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.

24. Tree Protection (scheme submitted)

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 Arboricultural Plan ref no: ARB/3519/Y/600. 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.

25. Landscaping implementation

The approved landscaping plan 149/LA/PP/00/01 rev E dated July 2018 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

Informatives

No objections, some need for revision

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 which improves the economic, social and environmental conditions of the area.

River Lambourn SSSI and SAC Site

The River Lambourn, designated a SSSI and SAC, is a sensitive environmental receptor. We advise the applicant that they refer to the current guidance on pollution prevention to protect this site. Please see: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

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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.

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.

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.

Ecology Advisory

The brash and log pile is dismantled and removed by hand. This should be undertaken outside the hibernation period for grass snakes, avoiding the period October to March inclusive. Any snakes encountered should be removed by hand to safety. Suitable habitats occur immediately to the east of the site are suitable for the species and any reptiles encountered can be placed within this habitat, along the River Lambourn. It is recommended that log piles are retained within the site, within discrete areas of the garden. New log piles could be created from the felled trees.

(The meeting commenced at 6.30pm and closed at 8.25pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	18/01441/HOUSE West Woodhay Parish Council	8 th August 2018 E.O.T 21 st September 2018 No further EOT has been requested	Hayward Green Farm, West Woodhay, Newbury, Berkshire Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage. Mr. Charles Brown

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=118/01441/HOUSE>

Ward Member(s):

Councillor A.G.R. Stansfeld
Councillor James Cole

Reason for Committee determination:

The Council has received more than 10 letters of objection.

Committee Site Visit:

15th November 2018

Recommendation.

The Head of Development and Planning be authorised to GRANT planning permission.

Contact Officer Details

Name: Mr. Matthew Shepherd
Job Title: Senior Planning Officer
Tel No: (01635) 519111
E-mail Address: Matthew.Shepherd@westberks.gov.uk

1. Recent Relevant Site History

- 1.1. 03/01329/FUL. Change of use of premises to mixed use of agricultural and stud farm, erection of an American Barn with 14 loose boxes and provision of a manege. Refused 18.09.2003
- 1.2. 04/00183/FUL. Change of use to mixed agricultural and equestrian use, erection of stables, barn, manege, lunge ring and retention of existing residential use of former egg store. Withdrawn 08.09.2004.
- 1.3. 04/02307/FUL. Change of use to agricultural / equestrian use, erection of stables manege and retention of existing residential use of former egg store. Approved 14.07.2005.
- 1.4. 06/01664/FUL. Replacement dwelling and stables. Withdrawn 07.09.2006.
- 1.5. 09/01887/FUL. Section 73 - Relaxation of Condition 7 - Existing agricultural and equine occupancy condition which cannot be complied with. Withdrawn 22.12.2009.
- 1.6. 09/02221/MDOPO. Modification of the obligation of approved application 04/02307/FUL. Withdrawn 23.12.2009.
- 1.7. 10/02100/FUL. Replacement of garden store/general purpose building to provide secure storage for machinery. Approved 14.10.2010.
- 1.8. 12/00408/CERTE. Use of the dwelling for occupancy. Approved 26.04.2012.
- 1.9. 12/02892/FUL Replacement dwelling and garage block. Approved 05.05 2013
- 1.10. 13/01560/COND1 Condition discharge details for permission ref 12102892/FUL- - Replacement dwelling and garage block. Approved 10.09.2013.
- 1.11. 13/01949/FUL Replacement dwelling (alternative) approved 27.09.2013
- 1.12. 13/03171/COND1- Application for approval of details reserved by Conditions 2 - Materials, 3 - Construction Method Statement, 4 - Landscaping, 5 - Tree Protection, 6 - Arb Report and Condition 7 - Spoil disposal statement of approved application – 13/01949/FUL - Replacement dwelling. Approved 14.03.2014
- 1.13. 13/02986/NONMAT Non Material amendment to planning permission 13/01949/FUL - Replacement dwelling - (Amendment) 2 no. additional dormers and adjustments to roof over bay projection. Refused 06.01.2014
- 1.14. 14/00590/FUL Replacement dwelling. Approved 27.05.2014
- 1.15. 14/02479/FUL Section 73: Variation of Condition 2 - Materials of planning permission reference 14/00590/FUL (Replacement dwelling). To allow use of Portland stone instead of lime render. Approved 21.11.2014
- 1.16. 14/03407/FUL Removal or variation of Condition 2 - Materials as specified in approved reference 14/00590/FUL (Replacement dwelling). Approved 18.02.2015
- 1.17. 15/00673/FUL Relocate Existing Drive. Approved 08.06.2015
- 1.18. 15/01729/FUL Section 73a - Variation of Condition 2 - Materials of approved reference 14/00590/FUL - Replacement dwelling. Approved 01.09.2015.

- 1.19. 15/01980/COND1 Details reserved by Conditions 4: Tree protection, 5: Arboricultural Method statement, 6: Landscaping, of planning permission 15/00673/FUL: Relocate existing drive. Approved 19.08.2015.
- 1.20. 15/03435/HOUSE Landscape scheme for new dwelling. Approved 18.03.2016.
- 1.21. 16/00193/COND1 Details reserved by Conditions (4) - Tree protection scheme and (5) - Arboricultural Method Statement of approved planning permission 14/00590/FUL. Approved 20.4.2016.
- 1.22. 16/02789/FUL Change of use from incidental to ancillary residential, together with inclusion within the curtilage (if required). Refused 10.01.2017.
- 1.23. Full planning history available on file.

2. Publicity of Application

- 2.1. This application was advertised by way of Site Notice placed on construction site boards adjacent to the entrance of the site which expired on 1st August 2018.
- 2.2. During the course of the application the red line of the application site was reduced to that of the previously accepted residential red line curtilage. Notification for information as sent out to the Parish and objectors.

3. Consultations and Representations

Consultations

West Woodhay Parish Meeting.	<p>West Woodhay Parish Meeting wishes to object to application 18/01441/House on the following grounds :</p> <ol style="list-style-type: none"> 1. The erection of the West Pavilion would be seen as gross overdevelopment of the site within the AONB. We do not believe there is any justification or requirement for additional buildings on this site. In particular: <ul style="list-style-type: none"> - The demolition of the garden store would not be acceptable justification to erect such a substantial and visible structure, which will be used for accommodation. This will effectively be another dwelling on the site which will be illuminated at night time, creating further light pollution and additional traffic on our country lanes. - the external alterations to the Eastern Pavilion providing roof lights, would also convert this building into a dwelling, further increasing the light pollution and additional traffic on our quite country lanes. - Previous application (10/02100) on this site from the owners in 2010, under the house name “Haywood Green Farm”, was granted on the grounds that a barn would be demolished. This still stands today and concerns us, as it shows that the applicants do not always comply with the plans they submit. 2. The application states that they would use “discrete external lighting”. We do not have any faith in this statement as the existing house and East Pavilion is illuminated externally ALL night, with harsh white light. Rather than granting them the West Pavilion with additional lighting, we would ask the council to impose a restriction on
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	<p>the existing lighting as it severely impacts the dark skies of our village and is not in keeping with the rural setting of the property within the AONB.</p> <p>3. We have concerns about the need for one household to have garaging for 16 cars. The applicants/owners live in Hong Kong and it is our concern that this property is being developed for some use other than as a private residence.</p> <p>4. We would request that there is a thorough environmental survey conducted by the applicants to assure neighbours that the underground garage will not affect the water drainage or water supply to their bore holes.</p> <p>Finally, you should be made aware that the applicants have not engaged with their neighbours, the residents of West Woodhay or the Parish Meeting at any stage. We have tried to converse with them before and after this application, but they do not respond to our offer to communicate.</p>
Environmental Health	No objections
North Wessex Downs AONB Board	No response 03/09/2018
Highways	No highway objections.
British Gas	No response 03/09/2018
Sustainable Drainage Team	No response 03/09/2018
Thames Water	<p>Thames Waters Consultation response is as follows</p> <p><u>Waste Water Comments</u></p> <p>With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk</p>

	<p>Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality</p> <p>Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>Water Comments: On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
Tree Officer	<p>Observations.</p> <p>No trees are likely to be directly impacted by this proposed development</p> <p>No objection.</p>
Natural England	Natural England has no comments to make on this application.

4. Representations

4.1. The Local Planning Authority has received 14 representations all of which were objections to the application.

4.2. The matters raised in the letters of objection (summarised by officers) are:

- Objections to overdevelopment of the site through this proposal
- The overall appearance and lighting of the proposed building situated in the AONB is considered out of keeping with the village of West Woodhay, as is the rest of the approved site
- Noise and light pollution from the proposed development
- The residents of West Woodhay views have not been considered at any stage by the planners or by the developers
- The external lighting which is being proposed, if it is similar to the existing lights, is neither discreet nor sympathetic and it is totally out of keeping for the area.
- The current security lighting on site is not discreet and causes light pollution
- The plans do not mention or consider the water table or the underground aquifers and the impact the proposed underground car park may have upon this.
- The intention of this application and the need for such a large underground car park is unclear
- Objection to the roof lights in the two outbuildings that face outwards to neighbours properties rather than into the courtyard could cause impact to neighbouring amenity
- Concern over previous permissions not being implemented in full and outbuildings that were meant to be demolished still standing on site.
- Concern raised over the 'end goal' of a number of applications across recent years.
- Issues raised in regards to further construction traffic, noise, dust.

- Concerns over where the official domestic curtilage of the dwelling is now
- Concerns over the accuracy of implementation of previous permissions for landscaping
- The house's scale is already not in keeping with the surrounding AONB and there are already quite enough substantial houses within the village. What is really needed is affordable homes and maybe the owner should be made to consider including some in his development plans.
- The local highways have already been considerably damaged, at great cost to council tax payers, by the heavy construction traffic that has been used.
- Previous permissions should be built out and finished before more permission is granted upon the site.
- The Planning Statement omits some historic planning applications.
- Objection to the creation of underground parking when the existing pavilion has ample parking.

5. Planning Policy Considerations

5.1. The statutory development plan comprises:

- West Berkshire Core Strategy (2006-2026)
- Housing Site Allocations DPD
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

5.2. The following policies from the West Berkshire Core Strategy carry full weight and 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 5: Infrastructure requirements and delivery
- CS 13: Transport
- CS 14: Design Principles
- CS 16: Flooding
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

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

- TRANS1: Meeting the Transport Needs of New development.
- OVS5: Environmental Nuisance and Pollution Control.
- OVS.6: Noise Pollution

5.4. The following Housing Site Allocations Development Plan document policies carry full weight and are relevant to this application:

- C1: Location of New Housing in the Countryside
- C6: Extensions to Existing Dwellings with the Countryside
- P1: Residential Parking for New Development

5.5. Other material considerations for this application include:

- The National Planning Policy Framework (2018) (NPPF)

- Planning Practice Guidance (PPG)
- Quality Design Supplementary Planning Document (SPD)

6. **Proposal**

- 6.1. The application proposes the demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.
- 6.2. The site is located outside of defined settlement boundaries, within a biodiversity opportunity area, and within the North Wessex Downs Area of Outstanding Natural Beauty.

7. **Determining issues:**

- The Principle of Development and Impact on the Character and Appearance of the Area and Neighbouring Amenity;
- The Impact on Highway safety;
- Drainage and flooding;
- Ecology and Landscaping

8. **The Principle of Development, Impact on the Character of the Area and Neighbouring Amenity**

- 8.1. The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, 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, the Saved Policies of the West Berkshire District Local Plan and the West Berkshire Housing Site Allocations Development Plan Document.
- 8.2. The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system and strongly emphasises the need to support sustainable economic growth. The first core planning principle set out in the NPPF is that planning should be genuinely plan led, providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- 8.3. The proposed development at Hayward Green Farm, West Woodhay, Berkshire is outside the settlement boundaries as defined within The West Berkshire Core Strategy (2006-2026) and the West Berkshire Housing Site Allocations DPD (November 2015). Being outside of the settlement boundary development is restricted but there is a presumption in favour of extensions to existing permanent dwellings including new extensions to domestic outbuildings in the countryside under policy C6 of the Development Plan. This states that extensions to dwellings will be permitted provided that;
 - i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
 - ii. it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
 - iii. the use of materials is appropriate within the local architectural context; an
 - iv. There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties

- 8.4. The residential site, contained within the red line of the application site (domestic curtilage) contain the replacement dwelling, a section of the garden store outbuilding, and an existing pavilion outbuilding. The proposed pavilion outbuilding would have a ridge height that is the same as the existing pavilions ridge height on site. Both of these would be subservient in height to the replacement dwelling on site. Drawing number 6038/PL04 Rev B titled the existing and proposed site section, displays the subservience of the buildings heights. The proposed pavilion building would sit opposite the existing pavilion building on site creating a U shaped configuration with a courtyard to the front leading to the entrance of the replacement dwelling on site. The design is considered to be in character with the existing dwelling mirroring the existing outbuilding on site and relating to the existing built form on the site well. The rooflights proposed retrospectively within the original pavilion match that of the proposed pavilion and are conservation style roof lights. They do not detract from the proposed development and are an acceptable addition to the original pavilion on site. The whole development creates a symmetrical built form of development which is considered to be both well designed and attractive in this rural setting.
- 8.5. The development is accompanied by a substantial amount of evidence and documents to support the proposed development acceptable impact. A Landscape Visual Appraisal (LVA) with Impact statement was submitted with the application and has been reviewed. This LVA states it considers the impact on the landscape is not 'significant'. It states that the site was previously characterised by a cluster of built form but with the proposed development considered here this cluster of built form will be ordered in a better manner of different form. The removal of the existing garden store would assist in achieving this character by removing built form from the site. This alone does not justify a new outbuilding but assists the proposed developments in retaining the character of the site. The case officer has reviewed the LVA and has visited the site. The case officer considers that the proposed development would not cause undue impact to the protected landscape and through keeping built form clustered closer together, would not be to the detriment of the character of the area or protected landscape. The proposed new landscaping within the site will assist in minimising the visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding.
- 8.6. There is not considered to be any significant historic interest in the local area, the site is not contained with a Conservation Area and the proposed outbuilding would not harm the setting of any listed buildings.
- 8.7. The case officer does not consider the impact on the AONB to be unacceptable. The case officer agrees that the demolition of the garden store and the location of the proposed outbuilding would create a cluster of building in keeping with the previous built form on site. The ramped access down to the basement level parking would not have a visual impact on the AONB and would sit comfortably next to the existing driveway arrangements. The same is considered for the underground car park itself. A condition requiring details of spoil use and disposal is required to ensure the amount of evacuated material is dealt with acceptably.
- 8.8. The proposed materials are considered to reflect the existing built form on site leading to support for the proposal. The proposed materials would be in keeping with the previously approved pavilion and replacement dwelling. This would benefit the "street scene" and character of the site, as the cluster of buildings would read as one site all associated with each other.
- 8.9. In regards to Neighbouring amenity 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. SPD Quality Design - West

Berkshire outlines considerations to be taken into account with regard to residential amenity, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies considers the potential noise impact.

- 8.10. The impact on neighbouring amenity is considered to be minimal. The nearest neighbouring dwellings are Fishpond Farm and Hatch House Farm. Both of these dwellings benefit from a considerable separation distance between themselves and the proposed development. Fishpond farm dwelling is approx. 300 metres away from the proposed development. This is also true for other dwellings in the area. The development does not raise concern in regards to overlooking, overbearing, overshadowing or loss of sunlight to neighbouring amenity given the level of separation between the proposed development and neighbouring buildings. Any impact on neighbours from construction noise will accordingly be minimal and temporary until development is finished.
- 8.11. Concern has been raised in regards to light pollution from the Velux windows facing outwards. The Case Officer does not feel 4 rooflights will causes an undue impact on the neighbouring amenity given the level of separation. Rooflights are generally acceptable in the AONB to the point where many can be installed under Permitted Development Rights. Concern has been raised in regards to external lighting and the impact on the AONB's dark night skies. Your officer has requested these details during the course of the application but a condition was agreed upon. This will required details of any external lighting to be submitted to the LPA prior to development commencing for the existing and proposed pavilion buildings. The condition is justified to be applied to the existing pavilion building given the retrospective elements proposed within this permission.
- 8.12. For these reasons, the proposal is in accordance with development plan policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) policy C6 of the West Berkshire Housing Site Allocations Development Plan Document.

9. Highway safety

- 9.1. The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the Housing Site Allocations Development Plan Document sets out the residential car parking levels for the district.
- 9.2. The Highways Department has raised no objections to the application as ample parking is provided and there is not considered to be a detrimental impact upon the highway safety of the surrounding area. Although considerable parking is provided on site it is not considered that the actual traffic generation will be substantial or impact on the local highways network given the domestic nature of the dwelling.
- 9.3. Therefore the proposal is considered to be acceptable and in accordance with CS13 of the West Berkshire Core Strategy (2006-2026), Saved Local Plan policy TRANS1 and the NPPF (March 2018) subject to conditions.

10. Drainage and Flooding

- 10.1. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS 16 addresses issues regarding flood risk. This policy stipulates that sites require a flood risk assessment if they fall within Flood Zone 2 or 3. Representation letters have raised concern in regards to the impact the underground car parking area may have on issues such as the water table and aquifers. Thames Water have been consulted upon the application and have raised no objection to the development but offered informative information to the applicant. Thames Water requests that the Applicant should incorporate

within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The LPA's sustainable drainage team did not raise comments in regards to the application, they have been chased by your officer. There is no compelling evidence to suggest the site would flood or that the development would increase the level of flooding or affect ground water elsewhere. Strategies to deal with surface water will be implemented as described within the planning statement.

- 10.2. Given the domestic use of the proposed development with no objections and the site not falling within Flood Zone 2 or 3, the development is considered to accord with policy CS16 of the Core Strategy and advice contained within the NPPF.

11. Ecology and Landscaping

- 11.1. Policy CS 17 of the Core Strategy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The NPPF supports the overall aims and objectives of this policy. The application site is located within a biodiversity opportunity area and as such a preliminary ecology report has been submitted to the council this made several recommendations including

- No further protected species surveys were required
- The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged.
- Enhancements should be incorporated into the design of the development to benefit biodiversity. This could include installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
- Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

- 11.2. The Tree Officer visited the site and raised no objections to the proposed development. The proposed landscaping is in accordance with the existing landscaping adding to the quality of the development and mitigating the minimal change on the wider landscape that the proposed development brings.

- 11.3. It is considered the development complies with CS17 of the Core Strategy and provides mitigation and protection to the Ecology of the site and will not have a detrimental impact in accordance with the provisions of Core Strategy CS17 and advice within the NPPF.

12. Conditions

- 12.1. Paragraph 54 of the NPPF is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. The NPPF goes on to state at paragraph 55 that conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. It has been identified that works need to commence within two years as recommended by the ecology report conducted on site. This report recommends, due to the potential for the ecological

interest of the site to change it should be re surveyed in two years if works have not begun. This re-survey could alter conditions and issues relating to Ecology of the site which will need to be re assessed by the LPA if changes occur. Conditions are required in regards to identifying the approved plans and tying the materials to be that of those stated within the applications form to match the existing materials on site.

- 12.2. In response to the level of objection raised locally and in the interest of preserving the 'dark night skies' that is a strong characteristic of the AONB, a condition requiring the submission of details of external lighting is required. The details were requested during the course of the application but a condition was agreed upon.
- 12.3. A condition requiring the demolition of the garden store prior to the implementation of the proposed pavilion building is required. This is because a key factor in the submitted LVA is its removal and the relocation of the buildings on site as a closer cluster of buildings.
- 12.4. A condition is also required to ensure the biodiversity enhancements are installed in accordance with the recommendations of the submitted report to ensure the biodiversity opportunity area is enhanced. A condition requiring the implementation of the landscaping treatments is also recommended given the recommendations of the LVA. This is required to mitigate the minimal change to the AONB landscape.
- 12.5. A condition is required to restrict the proposed pavilion to a use that is ancillary to the replacement dwelling on site, no separate curtilage shall be created and the building shall not be rented or sold as a separate dwelling. This condition is imposed as a new dwelling in this location would be inappropriate, unsustainably located, and not in accordance with the development plan policies.

13. **The Planning Balance**

- 13.1. The NPPF states there is a presumption in favour of sustainable development, which paragraph 8 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 13.2. Being a proposed domestic house extension as an outbuilding the scheme has limited economic considerations beyond the immediate construction period. The environmental considerations have been assessed in terms of design, amenity and impact on the area. Social considerations overlap those of the environmental in terms of amenity. Having assessed the application in terms of design, impact on the area and impact on neighbouring amenity the development is considered to be acceptable sustainable development
- 13.3. The development has strong local objections to the development from both residents and from the Parish Council. It is considered that the objections have been satisfactorily addressed throughout this report but one area that has not been taken into account in the report are the ongoing permissions and non-compliance with previous permissions and planning conditions. These are separate matters for enforcement and should not be considered material factors in this planning recommendation. This is simply because the planning permission , if granted will not be a personal one to the applicant , but will run with the land, so past enforcement history in respect of conditions may not be taken into account in considering the individual merits of this application.
- 13.4. The development has been carefully justified and designed to a high quality level reflective of the high quality of the site. The underground car park raises few concerns, the proposed outbuilding would reflect the design and character of the site and area and the retrospective elements of the development are considered acceptable.

13.5. The application is therefore recommended for APPROVAL subject to conditions.

14. Recommendation

The Head of Development and Planning be authorised to Grant Planning Permission subject to the following conditions:

CONDITIONS.

1. Full planning permission time limit

The development hereby permitted shall be begun before the expiration of two 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. Approved Plans

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

- Drawing title "Site Location Plan ". Drawing number 6038/PLO1 Rev. B.. Date received 9th August 2018.
- Drawing title "Site Block Plan as Proposed". Drawing number 6038/PLO3 Rev B. Dated received 9th August 2018
- Drawing title "Existing and Proposed Site Section". Drawing number 6038/PLO4 Rev.B. Date received 13th June 2018.
- Drawing title "Proposed West Pavilion- Staff, Home Officer & Garage". Drawing number 6038/13B. Date received 13th June 2018.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment". Drawing number 6038/05A. Date received 13th June 2018.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment, Roof Alterations". Drawing number 6038/06A. Date received 13th June 2018.
- Drawing title "Proposed Floor Plans". Drawing number 6038/PL12 Rev. C. Date stamped 13th June 2018.
- Drawing title "Proposed Basement Garage and Link Plan". Drawing number 5643/PL08 Rev C. Date received 13th June 2018.
- Drawing title "Proposed Roof Alteration". Drawing number 6038/06a. Date received 13th June 2018.

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

3. Materials as specified

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

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 (2018), Policies ADPP 1, ADPP 5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance House Extensions (July 2004).

4. Ancillary Residential Use restriction

The outbuilding hereby approved shall not be used at any time other than for purposes as domestic ancillary use to the residential use of the dwelling known as Hayward Green Farm. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate residential planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

5. Demolition of Garden Store

No development shall commence until the garden store has been fully demolished and all waste removed from site.

Reason .This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

6. Landscaping

The landscaping shall be implemented in accordance with plan Figure 4.2- Plan Illustrating the landscape proposals, based on PU&H Landscape Consultancy Consented General Arrangement Drawing no. 00249-L-10-GA-1-001 Rev B (19/02/16)(FABRIK, 2018). Submitted within Landscape and Visual Appraisal with Impact Statement and Landscape Design Statement April 2018 carried out by Fabrik Chartered Landscape Architects on behalf of Mr C. Brown.

Reason This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

7. External lighting (details required)

No development shall take place until details of the external lighting to be used on the site have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings hereby permitted are occupied. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development. To protect the amenities of adjoining land users and the character of the area. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policies ADDP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. Ecology Mitigation (implement)

The mitigation measures described in the Preliminary Ecological Appraisal created by Ecologybydesign shall be implemented in full before the proposed development is commenced and the measures shall thereafter be retained. This measures are as follows;

- The gutter and eaves of the barn should be netted to prevent house martins or swallows nesting there this season. If this is not possible and if birds commence nest building they should be left undisturbed until the young have fledged.
- The installation of a barn owl box on a tree at the edge of the woodland to provide a new nesting opportunity for the species.
- Should the development not commence within 2 years of this report a resurvey is recommended due to the potential for the ecological interest of the site to change.

Reason: To ensure the protection of species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2018), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

Informatives

HI 3 Damage to footways, cycleways and verges

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

HI 4 Damage to the carriageway

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

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.

Thames Water Informative 1

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water Informative 2

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit

enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

Thames Water Informative 3

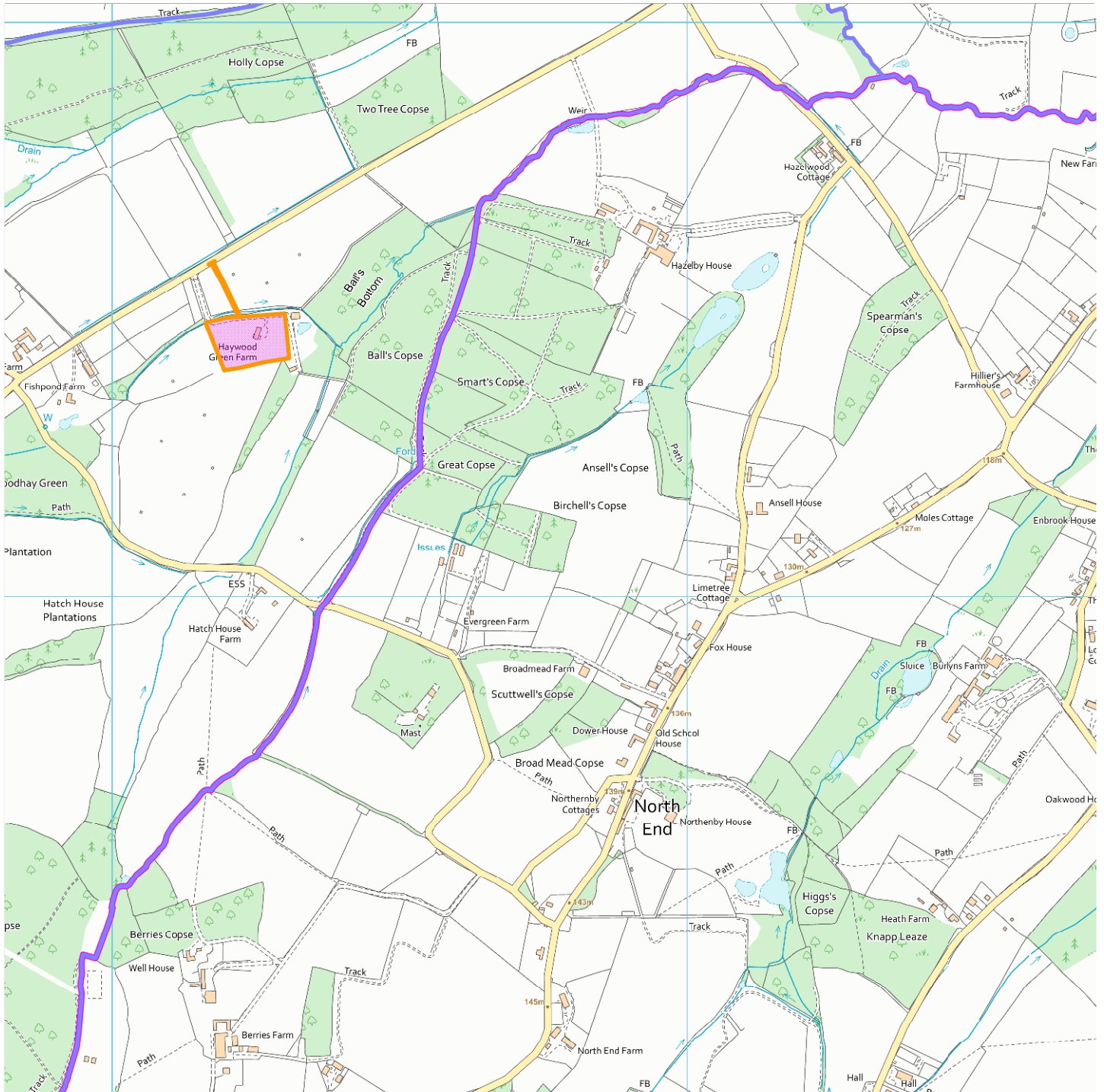
On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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18/01441/HOUSE

Hayward Green Farm, West Woodhay, RG20 0BJ



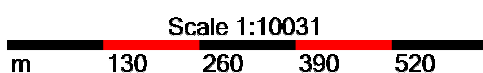
Map Centre Coordinates :

Scale : 1:10030

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 November 2018
SLA Number	0100024151



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Agenda Item 4.(2)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	18/01864/HOUSE Cold Ash Parish Council	28 th August 2018	Proposed first floor extension to current bungalow and associated alterations, new sauna. Render entire property. Widen existing access. Glendale Manor, Collaroy Road, Cold Ash Mr and Mrs Hammond

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01864/HOUSE>

Recommendation Summary: **The Head of Development and Planning be authorised to GRANT planning permission subject to conditions.**

Ward Member(s): Councillor Garth Simpson

Reason for Committee Determination: Called in by Councillor Garth Simpson due to concerns of impact on neighbouring amenity and overdevelopment of the site.

The application is being recommended for conditional approval and 10+ objections have been received.

Committee Site Visit: 15th November 2018

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

1. Site History

- 129988: Alteration and extension to existing dwelling. Approved. 05.10.1987.
- 154258: Single storey attached double garage to replace existing single garage. Approved. 19.04.1999.
- 02/02373/OUT: Residential 2 storey house with integral garage. Refused. 28.02.2003.
- 14/01707/FUL: Change back part of garden from agricultural to residential. Withdrawn. 15.09.2014.
- 16/00286/OUTD: Outline application for 3x 4-bed detached houses including integral garages following the demolition of the existing dwelling. Matters to be considered: Access, Layout and Scale. Withdrawn. 03.10.2016.
- 16/03610/FULD: Proposed new dwelling with amended existing access for off road parking, new pedestrian access. New access for existing bungalow. Approved. 14.03.2017.
- 17/02916/HOUSE: Proposed first floor extension to current bungalow and associated alterations. Render entire property. Widen existing access. Approved. 27.02.2018

2. Publicity of Application

Site Notice Expired: 15.08.2018

3. Consultations and Representations

Parish Council:	<p>Objection:</p> <p>Loss of privacy due to first floor window on north elevation (window should be obscure glazed and fixed) and balcony. Overdevelopment of site, close proximity of sauna to boundary. Noise impact of sauna. Drainage concerns due to sauna.</p> <p>14.09.2018: original comments remain after sight of amended plans.</p>
Highways:	<p>Conditional Approval:</p> <p>Whilst on-site vehicle turning is preferred, Collaroy Road is an unclassified road and so I am unable to insist upon this. The level of car parking proposed is acceptable. The access location is to remain the same but it is proposed to be widened. I could not see details of the proposed surfacing of the driveway on this new application.</p> <p>Recommended conditions: Construction method statement, gradient of private drive, surfacing of access, parking/turning in accord with plans and informatives</p> <p>11.09.2018: The parking is now annotated as 'Permeable Paving' which is an acceptable bonded surfacing. Condition surfacing of access requested can be removed from any planning approval which may be given.</p> <p>01.11.2018: The details submitted for the Construction Method Statement are acceptable and this condition is not required.</p>
Public Protection:	<p>No objections.</p>
Tree Officer:	<p>There is a significant oak tree covered by TPO 201/21/0206 that may be adversely affected by the proposals, previous applications on this site have included arboricultural impact assessments and method statements along with tree protection measures.</p> <p>The oak tree is on the northern boundary may be impacted by the new sauna cabin shown as being located within the theoretical root protection area. As there is a ditch running north south between the oak and the proposed sauna cabin. Previous applications have demonstrated that the roots of the pine tree do not extend beyond the</p>

	<p>ditch line. Following a site visit to the property it is my view that the oak's roots do not extend beyond the ditch line.</p> <p>The tree protection barrier can be located on the western side of the ditch, this would need to be shown by the applicant on a tree protection plan.</p> <p>Recommendation: I have no objection in principle subject to the following condition: tree protection scheme.</p> <p>05.11.2018: The fencing isn't acceptable as the Herras fencing would need to be continued along the ditch to the end of his property or preferably be finished off at the southern boundary of Alamein.</p> <p>05.11.2018: I can now confirm that the tree protection shown on the construction plan revision F dated October 2018 is now satisfactory. Please condition.</p>
Land Drainage:	<p>As this increase in area is so small (from 17/02916/HOUSE) it will not affect the SuDS proposals in terms of exceeding capacity, therefore I am happy that the proposals shown on the SuDS Drainage Plan, drawing 2775-05F rev F, are acceptable.</p>
Contributors:	<p>13 objections received. The material planning considerations are listed below:</p> <ul style="list-style-type: none"> - Loss of privacy from windows on north & south elevation and rear balcony (even with obscure glazed panels) to both Alamein and dwelling approved under ref. 16/03610/FULD - The design is not subservient - Overdevelopment of the site - Overbearing in relation to neighbouring property- raised roof height - Noise and drainage issues from the sauna (restrictions on hours used) - Traffic and noise during construction - Parking during and after construction - Light pollution due to front porch and sky light - Impact on the street scene and visual amenity

4. Policy Considerations

- 4.1 The statutory development plan includes the West Berkshire Core Strategy (2006-2026), Housing Site Allocations DPD (HSA DPD) (2006-2026) and the saved policies in the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007).
- 4.2 Other material considerations include government guidance, in particular:
- The National Planning Policy Framework (NPPF) (July 2018)
 - The Planning Practice Guidance (PPG)
- 4.3 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
 - CS 13: Transport
 - CS 14: Design Principles
 - CS 16: Flooding
 - CS 18: Green Infrastructure
 - CS 19: Historic Environment and Landscape Character
- 4.4 The following saved policies of the West Berkshire District Local Plan are relevant to this application:
- OVS.6: Noise Pollution

- TRANS.1: Meeting the Transport Needs of New Development
- 4.5 The following policies from the Housing Site Allocations Development Plan Document (HSA DPD) are relevant to the following application:
 - P 1: Residential Parking for New Development
- 4.6 In addition, the following locally adopted policy documents are relevant to this application:
 - Supplementary Planning Guidance: House Extensions (2004)
 - Quality Design: West Berkshire Supplementary Planning Document (2006)
 - Cold Ash and Ashmore Green Village Design Statement (2002)

5. Description of Development

- 5.1 Planning permission is sought for a first floor extension over the existing bungalow and extension to the footprint at the rear. The dwelling will be rendered in a champagne colour. To the east of the dwelling a sauna outbuilding is proposed measuring approximately 5 metres x 5.9 metres. The existing vehicular access is proposed to be widened.
- 5.2 This planning application follows 17/02916/HOUSE which was approved by the Western Area Planning Committee for a first floor extension, extension to footprint at the rear, rendering the entire property and widening the existing access. This proposal reduces the complexity of the roof by raising the height of the extensions, introduces a platform in the rear garden and a sauna cabin within the garden.
- 5.3 Amendments to this proposal were sought to reduce the prominence of the south wing and restoring the grass verge to the front of the property. These amendments were received on 03.09.2018.
- 5.4 The application site is located on Collaroy Road in the south-west of Cold Ash and on the edge of the village's settlement boundary. Collaroy Road is characterised by detached 2-storey dwellings in a variety of styles. Dwellings on the east of Collaroy Road predominantly have low hedges and boundary walls on the front boundary.
- 5.5 Glendale Manor is the first property on the east side of Collaroy Road when approaching from Cold Ash Hill. The bungalow is located on a large plot; this plot has been divided into two as planning permission has been granted in 2017 for a new dwelling to the south of Glendale Manor (16/03610/FULD). Due to land levels the dwelling is set back and lower than the public highway and a 1.8 metre close-boarded fence and a 1.25 metre boundary wall are positioned along the front boundary. There are 3 Tree Protection Orders (TPOs) within or in close proximity to the application site.

6. Consideration of the Proposal

The main considerations in the determination of this application are:-

- 6.1 The principle of the development
- 6.2 The impact on the character of the area
- 6.3 The impact on neighbouring amenity
- 6.4 The impact on highway safety
- 6.5 The impact on TPOs
- 6.6 Land drainage
- 6.7 Community Infrastructure Levy (CIL)
- 6.8 The assessment of sustainable development

6.1 The principle of the development

6.1.1 The application site lies within the Cold Ash settlement boundary as identified by ADPP1 of the Core Strategy. Within settlement boundary there is a presumption in favour of development. This is subject to detailed policies on design, impact on the character of the area and neighbouring amenity; these are discussed below.

6.2 The impact on the character of the area

6.2.1 The NPPF outlines the importance of good design in the built environment. Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area. Policy CS19 seeks the enhancement of the natural and built environment. It states that particular regard will be given to the sensitivity of the area to change, and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.2.2 Planning permission 17/02916/HOUSE approved a first floor extension in this location as it was considered that, whilst the extension was not subservient to the existing single storey dwelling, site characteristics, design and the existing street scene alleviated the impact of the proposal. The proposal was judged to be in keeping with the scale of other residential development in the vicinity.

6.2.3 It is acknowledged that the proposed first floor extension for this application has increased the ridge height of the extension over the main house and the south wing, however, it is still considered acceptable due to the design and site characteristics. Glendale Manor will sit below the main ridge line of Alamein to the north and will continue to follow the site levels by stepping the south wing down. The design is in-keeping with the site levels and therefore will not appear incongruous in the street scene. This design also ensures that the proposal will not have a significant overbearing impact on the dwelling approved under 16/03610/FULD which is set lower than Glendale Manor.

6.2.4 Glendale Manor will remain set back from the public highway by approximately 6 metres. The dwelling is set down from the carriageway due to the sloping nature of the site. Both these factors alleviate the impact the proposal has on the street scene by reducing the dominance of the dwelling. The original roof design submitted with this application created the appearance of two substantial masses of built form by separating the south wing's roof slope, and so did not appear as a single cohesive design. Amendments were secured to amend this due to the prominent location adjacent to the junction shared with The Rise.

6.2.5 Collaroy Road is comprised of predominately 2-storey dwellings and therefore the proposed extensions will not appear incongruous. It is considered that the conversion of the existing bungalow would be more in-keeping with the appearance of the area. Furthermore the architectural detailing including the glazed front porch match the design of the recently approved neighbouring property (16/03610/FULD) and as a result the proposal will not appear out of character. The materials used are considered acceptable as there are other examples of render and cladding in the road.

6.2.6 The proposal includes the addition of a sauna cabin in the rear garden. It is considered that the sauna cabin will not have a significant impact on the character of the area due to the rear location which reduces the visibility from public view points. In addition the scale, design and materials of the outbuilding resemble other common outbuildings found within domestic gardens.

6.2.7 It is noted that objections were received as it is considered the proposal will be over development of the site. The extensions will create a substantial sized dwelling; however the plot, in which Glendale Manor is located within, is large. The plot can accommodate the proposal and have sufficient private amenity space to the rear. The size of the dwelling in

relation to its plot would be sufficiently commensurate with other dwellings in the area. Furthermore sufficient separation distances are retained between Glendale Manor and the neighbouring dwellings to retain the openness in Collaroy Road.

- 6.2.8 Objections were received with regards to the gravel verge. It was considered the proposed tarmac would create an urban appearance not in character with the area. Amendments were secured that this verge should be returned to grass which is considered to be in-keeping with the appearance of the area.
- 6.3 The impact on neighbouring amenity
- 6.3.1 The new ridge height of Glendale Manor, at its highest point, will be 7.7 metres (approximately). This is considered acceptable, for this application site, as Alamein's (to the north) highest point is approximately 1 metres higher than the proposed ridge height and therefore it would not be overbearing on this property, particularly given the side-to-side relationship. Due to the orientation of the property it is noted that there may be some loss of daylight/sunlight received to Alamein however the single storey north wing of Glendale Manor will remain as existing this and a separation distance of approximately 7.4 metres between the Glendale Manor and Alamein will maintain an adequate distance to avoid any significant overshadowing that would be materially detrimental to neighbouring living conditions.
- 6.3.2 Objections were raised due to the loss of privacy to Alamein and the proposed dwelling approved under application 16/03610/FULD. The obscure glazing privacy screens to the north and south of the balcony (secured on application 17/02916/HOUSE) are included in this proposal and are considered to protect the amenity for both dwellings by significantly reducing direct overlooking. It is recommended that a condition is attached for these obscure screens to be erected and maintained in accordance with the plans to protect privacy.
- 6.3.3 The raised platform will extend 5 metres (including stairs and ramp) from the rear of the dwelling. The platform will be the same height as the ground floor of the dwelling however due to site levels appears as a raised platform. It is considered that this area to the rear will not cause detrimental impact to the privacy of the neighbouring dwellings due to its siting and relationship to neighbouring land.
- 6.3.3 A condition recommended by officers to obscure glaze the windows on the north and south elevations was not included on the decision notice for 17/02916/HOUSE as it was considered by the Western Area Planning Committee this was not necessary to protect neighbouring amenity but would have a detrimental impact on amenity for the residents of Glendale Manor. The principle of un-obscured windows in this location has been established. Both third parties and the applicant/agent have submitted representations including photographs and diagrams supporting their position on whether privacy is or is not adversely impacted, which are available for inspection on the public file. Between the first floor window and Alamein there is a separation distance of approximately 12 metres and a boundary wall/close boarded fence along the communal boundary these alleviate the impact on privacy for Alamein. There are no habitable room windows on the side elevation of 16/03610/FULD and therefore the proposed windows on the side elevation will not create direct overlooking between windows.
- 6.3.4 Removing PD Rights for the first floor windows on both the north and south elevations was considered. However as the GPDO applies restrictions (obscure glazing and non-opening below 1.7 metres above floor level of the room) to first floor side elevation windows which would ensure privacy is protected if additional windows were inserted at a later stage. It is therefore considered unnecessary and unreasonable to condition the removal of the PD Rights for additional first floor windows.

- 6.3.5 The proposed dwelling approved in 2017 is currently under construction, accordingly the relationship between the new dwelling and this proposed extension has been assessed. The south wing will be set down from the highest point of the dwelling this reduces the overbearing impact. A sunlight test was completed on the closest habitable rear ground floor window and it was found that the proposal did not cut through the 45 degree line and therefore there would be no adverse impact to the neighbouring dwelling in terms of sunlight. In addition the proposal is to the north of the approved dwelling which reduces overshadowing impact to the dwelling.
- 6.3.6 Concerns were raised with the location of the proposed sauna adjacent to the boundary shared with Alamein. In terms of overbearing impact and sunlight/daylight received there will not be a significant impact due to site levels and existing boundary treatments. Objections were received due to the potential increase in noise. The outbuilding is an enclosed structure which will reduce the volume of the noise created from the use of sauna. Whilst it is considered that the typical use of a sauna is unlikely to adversely affect neighbouring amenity in planning terms, it should also be noted that (as with any domestic activity) should excessive noise levels amount to a statutory nuisance under the Environmental Protection Act 1990, Environmental Health have separate powers to investigate and enforce.
- 6.3.7 Due to the proximity of the neighbours it is recommended that a condition restricting the hours of work during construction is attached in the event planning permission is granted. This is in the interests of amenity for the neighbouring dwellings.
- 6.4 The impact on highway safety
- 6.4.1 The proposal will not increase the existing number of bedrooms from 3 and the site is located in parking zone 3; therefore 2.5 parking spaces are required as per Policy P1 of the HSA DPD. The proposal provides this parking; this is shown on the Block Plan (2775-05F). The Highway Officer considered there was sufficient parking on site. The Highway Officer referred to on-site turning, which was not provided, however this could not be insisted upon as Collaroy Road is an unclassified road and it would not materially differ from the existing situation.
- 6.4.2 The Highway Officer requested a pre-commencement condition for the prior approval of a Construction Method Statement and details of surfacing of access to ensure that highway safety will not be adversely impacted. Details of surfacing and a Construction Method Statement have been submitted for consideration at this stage. The Highway Officer considered these details to be acceptable and therefore compliance with these details can be conditioned without further prior approval.
- 6.4.3 The Highway Officer has requested conditions for the gradient of the drive and parking in accord with plans. This ensures that the development will not have a detrimental impact on highway safety.
- 6.5 The impact on TPOs
- 6.5.1 These are the final comments of the Tree Officer. There is a significant oak tree covered by TPO 201/21/0206 that may be adversely affected by the proposals, previous applications on this site have included arboricultural impact assessments and method statements along with tree protection measures. The oak tree is on the northern boundary may be impacted by the new sauna cabin shown as being located within the theoretical root protection area. As there is a ditch running north south between the oak and the proposed sauna cabin. Previous applications have demonstrated that the roots of the pine tree don't extend beyond the ditch line. Following a site visit to the property it is my view that the oaks roots do not extend beyond the ditch line. A tree protection scheme is required

6.5.2 The Construction Site Plan (2775-05F (A)) indicates Herras fencing which protects the oak tree during construction. The Tree Officer considered these details acceptable. A condition has been agreed which ensures that the Herras fencing is erected before any other development commences.

6.6 Land drainage

6.6.1 Drainage calculations and SuDs plan were submitted on 23.10.2018. The Land Drainage Engineer found these details to be acceptable. Therefore a condition for the compliance of the SuDS plan is recommended.

6.7 The assessment of sustainable development

6.7.1 The NPPF identifies the 3 dimensions of sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

6.7.2 The proposal makes no significant impact on the social and economic dimensions and therefore is not considered to be harmful. The environmental dimension considers the impact on the natural, built and historic environment which the proposed development respects.

6.8 Community Infrastructure Levy (CIL)

6.8.1 The proposed internal floorspace will increase by more than 100sqm. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council the development is liable to pay CIL.

7. Response to letters of representation

7.1 Letters raised concern with regards to light pollution. The application site is not located within an Area of Outstanding Natural Beauty and it is considered the area of glazing to the front will not create significant adverse levels of light pollution.

7.2 Representations referred to the close boarded fence panels to the front of Glendale Manor. These fence panels have been investigated by the Council's Planning Enforcement Team, and the decision has been taken that it is not expedient to take enforcement action. For the avoidance of doubt, these panels do not form part of this application.

7.3 Objections were received with regards to the de-valuing of the neighbouring properties. The Planning Practice Guidance states that the impact on the value of a neighbouring property is not a material planning consideration and therefore a planning application cannot be refused on this basis.

7.4 Letters referred to the fence at the rear of Glendale Manor this is not considered under this application.

7.5 Concerns were raised about the accuracy of the 'Bedroom 2 Visibility Diagram'. This drawing was provided for information only and will not form part of the list of approved drawings. The Case Officer's assessment is based primarily upon the listed approved drawings, their site inspection, and consideration of all representations.

7.6 Foul drainage of the sauna cabin was raised as another concern with this application. This is dealt with by Building Regulations.

7.7 Other matters raised in letters of representation are not material planning considerations and the Case Officer is unable to provide comment.

8. Conclusion

8.1 Having taken in to account the relevant policy considerations and the material considerations referred to above, it is considered, the development is acceptable and conditional approval is justifiable for the following reasons: due to the large plot and site characteristics the proposal would not cause demonstrable harm to neighbouring amenity or the character of the area. The proposal accords with the NPPF (July 2018) and Policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

9. Full Recommendation

The Head of Development and Planning be authorised to **GRANT** planning permission subject to the following 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 listed below:

- (i) Location Plan (1:1250) 2775-01C received on 03.07.2018;
- (ii) Block Plan (1:200) 2775-05F received on 03.09.2017;
- (iii) Proposed 2775-05F received on 03.09.2017;
- (iv) Site Section A:A 2775-05F received on 07.09.2018;
- (v) Proposed Sauna 2775-05C received on 03.07.2018;
- (vi) Landscape Plan 2775-05F received on 23.10.2018;

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

3. The materials to be used in the development hereby permitted shall be as specified on the approved plans.

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 (July 2018), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 04/2 House Extensions (July 2004) and Cold Ash and Ashmore Green Village Design Statement (2002).

4. 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 (July 2018), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions and buildings or any other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, D, E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

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

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework (July 2018) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. No development (including site clearance and any other preparatory works) shall commence on site until protective fencing is erected in accordance with the tree and landscape protection scheme identified in the Construction Site Plan Ref: 2775-05 F (A) received on 05.11.2018. At least 2 working days notice shall be given to the Local Planning Authority that the protective fencing has been erected. The protective fencing shall be maintained and retained for the full duration of the works or until such time as agreed in writing with the Local Planning Authority. 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 (July 2018) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because the installation of tree protection measures is required to be undertaken before construction begins on site to ensure the protection of the trees protected by Tree Preservation Orders.

8. The hereby permitted development shall not be carried out except in accordance with the Construction Method Statement (Oct 2018) received on 24.10.2018 and Construction Site Plan (2775-05 F (A)) received on 05.11.2018, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

9. The hereby permitted development shall not be carried out except in accordance with the SuDS Drainage Plan (2775-05F) received on 23.10.2018, unless otherwise agreed in writing with the Local Planning Authority.

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 (July 2018), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

10. The hereby approved extension shall not be brought into use until 2 metre obscure glazed privacy screens are fitted on the north and south elevations of the proposed balcony, in accordance with Proposed (2775-05F) received on 03.09.2018. The screens shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of Alamein and the approved dwelling under 16/03610/FULD in the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

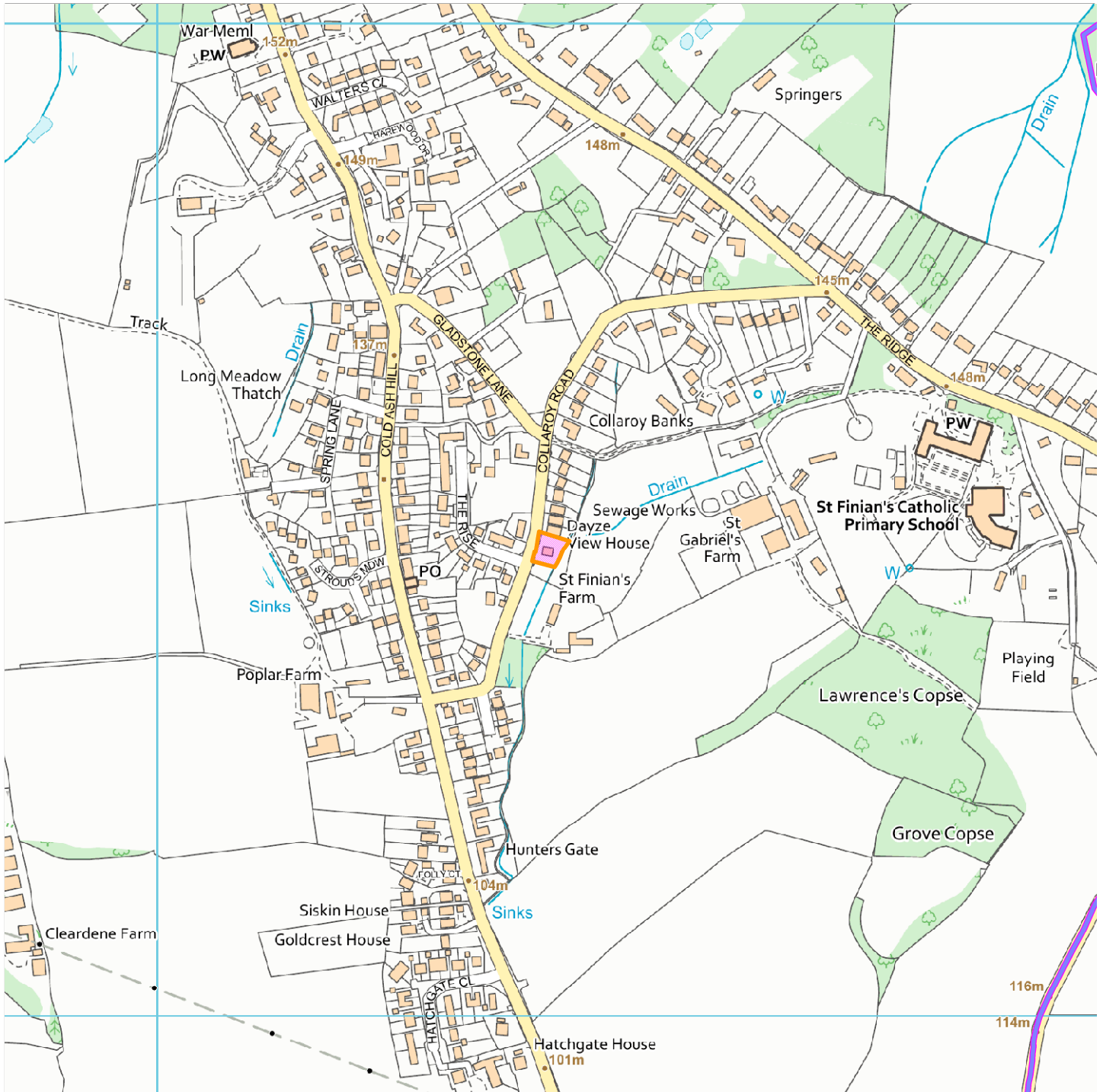
11. The development shall not be brought into use until the vehicle parking spaces have been surfaced and provided in accordance with the approved plans. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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 (July 2018), 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).

Informatives: DEC4 (Approval – need for revision/ Reps rec'd), HI1 (Access construction), HI3 (Damage to footways, cycleways and verges), HI4 (Damage to carriageway), HI8 (Excavation in close proximity to the highway).

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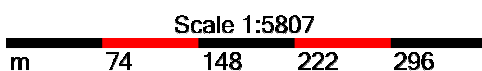
Map Centre Coordinates :

Scale : 1:5807

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 November 2018
SLA Number	0100024151



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Agenda Item 4.(3)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(3)	18/02595/HOUSE Welford	6 December 2018	Two storey rear extension. Cobb Cottage, Lambourn Road, Weston, Newbury Martyne Ellard

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/02595/HOUSE>

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

Ward Member(s): Councillor A H R Stansfeld
Councillor James Cole

Reason for Committee determination: More than 10 letters of objection

Committee Site Visit: 15 November 2018

Contact Officer Details	
Name:	Liz Moffat
Job Title:	Assistant Planning Officer
Tel No:	(01635) 519111
E-mail Address:	elizabeth.moffat@westberks.gov.uk

1. Site History

18/02366/NONMAT -Non-material amendment to planning permission 15/02234/HOUSE. (AMENDMENT): Change proposed finish to new rear walls to painted render over blockwork to match existing cottage exterior. REFUSED 19.09.18
17/01921/HOUSE - Single-storey firewood, heating oil, waste and recycling bins, sand and general storage building. RETROSPECTIVE. APPROVED 29.08.17
17/01186/HOUSE – two storey rear extension and replace first floor windows with dormer windows APPROVED 05.07.17
15/022345/HOUSE – two storey rear extension and replacement bay windows to front elevation APPROVED 02.10.15
05/00438/HOUSE – alterations to house an extension to rear. New vehicular access for one car. APPROVED 22.04.05

2. Publicity of Application

Site Notice Expired: 12.11.18

3. Consultations and Representations

Parish Council: No objections

Highways: I am satisfied that the two existing car parking spaces fronting the site will be retained. No objection is therefore raised.

Trees: To follow

Natural England: No objections. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Correspondence: 11 letters of objection concerning retrospective nature of application; “an infringement of the guide for developers published in the SSSI the River Lambourn directive”; inappropriate materials.

4. Policy Considerations

4.1 The statutory development plan includes the West Berkshire Core Strategy 2006-2026 (WBCS) and the saved policies in the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework 2018 (NPPF)

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 (AONB)
- CS14: Design Principles
- CS19: Historic Environment and Landscape Character

The West Berkshire Housing Site Allocations Development Plan Document (HSA DPD) was adopted on the 9th May 2017. The HSA DPD implements the framework set by the Core Strategy by allocating non-strategic housing sites across West Berkshire. The policies relevant to this application are;

- C6: Extension of Existing Dwellings within the Countryside

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

- Supplementary Planning Document, Quality Design (June 2006)
- Supplementary Planning Guidance, House Extensions (July 2004)

5. Description of Development

- 5.1. The application site is outside any identified settlement area and set amongst a collection of dwellings in the hamlet of Weston. The site lies in the North Wessex Downs AONB. The existing property is a white painted, slate roofed cottage which spans the width of the plot and is set in close proximity, between Willowtree Cottage to the west and Weston House to the east.
- 5.2. Permission was granted for the two storey rear extension currently under construction in 2015 and again in 2017 to allow for minor amendments to the fenestration. This application seeks to change the materials from the approved brick to rendered block work to match the colour and finish of the existing cottage.

6. Consideration of the Proposal

The main issues raised by this development are:

- 6.1. The principle of development
- 6.2. The design and impact on the character of the area
- 6.3. The impact on the living conditions of the neighbouring properties

6.1. The principle of development

- 6.1.1 The application site is located outside any defined settlement boundary and is therefore classed in planning terms as being within the countryside. The site is also located within the AONB where great weight must be given to conserving and enhancing landscape and scenic beauty. The principle of development has been accepted under the previous application.

6.2. The design and impact on the character of the area

- 6.2.1 Through the provisions of the NPPF the government outlines the importance of the design of the built environment. 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. Policy CS19 seeks to ensure the conservation and enhancement of the built and natural environment.
- 6.2.2 The site is located within the AONB. The NPPF provides AONBs the highest level of protection in terms of landscape and scenic beauty. Policy ADPP5 of the core strategy states that 'development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB'. Cobb Cottage lies within a group of residential properties which back onto the River Lambourn. The case officer has considered the planning history and it is noted that in 2005, planning permission was granted for a wider two storey rear extension with a single storey garden room attached. At the time, the materials proposed

were “half weatherboarding with render painted white to match the existing walls below”. This was approved subject to a condition requiring samples. It appears that this approval was never implemented and the existing single storey extension was rebuilt in brick.

- 6.2.3 The 2015 and 2017 approvals specified the existing materials as “part white painted brick and part red brick”. The proposed red brick two storey extension was approved as it would match the existing single story extension. The single storey extension has since been painted pale grey to match the existing cottage and this applications seeks to regularise an apparent mistake as the two storey element was always intended to be white or pale grey to match the cottage as well as the neighbouring properties.
- 6.2.4 The current proposal is considered to be an improvement to brick as it would be more harmonious with the prevailing character within the street scene and as seen from the river. The proposed change from brick to pale grey painted render is not considered to result in any increased visual intrusion in the countryside nor to have a harmful impact upon the landscape quality of the AONB.

6.3 The impact on the amenities of the neighbouring properties

- 6.3.1 Core Strategy Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. Supplementary Planning Guidance on House Extensions outlines the factors to consider with regard to impact on neighbouring properties.
- 6.3.2 The amended scheme proposing render is not considered to harm the visual or private amenities of the occupiers of neighbouring properties.

6.4 The impact on highways and parking

- 6.4.1 The proposed amendments to the application do not impact on parking.

Other matters

Concerns were raised by an objector about ‘development on the riverbank’ and the impact on the Site of Special Scientific Interest (SSSI). The Environment Agency and Natural England were consulted in 2017 on the application for the two story extension and raised no objections. In effect this application only changes the materials and therefore there is no reason to conclude that the proposal would materially affect the SSSI.

7. Community Infrastructure Levy

- 7.1 The increase in internal floor space of the proposed house extension is less than 100m². Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, house extensions of less than 100m² are not liable to pay the Community Infrastructure Levy.

8. Sustainable Development

- 8.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. Being a house extension the scheme has limited economic and social considerations. The environmental considerations have been assessed in terms of design, amenity and impact on the character of the area. As these have been found acceptable the development is considered to constitute sustainable development.

9. Conclusion

- 9.1. Having taken account of all relevant policy considerations and the material considerations referred to above, it is considered that the development proposed is acceptable and conditional approval is justifiable for the following reasons: It is not considered that this proposal would demonstrably harm the amenity of adjoining residential properties and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and 19 of West Berkshire Core Strategy 2006-2026 which requires that all development demonstrates high quality and sustainable design that respects the character and appearance of the area and safeguards the amenities of adjoining occupiers.

10. Full Recommendation

- 10.1 The Head of Development and Planning be authorised to **GRANT** permission subject to the following conditions:-

1. The development hereby approved shall be carried out in accordance with drawing Ellard 2017/06 Revision F received on 5 November 2018 and 2017/03 received on 11 October 2018.

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

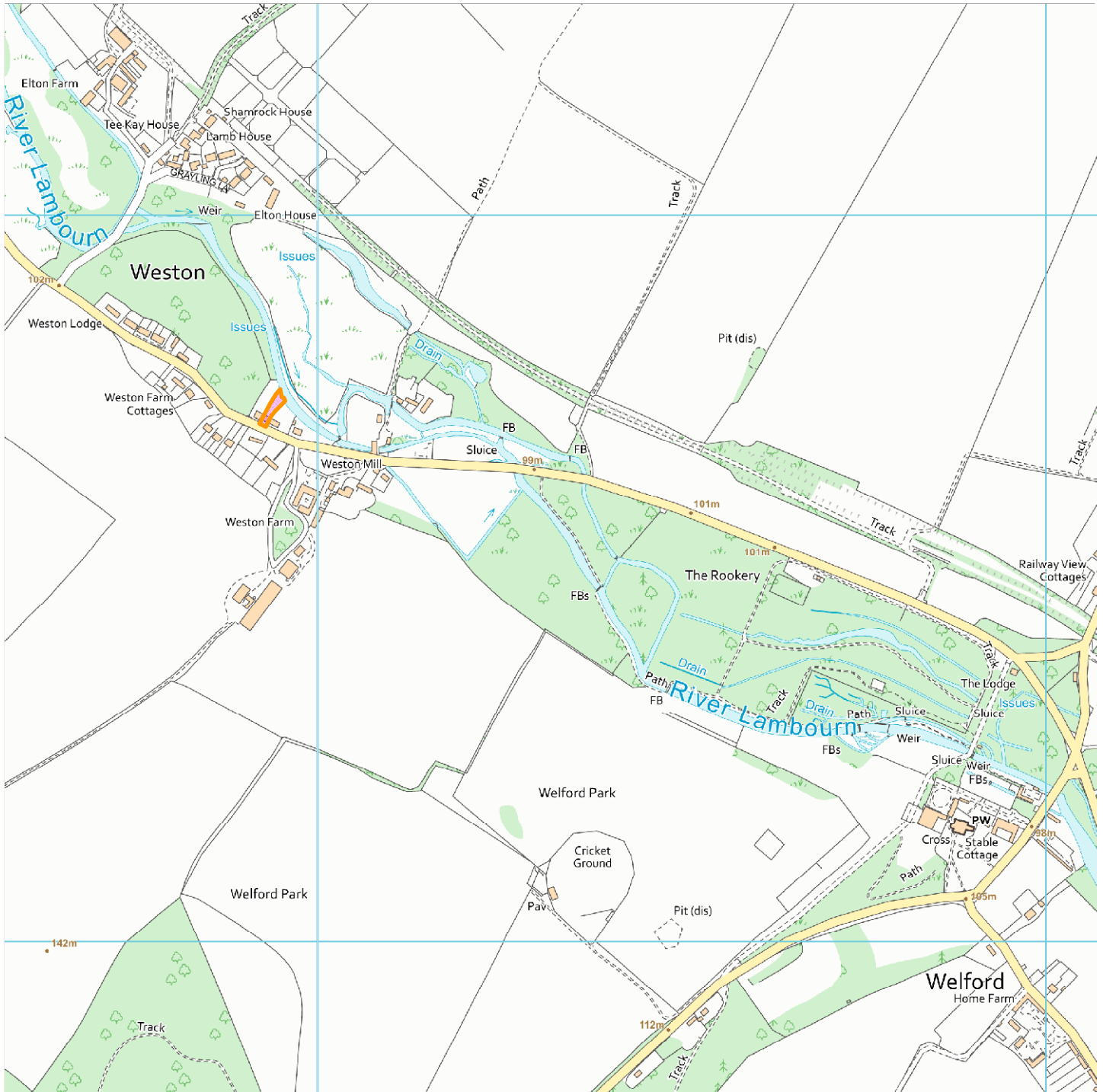
2. The materials to be used in this development shall be as specified on the plans or the application forms.

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

3. The new bathroom window at first floor level on the front (south) elevation shall be fitted with obscure glass before occupation. The obscure glazing shall be permanently retained in that condition thereafter. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent revision), no additional openings shall be inserted in the side elevations of the development hereby approved.

Reason: In the interests of the privacy and amenity of neighbouring properties and in accordance with the National Planning Policy Framework 2018, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

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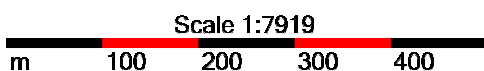


Map Centre Coordinates :

Scale : 1:7919

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 November 2018
SLA Number	0100024151

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Agenda Item 5.

APPEAL DECISIONS WESTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
HAMPSTEAD NORREYS 18/00861/HOUSE PINS Ref 3209672	Cherry Hinton Newbury Hill Hampstead Norreys Lee Clarke	Single storey extension at rear and two storey extension at side..	Del Refusal	Dismissed 30.10.18
GREENHAM 17/01550/FULEXT PINS Ref 3203863	Land South Of Lower Farm Hambridge Lane Newbury Dream Lodge Group	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	Committee Overturn	Dismissed 6.11.18
SHAW CUM DONNINGTON 17/03291/FULD PINS Ref 3202133	60 Dene Way Donnington Newbury Mr Hawkins	Proposed erection of a three-bedroom end terraced dwelling and associated works.	Del Refusal	Allowed 7.11.18

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GREENHAM 17/01550/FULEXT PINS Ref 3203863	Land South Of Lower Farm Hambridge Lane Newbury Dream Lodge Group	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	Committee Overturn	Dismissed 6.11.18
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Preliminary Matters

As part of the appeal the appellant submitted a planning obligation, in the form of a Unilateral Undertaking (UU), under the provisions of section 106 of the above Act. This includes financial contributions towards the cost of: “*local bus improvements*” (£16,360) and; mitigating the impact of additional visitors to the West Berkshire Living Landscape (£31,428.60). The Inspector stated that if she was minded to allow the appeal the UU would need to be tested against the provisions of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended).

Both main parties agree that the proposal would result in less than substantial harm to the significance of the Grade II listed buildings identified within the List compiled by Historic England as: barn approximately 70 metres to the east of Pigeon Farmhouse (now converted to residential use and known as Hall Barn House) and; barn1 approximately 10 metres to the east of Pigeon Farmhouse.

In September 2014 planning permission was granted on appeal for the erection of 25 holiday chalets, a reception building, parking, landscaping and associated works (ref. APP/W0340/A/14/2216837). This site adjoins the northern boundary of the land that is now the subject of the appeal before me.

In January 2016 the Council approved an application, made under the provisions of section 73 of the Town and Country Planning Act 1990 (as amended) for a variation to the approved plans for the 25 holiday chalets (ref. 15/02832/FULEXT). Following this the Council approved another section 73 application to remove a condition (provision of a segregated footpath) on a permission for the 25 holiday chalets (ref.16/00841/FULEXT).

Main Issues

The three main issues are: firstly, the effect upon the character and appearance of the area; secondly, whether the less than substantial harm to the significance of two listed buildings² would be outweighed by the public benefits of the proposal and; thirdly, the likely effect upon existing users of the public rights of way (refs. GREE/6/1 and GREE/6/3) serving the site.

Reasons

Planning Policy

The development plan includes the West Berkshire Core Strategy (CS) adopted in 2012. The most relevant policies³ to the determination of this appeal are CS policies CS10 (rural economy), CS13 (transport), CS14 (design principles), CS17 (biodiversity) and CS19 (historic environment and landscape character).

Character and Appearance

The main body of the appeal site is 8.53 hectares in size. It lies within the countryside to the south of Newbury and on the southern side of the Lower Kennet valley. In addition to the existing 25 holiday lodges alongside, the site is adjacent to Newbury Racecourse and a golf course. It comprises former gravel workings now in use as pasture land. The listed buildings adjacent to Pigeon Farmhouse lie to the south of the site.

Vehicular access to the site is via Hambridge Lane and then an unmade track closer to the site entrance. The waymarked public right of ways (refs. GREE/6/1 and GREE/6/3) run along this track. These form part of a network of routes that bisect the wider countryside and, in addition to use by walkers, afford access to other recreational pursuits such as angling and bird watching.

The site forms part of Local Landscape Character Area (LLCA) 8D 'South Thatcham Valley Farmland', as defined within the Council's 2009 Landscape Sensitivity Study. Amongst other things, this area is characterised by its generally open agricultural valley landscape, although development/gravel extraction intrudes occasionally.

The overall landscape sensitivity of LLCA 8D is described as medium to high. Key elements of its sensitivity include: largely open landscape with little subdivision; riparian meadows; exposed to views from rising ground to the north, south and east; lack of built form except scattered farmsteads and; good level of access through public rights of way and recreational facilities. This LLCA is important to the setting of the wooded escarpment to the south.

As the Inspector saw during her visit, the appeal site lies within a part of the Lower Kennet valley that is subject to urban influences. Although it does not appear to form part of a "*valued landscape*" to which paragraph 170 (a) of the Framework applies, its green open qualities and use as pasture within the valley make a pleasing contribution character and appearance of the area.

The site forms an integral part of the countryside around Newbury and is within an area that is popular for recreational pursuits. In seeking to contribute to and enhance the natural and local environment paragraph 170 (b) of the Framework requires the intrinsic character and beauty of the countryside to be taken into account. In comparison with the adjoining land, which contains 25 holiday lodges and where the previous Inspector found that views from public vantage points were limited to a short stretch of the footpath to the east, parts of the site before me are more visible within the landscape.

The Inspector also noted that in determining that previous appeal the Inspector described the quality of the landscape around that site as "*relatively poor*" and found the landscape sensitivity "*quite low*". However, given the 2009 Sensitivity Study, which it appears was not before the previous Inspector, as well as what she saw during her visit, she concurred with the finding within the appellant's Landscape and Visual Impact Appraisal (LVIA) that overall, the local landscape has a medium sensitivity to change. As the western part of the appeal site is more elevated and prominent within this valley landscape she considered that it has a higher sensitivity to change than the rest of the site.

The proposed holiday lodges, access road, parking spaces, hardstanding bases, domestic paraphernalia and likely external lighting would markedly change the character of the site. Whilst part of the land would remain open, for use as recreational space by those staying in the lodges, the development would considerably erode the green open qualities of the site and the contribution it makes to this agricultural valley landscape. Together with the increased activity from the 'comings and goings' of the occupants of the lodges, the proposal would have an adverse effect upon the character of the area. There would also be a minor cumulative adverse effect with the neighbouring lodges.

Some of the lodges would only be glimpsed from public view and would be seen in association with the existing lodges to the north. The Inspector concurred with the finding within the LVIA that when seen from the public right of way to the east this would have a moderate adverse effect upon those using this footpath. However, when seen from more distant public rights of way to the north, the 15 units proposed on the western part of the site would be conspicuous. These units would intrude into the landscape and detract from views of the escarpment. Notwithstanding the proposed landscape planting, the proposal would have a significant adverse effect upon the appearance of the area.

The Inspector concluded on the first main issue that the proposal would considerably harm the character and appearance of the area and would conflict with the provisions of CS policies CS14 and CS19. This weighs very heavily against an approval.

Harm to Significance of Listed Buildings v Public Benefits

Over time, there have been changes to both of the neighbouring listed buildings. There have also been changes to their settings. This includes the 25 holiday lodges now stationed on land to the north. Notwithstanding these changes, the open qualities and agricultural use of the appeal site contribute to the predominantly rural landscape setting and significance (historic interest) of Hall Barn House and the separate barn about 10 m east of Pigeon Farmhouse. It was clear to the Inspector from the 2014 appeal decision that it forms part of "*a buffer of agricultural land*" that was to be retained around these buildings and which "*is an important part of their setting*".

The Inspector noted from the appellant's Heritage Statement that the nearest part of the appeal site is approximately 125m north of these designated heritage assets. Landscape planting is proposed along the southern boundary of the cluster of 15 holiday lodges that are intended for the western part of the site. Over time, this planting would help to screen the proposed development from the south.

However, the Inspector concurred with both main parties that the development, especially the proposed cluster of 15 lodges, would erode the historic landscape setting of the listed buildings and, in so doing, result in a loss of significance. There would be further conflict with CS policies CS14 and CS19. In the context of section 16 of the Framework, this would comprise less than substantial harm. The proposal would be towards the lower end of this category of harm.

Less than substantial harm to the significance of a heritage asset does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation and any harm to the significance of designated heritage assets requires clear and convincing justification. The above noted harm should be weighed against the public benefits of the proposal.

The proposed development would deliver some economic benefits. It would result in substantial additional visitor spend in the local economy. Jobs would be provided during the construction and operation phases, including support for suppliers of materials and services. There would also be some further income benefits for employees whose jobs are supported by the visitor spending. In addition, a Habitat Management Plan would provide some very modest biodiversity enhancement and accord with CS policy CS17. The totality of these public benefits can be given considerable weight in the planning balance.

However, the Inspector did not afford any weight to the claimed public benefit of the proposed traffic calming measures and segregated footpath. These would be necessary to mitigate the impact of the development. As already noted above, a segregated footpath was deemed necessary (for highway safety) in the previous appeal and has not been provided.

Although this issue is very finely balanced, the Inspector considered that the less than substantial harm to the significance of the above noted Grade II listed buildings would be outweighed by the public benefits of the scheme.

Likely Effect upon Existing Users of the Public Right of Way

Amongst other things, the Framework provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe.

On behalf of the appellant, it has been calculated that the existing holiday lodges on the adjoining land to the north of the appeal site generate between 27-32 inbound vehicle movements per day. It has also been calculated that with the proposed development this would increase to between 71-82 inbound movements per day. For the Council, it has been calculated that the increase in the number of vehicle movements would be between 48-64 inbound trips per day and the total number of inbound trips (combined with the existing 25 holiday lodges) would be in the region of 78-104 inbound trips per day. In all probability, the increase in the number of vehicle movements is likely to be somewhere between these two sets of estimates.

During the site visit the Inspector walked the length of the access lane serving the site. It provides a pleasant link into the countryside around Newbury and is a popular path/route. By virtue of its length, restricted width (in places), unmade surface (southern section) and lack of segregation⁷ with more vulnerable users of the highway, this lane is very far from ideal as an access road serving 65 holiday lodges. The Inspector noted from the appellant's Transport Statement that it has a good road safety record. Most motor vehicles would also be likely to be moving slowly. The proposed traffic calming measures/chicane effect between the site entrance and Lower Farm would help to limit vehicle speeds.

Nevertheless, the additional vehicular traffic using this lane, especially during the construction phase when larger delivery vehicles would be present, would increase the potential for accidents and conflict between pedestrians / cyclists / horse riders and the drivers of motor vehicles. The proposal would be likely to compromise the safety of more vulnerable users of this highway, including walkers. At best, it would reduce the amenity of these public rights of way. The proposal would be at odds with the provisions of CS policy CS13 that are aimed at improving and promoting opportunities for healthy and safe travel.

Whilst the Inspector's decision did not turn on this matter, she concluded on the third main issue that the proposal would be likely to have an adverse effect upon existing users of the public rights of way serving the site.

Other Matters

The proposed economic benefits would help to strengthen/diversify the rural economy. The proposal derives some measure of support from CS policy CS10. However, as set out within the Framework, rural tourism and leisure developments should respect the character of the countryside. The concerns of some interested parties over the marketing of the existing holiday lodges are not a matter for her consideration. The siting and design of the proposal would avoid any harmful impact upon the living conditions of neighbouring residents.

Planning Balance / Overall Conclusion

When all of the above is weighed together, the Inspector found that the harm to the character and appearance of the area outweighs the benefits of the proposal. If the other 'harms' are included the adverse impacts would significantly and demonstrably outweigh the benefits. The proposal conflicts with the provisions of the development plan when considered as a whole. Although there would be some limited environmental benefits, overall, the proposal would not satisfy the environmental objective to sustainable development and would be at odds with the Framework. The Inspector therefore concluded that the appeal should not succeed.

Decision

The appeal is dismissed.

DC

SHAW CUM DONNINGTON 17/03291/FULD PINS Ref 3202133	60 Dene Way Donnington Newbury Mr Hawkins	Proposed erection of a three-bedroom end terraced dwelling and associated works.	Del Refusal	Allowed 7.11.18
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Main Issues

The main issues are the effect of the development on the character and appearance of the area and the effect on the living conditions of future residents of the proposed dwelling with particular regard to garden size.

Reasons

Character and appearance

The area has a suburban character with a relatively low density arrangement of dwellings. There is a common architectural language which contributes to a homogenous appearance to the area. Along the straight sections of road, most dwellings are set back from the road frontage by a uniform distance giving clearly defined straight lines of buildings. There is, also a fairly regular spacing between dwellings. These factors combine to give the area a spacious character and appearance.

At the street corners and junctions, the distance of the dwellings from the road varies as the buildings turn the corners. On the inside of the bends, there are a number of examples where the dwellings have been arranged such that they have large, open side gardens. This means that buildings sited around the corner are not visible when looking along the lines of buildings.

Elsewhere, there are other examples, both in the historic arrangement of dwellings such as Nos. 6 and 8 Northern Avenue, and more recent infill dwellings or extensions such as Nos. 48a Dene Way and 5 Northern Avenue where the line of buildings is breeched at the corner. Whether or not No. 48a is considered to be an appropriate addition to the area, it is now part of the street scene and currently existing character. These breeches mean that there is no uniform treatment to the corner plots, although the open spacious character and appearance has still been preserved.

The appeal site is currently an example of an open, undeveloped inside corner plot. As such a regimented line of dwellings is apparent when looking along Dene Way from No. 50 towards No 60. The proposed dwelling would respect this line and its positioning would not disrupt the line of buildings. Around the corner, its neighbours, Nos. 62 and 64 are a pair of semi-detached dwellings that do not form part of a longer line of dwellings. On their opposite side, No. 66, which, like the proposed dwelling, sits at an angle to Nos. 62 and 64, has been extended towards these semi-detached dwellings and the road frontage that they face.

The relative positions of No. 64 and the extended No. 66 means that Nos. 62 and 64 actually sit back behind the line of No. 66. The appeal proposal would result in a similar arrangement to their other side and so would not appear incongruous with the established pattern of development. The resultant dwelling may be closer to the road on its gable end elevation, but not to such a degree that would compromise the overall open and spacious character and appearance of the area. There would still be space for shrub planting around the dwelling, in common with a number of other dwellings if desired by future occupants.

Whilst the garden would be smaller than many of its neighbours, there is a variety of garden shapes and sizes in the area, particularly on corner plots. As the garden space is mainly to the rear of the dwelling, any difference in layout to its immediate neighbours would not be readily apparent. It would not, therefore, make it appear unduly cramped in the street scene.

Turning to the appearance of the dwelling and resultant terrace itself, most of the dwellings, particularly in the immediate vicinity of the appeal site are semi- detached but there are other examples of terraces nearby. Most of those terraced dwellings are smaller than the semi-detached ones in terms of the dwelling frontage and plot width, but as there are often 4 dwellings in each terrace, their building form is quite large. Whilst containing only 3 dwellings, the overall size of the resulting building would be similar to a number of other terraces in the area and so it would not appear monolithic or out of character.

In any case, it is the set back and gaps between buildings, together with the common architectural language that mostly defines the character and appearance of the area. The position of the proposal at the end of a row means that the regular rhythm of gaps would not be disrupted and the architectural form of Nos. 58 and 60 would be carried forward to the proposed dwelling.

The Inspector, therefore, found that the proposal would not harm the character and appearance of the area. As such, it would comply with the Quality Design – West Berkshire Supplementary Planning Document Part 2: Residential Development 2006 (SPD) insofar as it seeks to ensure that the existing character and appearance of areas is protected through carefully considered infill development. It would also comply with those aims of Policies CS14 and ADP1 of the of the West Berkshire Core Strategy 2006-2026 (CS) which seek to ensure that new development preserves, enhances and relates well to the character and appearance of the area and the site's surroundings.

The first reason for refusal relating to this issue also cites a conflict with CS Policy ADP2, but its aims are more focussed on delivering appropriate levels of growth for Newbury whilst respecting the character of the wider town and providing adequate servicing. The Inspector, therefore, found that it has limited relevance to this appeal.

Living conditions

The SPD indicates that as a general guide it is suggested that new 3-bedroomed dwellings should provide 100 square metres of private garden space. The actual amount of rear garden space proposed for the new dwelling is disputed, but, in any case, the SPD indicates that some flexibility is needed and it is the quality of the space that matters the most.

The arrangement of the rear garden would be sufficiently private. It would appear to provide adequate space for a garden shed, washing lines and outside seating as required by the SPD. Whilst the proposed garden may be slightly below the suggested standard, this is not an absolute policy requirement and there is no substantive evidence that the garden proposed would provide inadequate living conditions for future occupiers.

The Inspector, therefore, found that the proposed garden would provide suitable living conditions for its future occupiers and the development would comply with those aspects of the SPD and CS Policy CS14 that seek to ensure that development is of a high quality design that functions well. The second reason for refusal relating to this issue also cites a conflict with CS Policy ADP1, but this policy is more concerned with ensuring an appropriate distribution of development across the district that respects the character and appearance of the area. The Inspector, therefore, found that it is of limited relevance to this issue.

Other matters

The proposal would provide adequate off-street parking provision for the existing and proposed dwelling. The existing dwelling does not currently have any formal off-street parking provision. Whilst the grassed area may be used by the current occupant of No. 60 for parking, and 'single width' accesses would retain a greater amount of parking space, there is no substantive evidence that the road frontage lost for on-street parking would not be off-set by the new formalised parking arrangement.

The site is close to a fairly tight corner. Whilst this configuration reduces visibility around the corner which may be further restricted by parked cars, there is no substantive evidence that this situation would be made worse by the proposal. Adequate visibility would be provided for vehicles emerging from the new parking spaces and, overall, the Council's assistant highways engineer has raised no objection to the proposal. There is nothing substantive to suggest that the proposal would compromise vehicular or pedestrian safety.

The development may put additional pressure on local services, such as those relating to education and healthcare. However, there is no substantive evidence to suggest that this would be to a harmful degree or that it would not be mitigated by any collection of the Community Infrastructure Levy that is noted in the Council's officer report.

The proposed dwelling would include rear windows facing towards No. 62. However, there are no openings in the facing gable end wall of No. 62 other than an obscure glazed ground floor window and access door. The limited views towards the garden of No. 62 would be very similar to those currently available from No. 60 but at a greater angle and, as such, there would not be any significant loss in privacy to this dwelling. The

relative positions of the proposed dwelling and garden of No. 62 would also mean that there was no significant increase in overshadowing of the dwelling or its garden.

There may well be some noise and disruption, including to road users, during the construction process. However, this will be for a relatively short period of time and is, therefore, of limited weight in the Inspector's overall decision. The Council has not required a specific construction management plan within its suggested conditions and the site does not appear to be so heavily constrained as to warrant one.

It has been suggested by one local resident that the proposal would result in a loss of value of their home. However, the particular property concerned has not been specified, nor any detailed reasons given. This is, therefore, of limited weight. It has also been suggested that waste has recently been burned on the site, but this has little to do with the planning merits of the case.

It has been suggested in the representations that bats may be affected by the proposal. However, being mindful of the advice given in paragraph 99 of Circular 06/2005, there is no substantive evidence that there is a reasonable likelihood of protected species being present. The Inspector noted that the Council has raised no concern in this regard and, therefore, he gave this matter limited weight.

Conditions

A plans condition is required in the interests of certainty. Details of construction materials are required in the interests of the character and appearance of the area and a condition securing parking provision is required in the interests of highway safety. The Inspector made revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the National Planning Policy Framework.

The Council has suggested a condition removing permitted development (PD) rights for extensions and alterations. The Inspector was mindful of advice in the Planning Practice Guidance that PD rights should only be removed in exceptional circumstances. There is no substantive evidence that any alterations that would not ordinarily require planning permission would have a particular effect on the character and appearance of the area or living conditions. Therefore, such a condition would not be reasonable or necessary in this case.

Decision

The appeal is allowed and planning permission is granted for the erection of a 3 bedroom end terraced dwelling and associated works at Land adjacent to 60 Dene Way, Donnington, Newbury, Berkshire RG14 2JW in accordance with the terms of the application, Ref 17/03291/FULD, dated 21 November 2017, subject to the following conditions:-

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2217/100/A; 2217/101/B; 2217/200/B; 2217/201/A; 2217/202/A; 2217/203; 2217/204.
- 3) Prior to their installation, details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples and shall thereafter be retained as such.
- 4) The development shall not be brought into use until vehicle parking spaces have been surfaced, marked out and provided in accordance with the details shown on drawing 2217/200 rev B. The parking spaces shall thereafter be retained and kept available for the parking of vehicles in connection with the occupation of the property to which they relate.

Conclusion

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

DC

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