

Notice of Meeting



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Western Area Planning Committee Wednesday 3 July 2019 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 webcast, 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 Jenny Legge / Rachel Craggs / Jo Reeves on (01635) 503043/519441/519486 Email:



Agenda - Western Area Planning Committee to be held on Wednesday, 3 July 2019
(continued)

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jo.reeves@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 25 June 2019



West Berkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday, 3 July 2019
(continued)

- To:** Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolynne Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers
-

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 7 - 16
To approve as a correct record the Minutes of the meeting of this Committee held on 12 June 2019.
 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: 19/01035/HOUSE, Gilberts, Hill Green, Leckhampstead** 17 - 28
- Proposal:** Demolition of porch and single storey extensions, new single storey extension and other alterations
- Location:** Gilberts, Hill Green, Leckhampstead
- Applicant:** Mrs V Von Celsing
- Recommendation:** To DELEGATE to the Head of Development and Planning to **REFUSE** PLANNING PERMISSION



Agenda - Western Area Planning Committee to be held on Wednesday, 3 July 2019
(continued)

- (2) **Application No. and Parish: 19/00806/HOUSE, 24 Donnington Square, Newbury** 29 - 40
Proposal: Three storey side extension and new porch
Location: 24 Donnington Square, Newbury
Applicant: Mr & Mrs Davies
Recommendation: To DELEGATE to the Head of Development and Planning to **GRANT** PLANNING PERMISSION subject to conditions
- (3) **Application No. and Parish: 18/01441/HOUSE, Hayward Green Farm, West Woodhay** 41 - 66
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
Applicant: Mr Charles Brown
Recommendation: The Head of Development and Planning be authorised to **GRANT** planning permission
- (4) **Application No. and Parish: 18/03340/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham** 67 - 76
Proposal: Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1)
Location: The Lodge at Newbury Racecourse, Racecourse Road, Greenham
Applicant: Newbury Racecourse
Recommendation: The Head of Development & Planning be authorised to **GRANT** conditional planning permission subject to completion of a Section 106 legal agreement
- (5) **Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham** 77 - 88
Proposal: Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms.
Location: The Lodge at Newbury Racecourse, Racecourse Road, Greenham
Applicant: Newbury Racecourse
Recommendation: The Head of Development & Planning be authorised to **GRANT** conditional planning permission subject to completion of a Section 106 legal agreement



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(continued)

- (6) **Application No. and Parish: 19/00577/FULD, 6 Northwood Drive, Newbury** 89 - 108
Proposal: New single family dwelling
Location: 6 Northwood Drive, Newbury, RG14 2HB
Applicant: Mr Hamey and Mrs Woodhead
Recommendation: To DELEGATE to the Head of Development and Planning to **GRANT** PLANNING PERMISSION subject to conditions
- (7) **Application No. and Parish: 18/03398/HOUSE, Winterley House, Kintbury** 109 - 118
Proposal: Two storey and single storey extensions
Location: Winterley House, Kintbury
Applicant: Mr and Mrs McNally
Recommendation: The Head of Development and Planning be authorised to **REFUSE** planning permission

Items for Information

5. **Appeal Decisions relating to Western Area Planning Committee** 119 - 134
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.

Sarah Clarke
Head of Legal and 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, 12 JUNE 2019

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Jeff Cant), Hilary Cole, James Cole (Substitute) (In place of Howard Woollaston), Carlyne Culver, Clive Hooker (Chairman), Claire Rowles and Tony Vickers

Also Present: Derek Carnegie (Team Leader - Development Control) and Jeffrey Ng (Planning Officer)

Apologies for inability to attend the meeting: Councillor Jeff Cant and Councillor Howard Woollaston

PART I

4. Appointment of the Vice Chairman for the Municipal Year 2019/20

RESOLVED that Councillor Tony Vickers be elected Vice-Chairman of the Western Area Planning Committee for the 2019/20 Municipal Year.

5. Minutes

The Minutes of the meetings held on 13 March 2019 and 21 May 2019 were approved as a true and correct record and signed by the Chairman.

6. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, Jeff Beck, James Cole, Carlyne Culver, Claire Rowles and Tony Vickers declared an interest in Agenda Items 2, 3 and/or 5, but reported that, as their interest were 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.

7. Schedule of Planning Applications

(1) Application No. and Parish: 18/01441/HOUSE - Hayward Green Farm, West Woodhay, Newbury, Berkshire

This item was withdrawn from the agenda after it was published.

(2) Application No. and Parish: 19/00411/REM - Garden Land at 5 Normay Rise, Newbury

(Councillors Phil Barnett, Jeff Beck and Tony Vickers declared a personal interest in Agenda Item 3 by virtue of the fact that they were members of Newbury Town Council and their Planning and Highways Committee. Councillor Beck had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Vickers had been lobbied on this item.)

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1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/00411/REM in respect of a reserve matters application for a new dwelling with integral garage of appeal reference APP/W0340/W/17/3191372 (17/01808/OUTD). Matters to be considered: Appearance, Landscaping, Layout and Scale at garden land at 5 Normay Rise, Newbury.
2. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers firmly recommended the Committee grant planning permission.
3. In accordance with the Council's Constitution, Ms Diane Hill and Mr Kevan Williams, objectors, and Mr Robert Megson, agent, addressed the Committee on this application.
4. Ms Hill and Mr Williams in addressing the Committee raised the following points:
 - Ms Hill was speaking on behalf of her mother who lived adjacent to the site.
 - Although the principle of the application had been authorised through appeal, this application had not. The Committee were asked to reject the application due to its form and scale which would lead to a cramped overdevelopment of the site.
 - The proposed dwelling would overhang the property boundary.
 - The proximity of the property at 21m would impact on Ms Hill's mother's privacy and if the Committee were minded to approve the application they should change the application to be a bungalow.
 - Mr Williams had lived adjacent to the site for 1977.
 - The proposed design was not in-keeping with the neo-Georgian appearance of the rest of the area which had originally been known as the Battledean Estate.
 - The position of the proposed dwelling was one metre forward of the established building line.
 - Newbury Town Council's representations regarding the application were submitted ahead of the deadline and therefore would not have taken all public views into account.
1. Councillor Tony Vickers asked Ms Hill if she was aware that the Council's policy allowed a 21m gap between properties. Ms Hill advised that she was aware and that she knew the policy had been deemed controversial.
2. Councillor Vickers asked if Mr Williams agreed that Normay Rise did not have a clear building line. Mr Williams responded that his neighbour had not been permitted by the Council to extend their property to the front because of the building line.
3. Councillor Adrian Abbs asked how Ms Hill knew the distance between the properties would be 21m. Ms Hill advised that she had scaled up the plans.
4. Councillor Phil Barnett stated that the area was known for being flooded and he asked how the area was affected in 2007. Mr Williams reported that the bottom of the road was in a flood zone and in his opinion 5 Normay Rise would be more susceptible to flooding upon construction of the house.
5. Mr Megson in addressing the Committee raised the following points:

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- The previous application had been recommended for approval by officers but the Committee had refused the application. At appeal the Planning Inspector had granted the appeal subject to conditions.
 - A 21m privacy distance usually referred to a back-to-back distance whereas the case in this application was that the properties would be at an angle to each other.
 - No objections had been submitted by statutory consultees.
6. Councillor James Cole asked whether Mr Megson was disputing that the distance was 21m. Mr Megson responded that the distance between the two properties would be 21m however this was at an angle and the Council's policy specified that was the minimum distance for houses back to back.
 7. Councillor Abbs asked what the distance would be from the front of the property to a property opposite. Mr Megson advised that the property would face Willowmead Close.
 8. Councillor Carlyne Culver asked about the position of the bathroom window. Mr Megson replied that usually a condition would be applied to ensure the bathroom window was non-opening and obscure glass.
 9. Councillor Vickers in addressing the Committee as Ward Member made the following points:
 - The proposed design was not in-keeping with the neo-Georgian estate.
 - The size of the proposed dwelling was not suitable.
 - The site was suitable for development but the application was not appropriate.
 - The applicant had advised that they would live in the property and so the development would be exempt from Community Infrastructure Levy (CIL). Councillor Vickers felt that the system might be easy to manipulate.
 10. Turning to questions to officers, Derek Carnegie was invited to respond to the comment about CIL. He advised that matters regarding CIL were not relevant in determining the planning application.
 11. Councillor Abbs asked whether the 21m distance posed a privacy issue. Derek Carnegie advised that the site was in a close knit estate and the impact was not so significant that it would stand up as a reason to refuse the application should the matter go to appeal.
 12. Councillor Hilary Cole wished to clarify that previously the Committee had refused the application against officer recommendation. Derek Carnegie confirmed this was correct.
 13. Councillor Jeff Beck asked that if the Committee were minded to approve the application that an hours of work condition be applied.
 14. In response to a question from Councillor Culver, Derek Carnegie confirmed that the bathroom window would be non-opening.
 15. Councillor Abbs asked whether there was an established building line in the area. Derek Carnegie advised there was no clearly defined line and as large front gardens were common in the area a property being brought forward by 1m would not have a significant impact.
 16. Councillor James Cole asked whether the difference in design of the proposed dwelling to its neighbours would matter to a Planning Inspector at appeal. Derek Carnegie advised that the issue had not been raised in the appeal

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decision letter for the previous application and he did not see the matter as a reason to refuse the application.

17. Councillor Abbs, returning to the matter of the building line, asked whether a precedent had been set in the case cited by the objector. Derek Carnegie stated that planning guidance changed regularly and in his professional opinion it would not be appropriate or enforceable to apply a building line to the area.
18. Councillor Culver enquired upon the Tree Officer's opinion that conditions 6 and 7 could not be discharged. Derek Carnegie confirmed that the matter would be resolved by officers.
19. Councillor Abbs asked whether the Tree Officer had been involved with the application prior to the removal of the diseased oak tree on the site. Derek Carnegie confirmed that the Tree Officer had been involved throughout the application.
20. In commencing the debate Councillor Vickers expressed the view that the proposal was not in-keeping with the design of the area and was too big for the plot. While the Planning Inspector had confirmed that a dwelling could be developed on the plot this was not the right proposal. Councillor Vickers proposed that the Committee reject the officer's recommendation and instead refuse planning permission. Councillor Beck seconded the proposal.
21. Councillor Barnett expressed the view that the development was too large and would stand out whereas a smaller development might be acceptable.
22. Councillor Hilary Cole stated that the Committee was in a difficult position but the application allowed by the Planning Inspector had been in outline there had been no indication of its form or size. The design was insensitive to the rest of the area. The National Planning Policy Framework guided Planning Authorities to consider design and refusal would be legitimate on the grounds that it was not in-keeping.
23. Councillor James Cole stated that the application should be refused because it was too big but there should be a house on the site.
24. Derek Carnegie warned the Committee that should they refuse planning permission and the decision was appealed the Planning Inspector might allow the appeal and the Council could be liable for costs.
25. Councillor Claire Rowles expressed the view that the house would look crammed in. Derek Carnegie advised that properties in the area were close-knit.
26. Councillor Vickers agreed that the property would look crammed in to the plot whereas the rest of the estate was spacious with properties set back from the road.
27. The Chairman invited the committee to vote on the proposal of Councillor Vickers as seconded by councillor Beck. At the vote the motion was carried with three abstentions.

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

Reason

The proposed dwelling is too large for the plot of land and the design does not relate to or respect the Neo-Georgian style of the rest of the immediate neighbourhood. The

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proposal does not respect the established building line of adjacent properties and the scale of the proposal will result in an adverse impact on the privacy and the amenities of neighbouring properties.

(3) **Application No. and Parish: 19/00806/HOUSE - 24 Donnington Square, Newbury**

(Councillor Vickers had been lobbied on this item.)

1. The Committee considered a report (Agenda Item 5(3)) concerning Planning Application 19/00806/HOUSE in respect of a three storey side extension and new porch at 24 Donnington Square, Newbury.
2. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers recommended the Committee grant planning permission.
3. In accordance with the Council's Constitution, Mrs Charlotte Hawkins and Mr David Peacock, objectors, and Mr Gareth Davies, applicant, and Mr Matt Taylor, agent, addressed the Committee on this application.
4. Mrs Hawkins and Mr Peacock in addressing the Committee raised the following points:
 - The extension did not mirror the extension of the adjoining property.
 - No conservation report had been undertaken.
 - It did not enhance the appearance of the area.
 - There would be a loss of the open aspect to the front Mrs Hawkins' property. It was already overshadowed and the impact would increase if the application was allowed.
 - Donnington Square was its own conservation area.
 - Comments from the Newbury Society had been misrepresented.
5. Councillor Jeff Beck stated that Ms Hawkins had provided a report written by Harrison Duckett Associates (HDA) which she mentioned at the site visit but noted it was not referenced in the update report. Ms Hawkins responded that the case officer had advised that the report might not be circulated to the Committee which is why she sent it on.
6. Councillor Phil Barnett asked how the extension of number 25 was different to the proposal. Ms Hawkins advised that it was narrower and had a different roof.
7. Councillor Abbs asked how much additional overshadowing would be caused by the proposed extension. Ms Hawkins responded that it would be around 30 minutes in the morning however the modelling provided by the applicant only showed 2 hour blocks.
8. Councillor Tony Vickers asked whether the applicant had discussed the plans with Ms Hawkins. She responded that they had after the plans were submitted.
9. Councillor Carolyne Culver asked what width the extension would be versus the existing extension at number 25. Ms Hawkins advised that 25's extension was 2.5m whereas number 24 proposed a 3.6m extension.
10. Mr Davies and Mr Taylor in addressing the Committee made the following points:

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- Mr Davies planned to live in the property and wanted to make space for his family.
 - He recognised the historic importance of Donnington Square and wanted to improve the street scene.
 - The extension would be 10cm narrower and 2.5m shorter than the extension of 25 Donnington Square.
 - Ten objections had been submitted in respect of the original application. Only two objections remained in respect of the revised plans.
 - The new extension would be visually indifferent to the extension at 25 Donnington Square.
 - The additional overshadowing on neighbours at number 23 would be minimal and occur in the early hours of the Winter.
11. Councillor Abbs enquired why the 23's conservatory was not shown on the shadow study and how much additional time the property would be in shadow. Mr Taylor responded that the overshadowing impact of the proposal was immaterial and it could not be described in time; the diagrams would need to be referred to.
 12. Councillor Rowles noted that the additional height might not have a significant impact but the additional width would and asked if it would equate to 30 minutes. Mr Taylor advised that the extension would be set back from the front of the house and was not overly wide and would make a minor difference to the overshadowing already caused by the house.
 13. Councillor Beck asked whether the applicant was aware of the HDA report Ms Hawkins had provided to him and the case officer. Mr Taylor advised that he was aware but it was not on the website.
 14. Councillor Beck expressed frustration that the HDA report had not been included as part of the update report. Derek Carnegie offered reassurance that the case officer had taken into account the report.
 15. Councillor Clive Hooker proposed deferral of the decision until all Members had seen a copy of the report. This was seconded by Councillor Vickers.
 16. Councillor James Cole stated that as the Council's Heritage Champion he was disappointed not to see much mention of heritage issues in the report. Derek Carnegie reported that a significant comment was included on page 64 of the agenda.
 17. Councillor Abbs made a query about rear access to the garden; Derek Carnegie confirmed this was not a planning issue. Councillor Hilary Cole advised this matter was discussed at the site visit.
 18. Councillor Vickers expressed the view that the application should include a Heritage Assessment.
 19. The Chairman invited the Committee to vote on his proposal as seconded by Councillor Vickers to defer the application. At the vote the motion was carried.

RESOLVED that the decision be deferred.

Following the vote Councillor Barnett expressed the view that Mr Peacock, who represented the Newbury Society, should be permitted to speak in a distinct group as a statutory consultee, rather than share the time with the other objector. *(Post meeting note: The Newbury Society were not a statutory consultee and the Council's Constitution*

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does not offer statutory consultees their own five minute slot to address the Committee; they would be expected to share their time with other speakers in their category.)

(4) Application No. and Parish: 19/00108/FULD - Land North of 4 and South of 8 Edgecombe Lane, Newbury

This item was withdrawn from the agenda after it was published.

(5) Application No. and Parish: 18/03398/HOUSE - Winterley House, Kintbury

(Councillor Claire Rowles had been lobbied on this application.)

1. The Committee considered a report (Agenda Item 5(5)) concerning Planning Application 18/03398/HOUSE in respect of two storey and single storey extensions at Winterley House, Kintbury.
2. Derek Carnegie introduced the report to Members which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
3. In accordance with the Council's Constitution, Mr Markus McNally, applicant, and Mr Frank Dowling, agent, addressed the Committee on this application.
4. Mr McNally and Mr Dowling in addressing the Committee raised the following points:
 - The property was not a listed building or in a Conservation Area and there was no mention of any historic interest in any property searches. It was being referred to as a non-designated asset by the Council, a phrase which had no legal meaning.
 - The Planning Inspector who determined the appeal was not a specialist in historic buildings.
 - The property was of Georgian origin and had been extended and altered throughout its life to meet the wishes of successive owners and now had a muddled internal layout. Improvements were required and the best features would be preserved.
 - The application had been revised from the version seen by the Planning Inspector. The extension had been set back and down so it was distinguished and subservient to the main part of the property. Details and materials would match the main part of the house and enhance the property.
 - The applicant was committed to the local area and wanted to make the property larger for his family.
5. Councillor Adrian Abbs enquired upon the heritage status of the property and noted that previously there was a grade three listing for buildings, which was removed in the 1980s. Mr Dowling advised that some properties had been upgraded to Grade two when grade three status was removed and others were removed entirely from the list unless in a Conservation Area. Some Councils held local lists.
6. Councillor James Cole and Claire Rowles in addressing the Committee as Ward Members raised the following points:

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- The property was not Georgian. One quarter of the ground floor was the original Georgian, one quarter was mid-Victorian and the remaining half was modern.
 - The 'nice bit' of the property was the modern part. The house was no a heritage asset.
 - Great weight was attached in the appeal decision to the property's status as a non-designated heritage asset. One day it might justify such a label.
 - The proposed extension was subservient to the main property.
 - Four Members present at the Committee had not undertaken a site visit and they should see the site in order to make a decision. The Committee should permit the application or defer in order to complete a site visit.
7. Councillor Tony Vickers asked why Councillor James Cole no longer thought the property was a heritage building. He responded that the property had changed over the years and the nice part was modern.
 8. Councillor Clive Hooker confirmed that Members could visit the property if they wished. Councillor Vickers reported he would like to see the property.
 9. Turning to questions for officers, Councillor Hilary Cole stated that she was mystified that the same criteria had not been applied to the Donnington Square application. Derek Carnegie stated that there was a clear difference to that case as there was a three page appeal decision from the Planning Inspector and it was not the place of the Local Planning Authority to overturn it.
 10. Councillor Hilary Cole advised that the proposed extension had been set back and down and questioned how different the application would need to be. Derek Carnegie responded that it had not been set down sufficiently.
 11. Councillor Rowles expressed the view that significant weight had been attached to the label as a non-designated heritage asset and asked how that term was defined. Derek Carnegie stated that the Planning Inspector had reported the impact of the extension on the character of the building as the main issue. Councillor James Cole challenged that the Inspector made the decision based on the information provided by the Council; Derek Carnegie confirmed that they would have made their own investigations.
 12. Councillor Vickers stated that the term 'non-designated heritage asset' had no legal meaning and asked whether assumptions could be made about the Inspector's information. Derek Carnegie advised that he was confident that all Planning Inspectors were qualified and would interrogate any information they were presented with.
 13. Councillor Hilary Cole expressed the view that the debate had been bogged down in the heritage issues when the comments of the Archaeologist and Conservation Officer also related to the bulk.
 14. Councillor Jeff Beck had proposed acceptance of the application at the previous meeting but had agreed to withdraw the proposal to enable the item to be deferred. Half of this new Committee membership had not been present at that meeting so he agreed that Members should have an opportunity to visit the site. Councillor Beck proposed that the item should be deferred. This was seconded by Councillor Barnett.

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15. The Chairman invited the Committee to vote on the proposal which at the vote was carried.

RESOLVED that the application be deferred.

8. Appeal Decisions relating to Western Area Planning Committee

Members noted the outcome of appeal decisions relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 8.42 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(1)	19/01035/HOUSE Leckhampstead Parish Council	6 th June 2019 ¹	Demolition of porch and single storey extensions, new single storey extension and other alterations. Gilberts, Hill Green, Leckhampstead Mrs V Von Celsing

¹ Extension of time agreed with applicant until 5th July 2019

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01035/HOUSE>

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

Ward Member: Councillor Clive Hooker

Reason for Committee Determination: Called in by Councillor Hooker due to concerns with Conservation Officer's comments with regards to subservience and design.

Committee Site Visit: 27th June 2019

Contact Officer Details

Name: Gemma Kirk
Job Title: Planning Officer
Tel No: 01635 519111
Email: Gemma.Kirk@westberks.gov.uk

1. INTRODUCTION

- 1.1 This application seeks planning permission for a single storey rear extension that will be positioned over the existing rear projection that will be demolished as part of this proposal. The rear extension is comprised of a hipped gable natural slate roof and a zinc flat roof.
- 1.2 The proposal includes alterations to the front elevation by removing the existing porch and replacing with a lead flat roofed canopy. The garage doors will be removed and the slate roof over the garage will be replaced with a thatched roof. The thatch on the main building is proposed to be renewed and windows to be replaced with metal framed windows.
- 1.3 The Design and Access Statement refers to the addition of a swimming pool in the rear garden. The swimming pool appears to be fall within permitted development but in any event does not form part of this application and so cannot be taken into consideration.
- 1.4 Gilberts is located in Hill Green; a conservation area formed of a small number of modest sized dwellings. A number of the dwellings in the conservation area are listed, however Gilberts is a non-designated heritage asset. Gilberts is the first visible dwelling in the conservation area when approaching from the south. The application site is located within the open countryside and forms part of the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB).
- 1.5 Please note Supporting Photographs have been submitted by the agent on 18.06.2019; these can be viewed on the Council's website using the link above.

2. PLANNING HISTORY

- 2.1 18/02913/HOUSE: Demolition of porch and single storey extensions, new two storey extension and single storey link and other alterations. Withdrawn. 27.12.2018. The applicant was advised this application would be refused for the following reasons:
 - The impact on a non-designated heritage asset: the proposal was considered to dominate the existing building due to the scale, mass and bulk failing to reflect the existing cottage.
 - The impact on the setting of the Grade II listed Yew Tree Cottage: the proposed extension would obstruct views to the listed building. The views contributed positively to the character and appearance of the conservation area.
 - The impact on the character and appearance of the conservation area: the extension failed to respect the prevailing character of the conservation area.
 - Principle of development: the extension would not be subservient to the original dwelling and therefore contrary to Policy C6 of the HSA DPD.
- 2.2 140082: Demolition of existing brick porch and erect new porch of similar construction. Refused. 15.01.1992.
- 2.3 140083: Demolition of porch. Approved. 15.01.1992.

3. PROCEDURAL MATTERS

- 3.1 Environmental Impact Assessment (EIA): Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Publicity: Site notices displayed on 13th May 2019 at the front of the application site; the deadline for representations expired on 4th June 2019.
- 3.3 CIL: Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Based on the CIL PAAIR form, it appears that the development will not be CIL liable. However, CIL liability will be formally confirmed by CIL Charging Authority under separate cover following the grant of any permission.
- 3.4 Common Land: The red line has been amended as part of this application to ensure that the Common Land adjacent to the site is not included as part of the proposal. The application site is positioned adjacent to registered Common Land.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Parish Council: No objections.

Highways Authority: No comments.

Conservation Officer: Whilst I appreciate that the applicant has reduced the height of the proposed extension in an attempt to make it subservient to the main building, I do not feel that the resulting built form respects the character of the building.

There is an awkward relationship between the proposed and existing roof form, which results in the creation of two distinct built forms. This is emphasised where the hipped gable end of the proposal meets the thatched roof of the original cottage. The proposal does not read as a natural extension to this historic cottage but rather as an, awkward, incongruous addition. Furthermore, as a result of its excessive length (approx. 12.5m) it fails to read as a subservient addition.

The proposal is therefore contrary to Policy C 6 which seeks to ensure that the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and that it has no adverse impact on the historic interest of the building.

At the site meeting with the architect I recommended that a more appropriate addition would be a single storey extension that continued the same ridge and eaves line as the existing rear extension. Such an addition (provided it was appropriate in length) would appear as a natural extension to the building, respecting its existing character, scale and form.

Tree Officer: The site is located within the Conservation Area, there are several trees in the garden which are unlikely to be affected by the development proposal, however there is a significant hedge to the rear of the property which is worthy of protection. The use of a condition protection it using the BS5837 guidance seems onerous, however the use of an informative in this case seems more appropriate.

Recommendations: If you are minded to grant consent I would have no objections subject to the following informative being attached to any planning consent: Tree protection precautions informative note.

Land Drainage Engineer: No comments received at time of writing the report.

North Wessex Downs Management: No comments received at time of writing the report.

4.2 Public representations

Original consultation: Total: 2 Support: 2

Summary of support

- The proposed extension will be unseen in the context of the village and the public footpath.
- The proposed extension will enhance the existing property.

5. PLANNING POLICY

5.1 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies- ADPP1: Spatial Strategy, ADPP5: North Wessex Downs Area of Outstanding Natural Beauty, CS13: Transport, CS14: Design Principles, CS18: Green Infrastructure, CS19: Historic Environment and Landscape Character

5.2 Housing Site Allocations Development Plan Document (HSA DPD):
Policies- C1: Location of New Housing in the Countryside, C3: Design of Housing in the Countryside, C6: Extension of Existing Dwellings within the Countryside, P1: Residential Parking for New Development

5.3 Material considerations:

- National Planning Policy Framework (NPPF) (February 2019)

- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-2019
- House Extensions SPG (2004)
- Quality Design SPD (2006)

6. APPRAISAL

The main considerations in the determination of this application are:

- Principle of development
- The impact on the character of the area
- The impact on neighbouring amenity
- The impact on highway safety

6.1 Principle of development

6.1.1 The application site is located outside of any defined settlement boundary within the district and therefore is regarded as 'open countryside' under both Policy ADPP1 of the Core Strategy and C1 of the HSA DPD. These policies state that only appropriate limited development in the countryside will be allowed.

6.1.2 In the context of this general policy of restraint in the countryside, Policy C6 of the HSA DPD gives presumption in favour of proposals for the extension of existing permanent dwellings. An extension or alteration will be permitted providing that:

- (i) The scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
- (ii) It has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
- (iii) The use of materials is appropriate within the local architectural context; and
- (iv) There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.

6.1.3 The proposal will be assessed against the criteria under the below headings.

6.2 The impact on the character of the area

6.2.1 Gilberts is located at the south entrance to Hill Green Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. One of the key aims of Policy CS19 of the Core Strategy is the conservation, protection and enhancement of the historic environment and states that particular regard will be given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.2.2 The Hill Green Conservation Area is situated in the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB). Through the NPPF, the Government advises that greater weight should be given to conserving and enhancing the

landscape and scenic beauty in AONBs. Policy ADPP5 of the Core Strategy reiterates this and seeks development that will respect and respond to the historic environment of the NWD AONB.

- 6.2.3 Although not statutorily listed, Gilberts is of historic interest and included within the Historic Environment Record as an unlisted 18th century cottage with thatched roof. It is therefore considered to be a non-designated heritage asset, as defined by the NPPF. The key factors which contribute to the significance of this non-designated heritage asset are: the extent of historic fabric which remains, the use of vernacular materials, the extent to which the cottage illustrates the smallholder tradition of the area, the relatively modest form of the building and its prominent position at the south entrance into the conservation area. Gilberts makes a positive contribution to the character and appearance of the Hill Green Conservation Area. It is therefore sensitive to inappropriate extension.
- 6.2.4 The first criteria for Policy C6 of the HSA DPD requires extensions to existing houses to be subservient to the original dwelling and designed to be in character with the existing dwelling. The House Extensions SPG advises that extensions should generally be subservient to the original building, taking into consideration the overall height and bulk, the materials, roof shape and size and proportion of the openings. The Quality Design SPD states that the physical bulk of a development should be considered in terms of length, width, height and footprint.
- 6.2.5 The proposed single storey extension at the rear is designed with a hipped gable slate roof and zinc flat roof. The extension will extend from the rear elevation by approximately 11.9 metres. The Conservation Officer advises that the rear extension does not respect the character of the existing building. The design of the roof form creates two distinctive built forms emphasised by where the hipped gable of the extension meets the thatched roof of the original cottage; this creates an awkward relationship which appears incongruous. The Conservation Officer considers the length of the extension is excessive and fails to be subservient to Gilberts. Whilst it is acknowledged that letters of support have been received for this proposal the scale, mass and bulk of this extension does not respect the modest sized cottage.
- 6.2.6 It is acknowledged that the other proposed alterations, including the works to the front elevation, would not harm the character and appearance of Gilberts. However, to ensure the proposal respects the character of the dwelling a condition for a schedule of materials is considered necessary.
- 6.2.7 The identified harm that the extension will have on the character and appearance of Gilberts will also impact upon the Hill Green Conservation Area. The Conservation Area is characterised by modest sized dwellings located in relatively large plots. The large extension would fail to respect this prevailing character. In addition the application site is positioned, in a prominent location in the conservation area street scene, at the south entrance. Whilst public views of the extension would be limited due to vegetation it is considered that the extension would still have a negative impact on the views of the conservation area. It is therefore considered that the proposal will have an adverse impact on the character and appearance of the conservation area.

- 6.2.8 This proposal follows application 18/02913/HOUSE; this was for a two storey extension which was withdrawn. This previous proposal was considered to have a harmful impact on character and appearance of Gilberts and the conservation area due to its scale, mass and bulk. It is acknowledged that this proposal has attempted to address these concerns however it is considered the scheme does not overcome the impact on the character of the existing building. The agent was advised that a proposed extension which continued the same ridge and eaves line as the existing rear extension would be more appropriate.
- 6.2.9 The Tree Officer provided comments on the landscaping at Gilberts. It was considered that the several trees on the application site will be unlikely to be affected by the proposal. It is considered a Tree Protection Precaution informative will be sufficient to protect the significant hedge worthy of protection at the application site.
- 6.2.10 The extension at the rear will have an adverse impact on both the character and appearance of Gilberts and Hill Green Conservation Area. As a result the proposal does not comply with criteria (i) and (ii) of Policy C6 of the HSA DPD; the principle of the development is therefore not acceptable. The proposal is contrary to Policies ADPP5, CS14 and CS19 of the Core Strategy, Policies C3 and C6 of the HSA DPD, the NPPF, the Council's adopted House Extensions SPG and its adopted Quality Design SPD.
- 6.2.11 According to the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset (in this case, the conservation area), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As the extension of a reasonably-sized existing dwelling, there are not considered to be any material *public* benefits of the extension to outweigh the harm to the conservation area.
- 6.2.12 According to the NPPF, the effect of an application on the significance of a non-designated heritage asset (in this case, Gilberts itself) should be taken into account in the determination of the application. In weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal would substantially alter the character and appearance of the existing property and thereby undermine its significance. Overall, the policies of the NPPF direct the decision maker to place great weight on the harm identified to the historic environment.

6.3 The impact on neighbouring amenity

- 6.3.1 Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The NPPF also seeks to protect the amenity of neighbouring land users.

6.3.2 Dwellings in Hill Green are predominately located in relatively large plots. As the neighbouring dwelling Yew Tree Cottage is approximately 21 metres from the communal boundary shared between Yew Tree Cottage and Gilberts. This separation distance mitigates the impact on neighbouring amenity in terms of overbearing impact, daylight/sunlight received and privacy.

6.3.3 It is recommended that if this application is to be approved, a condition for hours of work is added to protect the neighbours whilst construction takes place.

6.4 The impact on highway safety

6.4.1 The NPPF states that decisions should take into account whether safe and suitable access to the site can be achieved for all users. Policy P1 of the HSA DPD sets out residential car parking levels for the district.

6.4.2 The proposal will not alter the existing vehicular access. The Proposed Ground Floor Plan demonstrates that 3 car parking spaces can be achieved at Gilberts. The proposal is therefore in accordance with Policy P1 of the HSA DPD.

6.4.3 The Highways Officer raised no objections to the proposal.

7. RESPONSE TO LETTERS OF REPRESENTATION

7.1 Letters of representation are noted and the matters raised have been addressed in the report.

8. CONCLUSION

8.1 Having taken into account all of the relevant policy considerations and other material considerations referred to above, it is considered that the proposal is unacceptable due to the impact on the character and appearance of Gilberts and the impact on the character and appearance of the Hill Green Conservation Area.

8.2 The proposal is therefore contrary to Policies ADPP5, CS14 and CS19 of the Core Strategy, Policies C3 and C6 of the HSA DPD, the NPPF, the Council's adopted House Extensions SPG and its adopted Quality Design SPD.

9. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** subject to the following conditions.

1. Impact on the character and appearance of Gilberts

Gilberts is considered to be a non-designated heritage asset. According to the NPPF, heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Policy CS19 of the Core Strategy states that particular regard will be given to the conservation and, where appropriate, enhancement of heritage assets and their settings. Policy CS14 of the Core

Strategy states that new development must demonstrate high quality design that respects and enhances the character and appearance of the area. Policy C6 of the Housing Site Allocations DPD requires an extension to an existing dwelling within the countryside to be subservient to the original dwelling and in character with the existing dwelling.

The key factors that contribute to the significance of the non-designated heritage asset are the extent of historic fabric which remains, the use of vernacular materials, the extent to which the cottage illustrates the smallholder tradition the area, the relatively modest form of the building and its prominent position at the south entrance into the conservation area. Gilberts makes a positive contribution to the character and appearance of the Hill Green Conservation Area.

The rear extension is designed with a hipped gable slate roof and zinc flat roof. The extension will extend from the rear elevation by approximately 11.9 metres. The design of the roof form creates two distinctive built forms emphasised by where the hipped gable of the extension meets the thatched roof of the original cottage; this creates an awkward relationship which appears incongruous. The length of the extension is excessive and fails to be subservient to Gilberts. The scale, mass and bulk of this extension does not respect the modest sized cottage. The proposal therefore fails to respect the character and appearance of the existing dwelling.

The application is therefore contrary to the NPPF (February 2019), Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, Policies ADPP5, CS14, CS19 of the Core Strategy 2006-2026, the North Wessex Downs Management Plan (2014-19), the Council's adopted House Extensions SPG (2004) and its adopted Quality Design SPD (2006).

2. Impact on the character and appearance of the conservation area

Gilberts is located in Hill Green Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Policy CS19 state that particular regard shall be given to given to the sensitivity of the area to change and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policy ADPP5 of the Core Strategy seeks development that will respond to the historic environment of the AONB.

Hill Green Conservation Area is characterised by modest sized dwellings located in relatively large plots. The application site is located in a prominent location at the south entrance to the Hill Green Conservation Area. Gilberts makes a positive contribution to the character and appearance of the conservation area.

The large extension would fail to respect this prevailing character. There is also an impact on the conservation area street scene. Whilst public views of the extension would be limited due to vegetation it is still considered that the extension would have a negative impact on the views of the conservation area. It is therefore considered that the proposal will have an adverse impact on the character and appearance of the conservation area.

The application is therefore contrary to the NPPF (February 2019), Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, Policies ADPP5, CS14, CS19 of the Core Strategy 2006-2026, the North Wessex Downs Management Plan (2014-19), the Council's adopted House Extensions SPG (2004) and its adopted Quality Design SPD (2006).

INFORMATIVES

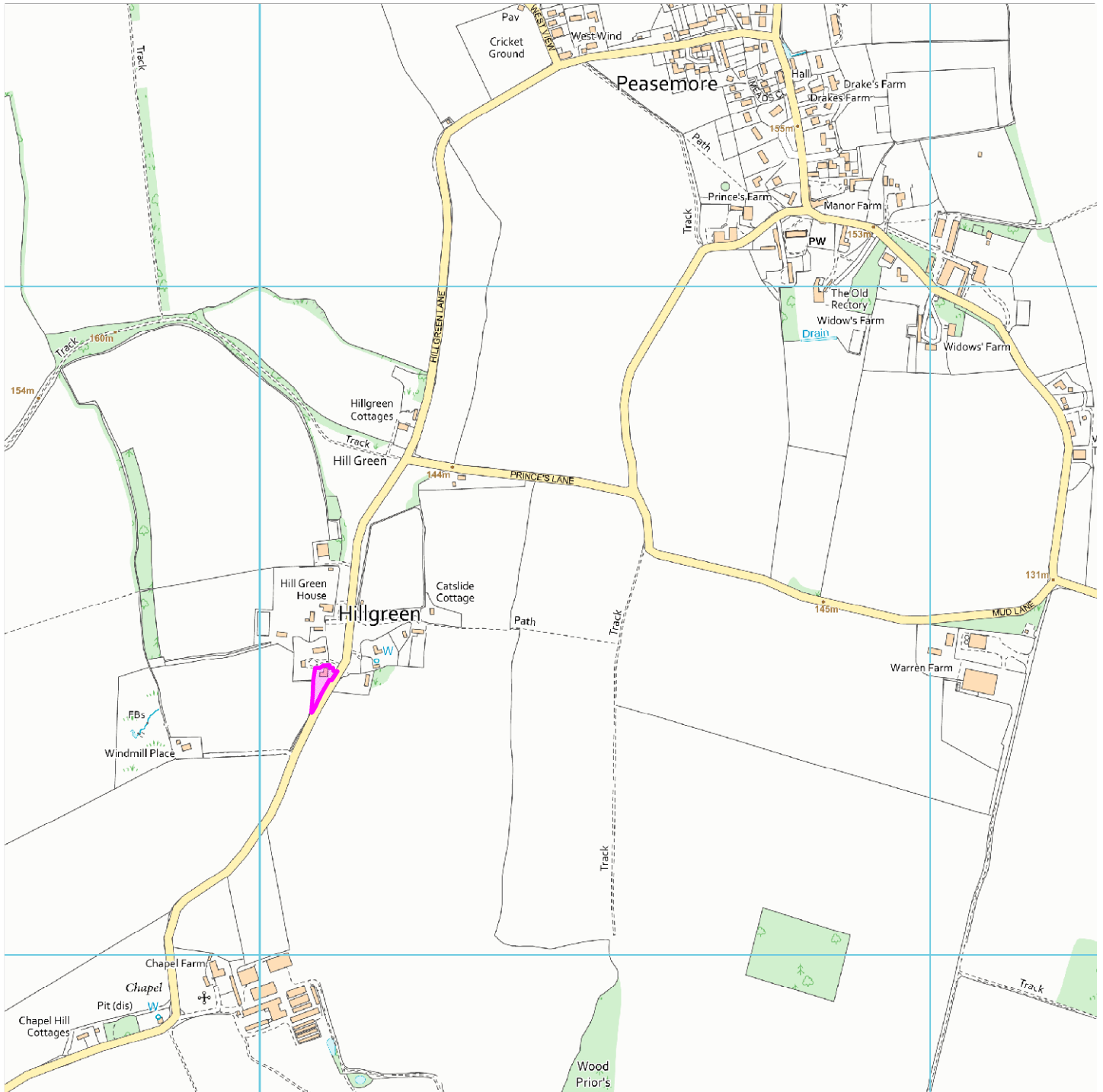
1. Refuse: Objections/ support received

In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

DC

19/01035/HOUSE

Gilberts, Hill Green, Leckhampstead, Newbury RG20 8RB



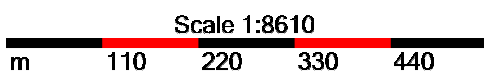
Map Centre Coordinates :

Scale : 1:8610

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(2)	19/00806/HOUSE Newbury Town Council	24/05/19 ¹	Three storey side extension and new porch. 24 Donnington Square Mr & Mrs Davies, Applicant James Sopp, Agent

¹ Extension of time agreed with applicant until 03/07/19

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00806/HOUSE>

Recommendation Summary: To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member: Councillor Lynne Doherty
Councillor Steve Masters

Reason for Committee Determination: More than 10 objections received.

Committee Site Visit: 06/06/19

Contact Officer Details

Name: Scott Houston
Job Title: Planning Officer
Tel No: 01635 519111
Email: Scott.houston1@westberks.gov.uk

1. INTRODUCTION

- 1.1 Planning permission is sought at 24 Donnington Square for the three storey side extension and new front porch.

2. PLANNING HISTORY

- 2.1 No relevant planning history.

3. PROCEDURAL MATTERS

- 3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed: 15/04/19, expired 06/05/19. Published in Newbury Weekly News 11/04/19.
- 3.3 Proposal would create less than 100 square meters of additional floor space and as such is not CIL liable.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Town Council: Objection. The proposed extension will be overbearing towards the neighbouring two-storey property (23 Donnington Square) and will obstruct light from it. It will not be symmetric with the extension to the adjoining 25 Donnington Square. It will conflict with the street scene of the Donnington Square Area. These difficulties could have been foreseen and perhaps dealt with if the applicants had consulted their neighbours, which we understand has not occurred.

Trees: The site has been visited and the scheme assessed. There is a mature Yew Tree within the rear garden which is protected as it is within the designated conservation area.
The proposal shows no change to the existing retaining wall and patio area in close proximity to this tree.
Conclusion: No objections to the proposal, however any construction works must be avoided close to the tree, therefore a tree protection condition is recommended.

Highways: No objection, request for informatives.

Conservation: There is some variety in the design of the extensions to this part of Donnington Square referred to in my original comments, and with a not a strict duality between the pairs of houses here, including numbers 24 and 25. The key issue here appears to be the unique relationship and impact between the application property and number 23, and whether the amendments will address their concerns.

Notwithstanding any other Development Control Case Officer considerations, I confirm that the comments made here shift the balance in building conservation terms in favour of the (amended) proposals.

The Newbury Society: Note: following response was received on 06/06/19, after the original report was written, and beyond the original date for comments. It has been included in this amended version.

The Newbury Society objects to the proposals in their current form.

Donnington Square is a Conservation Area, designated in May 1971. The fact that West Berkshire Council and its predecessors have failed to produce a formal appraisal for this CA over the last 48 years should not favour developments which may cause it harm. This failure is in spite of the town council and residents researching the Square in some detail, and producing a report submitted to West Berkshire Council more than 10 years ago which could have been the basis for a formal appraisal (*Donnington Square Conservation Area Report*, Newbury Town Council, 2008). Donnington Square is significant enough to be included in the Pevsner volume on *Berkshire* (2010 p. 406).

In spite of this being a Conservation Area, this application does not include a Heritage Statement. The design and access statement is minimal, and simply does not address heritage impact. The main issue here is the effect of the application on the character of the conservation area. Donnington Square is a mid-C19th development of large houses, punctuated by gaps between the houses. This punctuation is an essential part of the character of the area, providing a rhythm to the crescent, and a further erosion will damage its character.

The main concerns therefore are the size of the current three-storey extension proposed, and its design. We consider it to be inappropriately wide, and inappropriately high; filling in a significant part of the gap to the neighbouring property. The effect is detrimental to the conservation area.

The 3-storey extension to the adjoining no. 25 was approved in August 2007 under application 07/01106/HOUSE, and we consider that this should be used as an appropriate guide to the maximum width of an acceptable extension at no. 24. This would also help in re-imposing the symmetry of the pair of buildings, thereby making a more sympathetic contribution to the Conservation Area. The massing at no. 25 reflected the relationship to the adjacent building; for this application the relationship with no. 23 is even more sensitive, bearing in mind the relative height of the two buildings.

We have no objection to the principle of an extension. We do feel that in agreeing the acceptable size for an extension, the views of the occupants of no. 23, the neighbouring property most affected, should be given serious weight.

4.2 Public representations

Original consultation:	Total: 16	Support: 0	Object: 16
Amendments consultation:	Total: 2	Support: 0	Object: 2
Post-deference consultation:	Total: 4	Support: 0	Object: 4

Summary of support

- No representations were received in support of this proposal.

Summary of objection

- Neighbouring Amenity/Overbearing/Dominance – many of the objections purport that this proposal will be overshadowing on 23 Donnington Square, and possibly 22 as well, and

would be a dominating wall close to their boundary and be dominating in general, and that the extension does not respect their scale and proportions.

- Design – the proposed roof design is not in keeping for the area, and could also impact upon neighbouring amenity.
- Balance – that this proposal is going to make this pair of dwellings (24 & 25) look asymmetrical as the proposal is wide and tall.
- Views – this proposal will block the view of trees in the square.
- Street scene/prominence– the proposition that the gaps between the dwellings are important and that this proposal changes that relation to too great a degree, and that as this is a conservation area, the street scene should be preserved. Also asserted in several representations that this proposal will fully block the gap between 24 and 23.
- Building line - that the prominent nature of the proposal cuts the square's building line between 24 and 23.
- Trees – one representation claimed that tree roots would be impacted. This has been addressed in consultation with the tree officer and a recommended condition, although the retaining wall does not change near to the yew tree.

5. PLANNING POLICY

5.1 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, ADPP2, CS14, CS19

5.5 Material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- House Extensions SPG (2004)
- Quality Design: West Berkshire Supplementary Planning Document (2006)

6. APPRAISAL

6.1 Principle of development

6.1.1 The application site is located within the Newbury settlement boundary, where the principle of extending an existing dwelling is generally in accordance with the development plan policies, subject to detailed policies on design, impact on the character of the area and neighbouring amenity which are discussed below.

6.2 The impact on the character and appearance of the conservation area

6.2.1 24 Donnington Square is an unlisted building within a designated conservation area. This designation increases the sensitivity of the area to inappropriate change; any development should respect the high architectural standard and unique character of the area. The prevailing character of the area is comprised of the late Georgian and early Victorian large manor houses, with low-density infill development in the centre of the square.

6.2.2 The existing dwelling is a part four storey, part three storey, late Georgian white rendered manor house.

6.2.3 It is necessary to assess the particular character of this corner of the square. This is an unusual corner of the square as, on the neighbouring plot to 24, is a pair of semidetached cottages that were built in the space vacated by the original manorhouse when it burnt down in 1851. To avoid the original foundations, the two were set back quite a way from the original building line. Today, 22 and 23 Donnington stand as having a very different character to the buildings nearby, especially when compared to 24.

- 6.2.4 The principle of the proposal as a three storey extension was considered to be acceptable as there are multiple manor houses in the square that have been extended in this way. However, the original proposal had several issues with it that caused it to be considered out of character. Although the proposal was sympathetic in choice of materials and not dissimilar to other three storey side extensions in the area, several aspects were not considered to be acceptable.
- 6.2.5 The three aspects that caused the original proposal to be out of character were the double gable roof, the step halfway along the side elevation, and finally the size of the proposal in relation to 25's extension. The roof was considered problematic as it introduced a non-native roof form into the area that also had additional potential for overshadowing neighbouring amenity. It was not considered to respect the special character of the conservation area, existing dwelling or existing precedent for roofing in this area.
- 6.2.6 It also created a step halfway along the side wall, which, given the prominence of this proposal in the street scene, was considered to be an out-of-character addition as it was not present in any other side wall of any other manor. The size of the proposal was also of concern as it came out further than the extension of 25 and was also further forward.
- 6.2.7 Amendments were submitted that were considered to rectify these three issues. The proposal was amended to be set further back, and was reduced in size as a result, on both the front and side elevation, which resulted in having the step removed from the side elevation and having this proposal better balanced size wise with 25 Donnington. The roof form was also changed to an L-shaped hipped roof.
- 6.2.8 The latter of these amendments was made in the consideration of not only character but neighbouring amenity. In Donnington Square, three storey side extensions are not of a unified character, and as such some minor variations in design can be accommodated without undermining the prevailing character. Some of these manors present a hipped ridge to the street that runs perpendicular to the main building e.g. 26 Donnington Square, where others have a front-facing gable, such as 25 Donnington Square.
- 6.2.9 In the objector commissioned conservation report it mentions that the 'cascading roof form' is of particular note, and this amended roof form, by being setback, hipped away from the main building, and presenting a stepped cascading roof form, serves to enhance and draw attention to this existing special characteristic, rather than create a roof form that would disrupt it (by returning to a higher elevation for example).
- 6.2.10 The design for the front facing roof here, therefore, is not entirely out of character for this area, and is hipped in order to reduce the potential impact on neighbouring amenity through overshadowing, which also results in it being less visible when viewed from the street. The resulting design is of a high quality and is not considered to be out of character, and thus strikes an acceptable compromise between the pair of considerations.
- 6.2.11 The following additional objections have also been raised in public representations in relation to the impact on the character and appearance of the area.
- 6.2.12 Balance was raised in several representations as an issue. It is considered that the amended scheme has sufficiently addressed this issue, and taking into account the available public views of the extension, the proposal is not considered to harm local character through an unbalanced frontage. Several objections also purported that this extension would almost or nearly fully block the gap between 24 and 23. The amended scheme is narrower than that at 25 in the interests of reducing the potential impact on amenity, while simultaneously ensuring that the balance of 24 and 25 is restored.

- 6.2.13 Views were also raised as an issue. Private views are not a material planning consideration. Public views of the proposal have been taken into account in the above assessment, and the impact on the street scene is considered acceptable.
- 6.2.14 Breaching of the building line was another raised issue. Objections have stated that as the proposal is in the transition zone between Nos. 24 and 23 that it cuts into the building line of the square. Nos. 23 and 22 are located some way behind the original building line for the manor that burnt down in 1851. As a result the proposition of any harmful undermining of the existing building line between the two is difficult to substantiate, and the unusual relation between them results, at the least, in an unclear building line that is hard to clearly define as being breached by this proposal.
- 6.2.15 The street scene has also been raised. It is considered that the amended proposal will be a positive addition to the street scene through the rebalancing of this manorhouse. The amended scheme is respectful of the character of the dwelling and the square for the reasons already given.
- 6.2.16 The lower density of this corner of the square is not a part of the character of the rest of the outer square, and is such already out of character to a degree, and due to lower density, has the capacity for a reasonably sized extension, and would potentially not be as obvious as it would be elsewhere in the square where it could cause a closing up on the street scene. Further consultation with conservation resulted in agreement that the spaciousness of this corner of the square would be preserved by this proposal.
- 6.2.17 Taking into account all of the above points, it is concluded that the proposal demonstrates a high standard of design that respects the character and appearance of the area. Similarly, it is concluded that it would not harm the significant of the conservation area as a designated heritage asset.

6.3 The impact on neighbouring amenity

- 6.3.1 Neighbouring amenity has been one of the primary objections to this proposal, especially in regards to the amenity of 23 Donnington Square, but also in regard to the relation between 24 and 23.
- 6.3.2 The original impact of this proposal was considered to be higher due to the larger size and taller roof form. After amended plans were submitted, it was considered that the amended scheme secured a quality of development that would reduce the potential impact of the proposal on the neighbouring amenity of 23 and 22.
- 6.3.3 It was, however, considered necessary due to the scale of the objections, for the applicant to produce additional information in the form of shadow diagrams to prove that this proposal would not have an adverse impact on the amenity of 23.
- 6.3.4 The shadow diagrams created were based on the amended plans and demonstrated the location of the amended proposal more-or-less within the shadow of the existing 4-storey portion.
- 6.3.5 The information submitted was considered to adequately demonstrate that this proposal would not have an adverse impact on neighbouring amenity, as light would only be reduced on a small part of the neighbouring dwelling in the morning, and as such, is concluded to result in a minor loss of light restricted to the early morning that is considered to be acceptable. The impact on light as a result of this proposal would therefore not be sufficiently harmful to warrant refusal.

- 6.3.6 The location of these dwellings relative to each other also results in sufficient distance that overlooking should not be an issue.
- 6.3.7 Representations also highlighted that the proposed extension is going to be dominant over 22 and 23. Whilst the proposal would be visible, taking into account the precise relationship it is not considered that the impact would be sufficient overbearing to warrant the refusal of planning permission. They are already dominated and overshadowed to a large degree by the surrounding dwellings, which is an aspect of the now existing character of this corner of the square, and it is therefore considered that 23's amenity will not be dominated to any greater degree than it already is.

6.4 The impact on highway safety

- 6.4.1 The Highways Authority were consulted on this proposal and considered the current parking arrangements to be sufficient. It is therefore considered that, as parking and access remain unaffected by this proposal, that the impact of this proposal on highway safety is acceptable.

6.5 The impact on protected trees

- 6.5.1 On the site of this proposal is a large mature yew tree that is protected as a result of being in the conservation area.
- 6.5.2 It is considered that, as construction work is taking place away from the tree, that there should be little to no impact on the tree provided sufficient tree protection measures are undertaken.
- 6.5.3 This is conditioned in accordance with the recommendation of the Tree Officer.

7. CONCLUSION

- 7.1 After careful consideration of the issues surrounding this proposal, and having taken account of all relevant policies and the material considerations referred to above, it is considered that the development proposed is acceptable and conditional approval is justifiable. It is not considered that this proposal would demonstrably harm the character of the area nor the amenity of adjoining residential properties, and accords with guidance contained within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

8. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions.

1. Commencement of development

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 plans and documents listed below:

- 2929-02E-A1 received 17/05/19
- 2929-02E-A3 received 21/05/19
- 2929-01 received 25/03/19
- Location Plan received 25/03/19

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

3. Materials as specified and to match

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. Tree protection

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

INFORMATIVES

1. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.

- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

2. Damage to footways, cycleways and verges

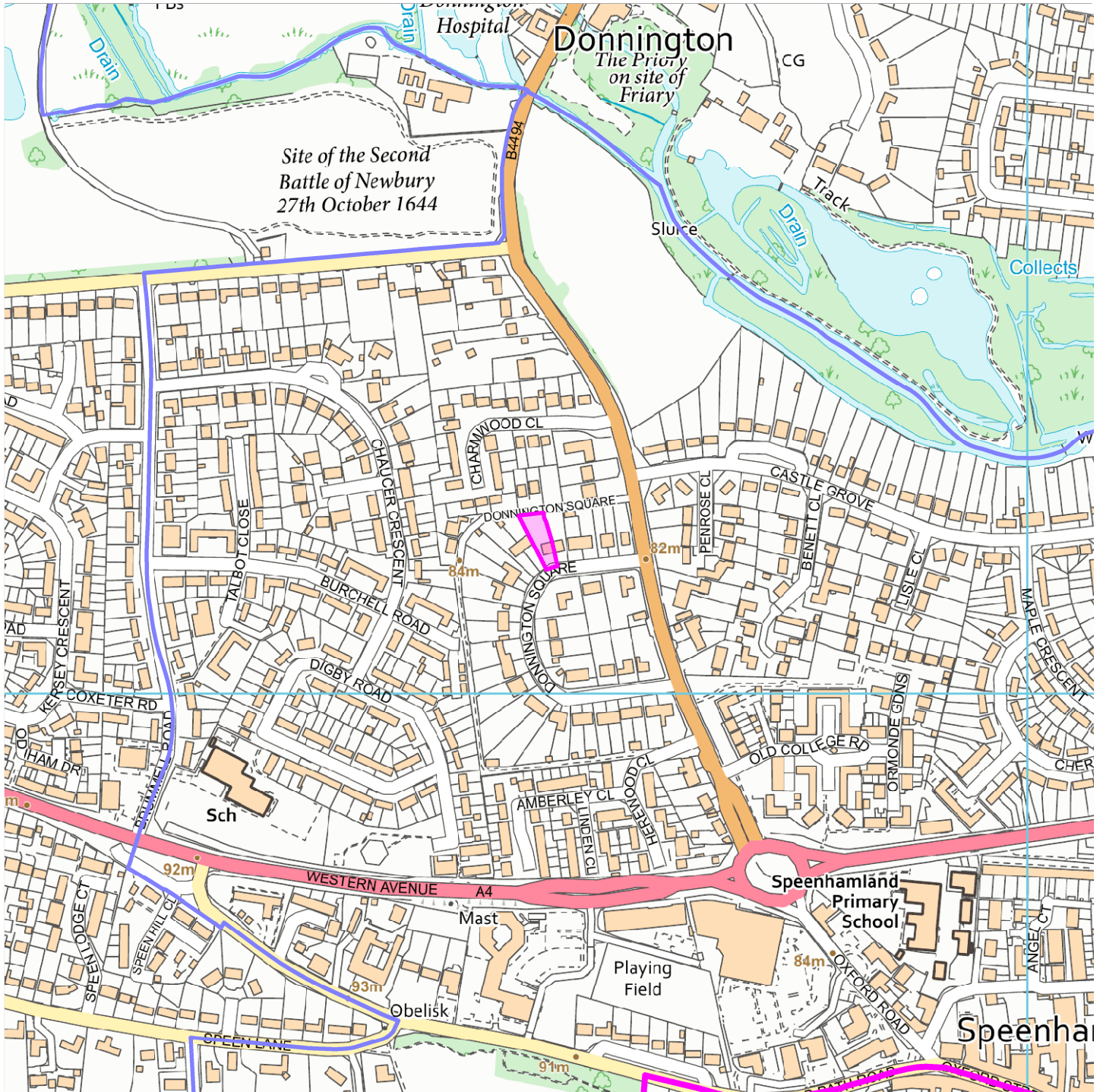
The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

3. Damage to the carriageway

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

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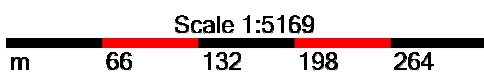
Map Centre Coordinates :

Scale : 1:5169

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	30 May 2019
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)	18/01441/HOUSE West Woodhay Parish Council	8 th August 2018 E.O.T 14 th June 2019	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=18/01441/HOUSE>

Ward Member(s):

Councillor James Cole
Councillor Claire Rowles
Councillor Dennis Benneyworth

Reason for Committee determination:

The Council has received more than 10 letters of objection.

Committee Site Visit:

27th June 2019

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 (14/00590/FUL and 15/03435/HOUSE). Notification for information as sent out to the Parish and objectors. Amended plans and documents were submitted during the course of the application to which Parish and Objectors were consulted upon.

3. Consultations and Representations

Consultations

<p>West Woodhay Parish Meeting.</p>	<p>The latest comments by the parish council are posted below. Previous comments are available on the Council's Website.</p> <p>Please see the following comments detailing our objections to the recent planning application no. 18/01441/HOUSE. Please note that West Woodhay Parish Meeting objects strongly to the application and would welcome the opportunity to speak at any future planning meeting or committee meeting held to consider this application.</p> <p>Blatant disregard for the Section 106 Agreement which firmly states the correct curtilage for this property. The agreement (drawn up and signed by the Applicant himself, the BVI company owning the property, and West Berkshire District Council in July 2005) was contained in Planning Application 09/01887/FUL on the Council website under the <u>second</u> application name of Haywood Green Farm. Things (lawyers) and the Council's own lawyers have confirmed that the correct curtilage is as shown in the Agreement.</p> <p>As such, the proposed Western Pavilion and proposed underground car park are outside the curtilage.</p> <p>The applicant and their agents give no justification or reasoning for their attempt to break of the Section 106 Agreement and, as noted by the lawyers, the historic planning documentation does not support the Applicant's assertion that residential curtilage exists to the extent</p>
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indicated by the applicant's red line plan. It is also very difficult to increase curtilage in an AONB. In each of their previous applications, the Applicant and his agents attempt to justify the current curtilage/red line area by referring to incorrect red lines drawn in previous applications. Even in this amended application, further / new misinformation regarding the curtilage / red line has been submitted by the Applicant in the amended 'Design and Access Statement' included within the amended application documentation. Seemingly, the red line area has been INCREASED AGAIN to conveniently include the old Machinery Store which is now being offered for demolition despite it being a building which was supposed to have been DEMOLISHED and REPLACED by the Garden Store under previous approved Application 10/02100/FUL in the second application name of Haywood Green Farm.

We are awaiting the North Wessex Downs AONB official response following their visit/onsite meeting with the Applicant, the Applicant's Agents and the Council Planning Officer in April 2019. West Woodhay Parish Meeting (WWPM) were excluded from this meeting DESPITE our request to attend. A previous email from Rebecca Davies of the AONB to the planning officer dated 31 January 2019, concurred with our views that the current application would be a gross 'overdevelopment of the site and its continued suburbanisation which is a result of the proliferation of outbuildings, loss of existing landscaping and the addition of hard and inappropriate landscaping that has occurred over the last 4 years'. She adds 'The continuous creep of development and extension of the residential curtilage will leave a permanent scar on the local landscape, there must be a point at which development is restricted in order to ensure the conservation of the natural beauty of the local landscape'. She goes further to say the development is out of keeping with property type and materials used to construct a building within the AONB; the application would potentially create another dwelling on the site.

Additionally, in Rebecca Davies's email dated 25 January 2019, she states 'In terms of the new application and underground car store to include multiple water pumps, the AONB would raise an objection. The cumulative impact of continued development would in my opinion represent overdevelopment of the residential curtilage, which in itself appears to have incrementally extended with each application into open countryside.'

The applicant and his agents have still made no attempt to engage or consult with the locals or the WWPM, even after this was remarked upon as unsatisfactory by the Councillors at the Committee Meeting on 21 November 2018. For the record, it should be noted that at no time during the continual development of this site has the Applicant EVER engaged or consulted with the locals or WWPM, nor made ANY attempt to do so. Interestingly, in her Pre-Application Advice letter to the Applicant dated 26th October 2017, the Senior Planning Officer Development Control at West Berkshire Council stated: "The NPPF strongly encourages applicants to engage with the local community before submitting their applications. Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development may be looked at more favourably. You may wish to

contact the local parish council (West Woodhay Parish Meeting) to present your proposals. It is also advisable to discuss the proposals with any neighbours which may be affected by the development". No engagement has been made whatsoever.

At the Committee Meeting held in November 2018, and with grave concerns over ground water levels at hand, Councillors asked the Applicant and the Applicant's agents to supply a **full** hydrological report to show that neighbouring houses (in particular) upstream of Hayward Green Farm would not be affected by the further proposed development, and in particular from the proposed large underground car park and its associated water pumps to keep the area dry. The Councillors were concerned that this development will (i) not affect the local ground water levels generally; (ii) not lead to the cracking of foundations of neighbouring houses; (iii) not affect local residents' boreholes; and (iv) not interfere with the water level in the natural ancient fishpond at (neighbouring) Fishponds Farm House which is already experiencing greatly reduced water flow and water levels, which is especially worrying given its interesting levels of natural pondlife. The Geological Assessment, Surface Water Drainage Strategy and Flood Risk Survey produced focused upon the impact to Hayward Green Farm and not the neighbours' properties. Therefore there is still a concern that the significant excavations and continual pumping required to stop both the main house and large underground car park (with a bigger footprint than the main house itself) from flooding, will affect the neighbours properties, boreholes, general surface water levels and the ancient pond situated at Fishponds Farm House. The surveys fall woefully short of the Councillors' requirement and DO NOT provide reassurance to the neighbours.

In her email dated 25 January 2019, AONB representative Rebecca Davies stated 'The proposed building and engineering works would significantly affect the natural drainage of this landscape which has already been unbalanced by the erection of the colonial manor style dwelling'.

The applicant continues to cut down mature trees on the site without seeking permission. When compared to the 'bird's eye' Landscape Plan 15/03435/HOUSE approved by the Council in 2016, this amended current application shows where numerous mature trees have been felled – even though their continuing existence was approved by the Council. This continual reduction of mature trees around the property CONTINUES to increase the visual impact of the development site. Whilst the Applicant has proposed an "Estate Management Strategy" to plant trees to reduce the visual impact, this is just a proposal and on past experience, CANNOT be relied upon.

In her email dated 31 January 2019, AONB representative Rebecca Davies stated 'The site had native trees and hedgerows that gave some degree of screening of the site, screening that the agent used to support the replacement dwelling application by stating there would be limited visibility of the property due to the extensive planting within and around the site. Since then the original landscape scheme proposed was not adhered to and trees and boundary planting have been purposefully removed from site. Unfortunately this gives no assurances that the proposed planting some of which is outside of the red line of the application will be planted or maintained.'

1. The tennis court surface area is missing from the calculation which quantifies the amount of hard surface the new / amended application will create.

To justify the additional footprint created by the Western Pavilion the amended plans show the Applicant is offering to demolish the Garden Store which is partially within the curtilage (c.15% inside) and NOW also the Machinery Store which is OUTSIDE the curtilage although, as mentioned above, the Design and Access statement INCORRECTLY shows both within the curtilage. It should however be made clear that under approved planning 10/02100/FUL, planning was granted for the Machinery Store to be REPLACED by the larger Garden Store. The Machinery Store was never demolished. How therefore can this Machinery Store be used AGAIN for planning purposes to justify an increase in the number of buildings within the curtilage?

When this current planning application was first submitted, VERY WORRYINGLY and VERY DISGRACEFULLY the Applicant did NOT disclose that the underground car park was very dangerously close to the National Grid HST High Pressure underground pipeline. Very luckily, this was picked up as the application progressed but SHOULD planning have been granted on the initial application (and it should be remembered here that the Council Planning Team advised the Councillors to approve this initial planning), the resultant building works could have catastrophically breached the pipeline itself with resultant large scale loss of life, loss of neighbouring property, and large-scale pollution of the wide local area. Furthermore, the Applicant's agents (Carter Jonas) attempted to get the Council Planning team to confirm to the National Grid TOTALLY INCORRECT actual distances from the proposed underground car park to the pipeline. Luckily this was picked up on (by both the Council Planners and WWPM) to avert possible catastrophic consequences to both life and neighbouring property.

The applicant cannot be relied upon to comply with conditions as he disregards approved plans or conditions, for example:

- Point number 7 above. The REPLACED Machinery Store was never demolished under approved planning application 10/02100/FUL.
- Planning approval for the new driveway (15/00673) stipulates 'the existing vehicular accesses at the site shall be stopped up and abandoned immediately after the new access(es) hereby approved has/have been brought into use'. The new driveway is now being used and the old one still exists and is also being used.
- The new gates have been constructed SO TOTALLY out of keeping with the approved plans; and the driveway is formed of tarmac whereas gravel was approved by the Council.
- The Eastern Pavilion has had windows/roof lights fitted without permission and now the Applicant is applying retrospectively within the current application.
- The 50 acres of grassland/fields are being mown as lawn and there is no distinction between the garden/curtilage and the fields.
- In addition to this, it should be noted that planning applications have been made under the TWO different

	<p>names Hayward Green Farm and Haywood Green Farm, and when a planning application was made for the main residence in the name of Hayward Green Farm, no mention was made of the planning already approved for a replacement barn in the name of Haywood Green Farm. As such, there is a strong argument that more planning has already been granted on this site than it should have ever been.</p>
<p>Hampstead Marshal Parish Council</p>	<p>Hamstead Marshall Parish Council West Woodhay / Hayward Green Farm / Application; 18/01441/ House</p> <p>Objection</p> <p>The Parish Council wishes to register its objection to the further development of this site.</p> <p>1. The application is a further intrusion into the AONB and directly challenges their <i>raison d’etre</i>.</p> <p>2. The development is contrary to West Berkshire Core Strategy: <u>AONB Management Plan 2.14</u> - ‘is driven by the primary purpose of AONB designation – conservation and enhancement of natural beauty’.</p> <p><u>Spatial Strategy 4.8/second bullet point-</u> ‘in open countryside - only limited development in the countryside will be allowed focussed on identified needs and maintaining a strong rural economy.’</p> <p><u>Spatial Strategy 4/North Wessex Downs/ Environment</u> - Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies..’</p> <p>3.The development is contrary to the National Planning Policy Framework:</p> <p><u>11 Conserving and enhancing the natural environment:</u> 109 ‘The planning system should contribute to and enhance the natural and local environment - protecting and enhancing valued landscapes...’</p> <p>115 ‘Great weight should be given to conserving landscape and scenic beauty in....AONBs which have the highest status of protection in relation to landscape and scenic beauty’.</p> <p><u>17 Core Planning principles.</u> The development does not take into account the views of local communities; because they must ‘empower local people to shape their surroundings’, and ‘recognise the intrinsic character and beauty of the countryside and support thriving local communities’.</p> <p>4. As a Parish Council we regard this as over-development of the site and are concerned about the precedence this sets for other inappropriate schemes in the AONB.</p> <p>5. We are aware of the history of this site which involved setting up a small livestock unit, calling it a ‘farm’, then obtaining accommodation followed by enlargement etc. etc. Granting consent in this case will encourage ever more opportunist schemes such as this, which we can see already gestating in our parish.</p>
<p>Environmental Health</p>	<p>No objections. Recommended Consultation with Environment Agency in regards to borehole information.</p>
<p>Environment Agency</p>	<p>Consulted on the 14/01/2019 and did not wish to respond. Email</p>

	dated 08/02/2019.
<p>North Wessex Downs AONB Board</p>	<p>Although the North Wessex Downs initially objected to the application through amendments to the application they were able to raise no objections as follows:-</p> <p>Thank you for the opportunity to comment on the revised scheme and arranging the meeting on site with yourself and the agents.</p> <p>In light of the amendments made and your email relating to the issue of residential curtilage changes the AONB board would withdraw its objection to the proposed application, although we would still raise concerns over the extent of development on the site and the material proposed as it is alien to the AONB, however we recognise that we cannot make right the existing use of Portland stone and therefore the proposed building would reflect the style and proportions of the existing pavilion and dwelling.</p> <p>The accommodation above the garages has the potential to be lived in independently from the main house and therefore is tantamount to a new dwelling. The applicant/agent have expressed that this accommodation is for staff and visitors/guests only, we would therefore request that this be secured by a S106 agreement/condition to ensure that the accommodation is ancillary to the main dwelling and cannot be let or rented independently (short or long term).</p> <p>The agents have taken on board comments and tried to amend the plans accordingly relating to the creep of development / overdevelopment on site by removing 2 of the existing outbuildings, which we welcome. It is imperative that the buildings highlighted for removal are conditioned and works carried out prior to the commencement of development on the pavilion building.</p> <p>This locality falls within landscape character area 8E of the AONBs landscape character assessment which describes the locality as having a coherent character, with a consistent framework provided by the strong structure of woodlands, hedgerows and tress. This creates a small scale enclosed and even secretive character. The clearance of trees has unbalanced this characteristic and the removal of the 2 outbuildings will aid in restoring the intimate and secretive landscape, the landscaping proposed will continue the symmetrical character associated with the buildings whilst visually breaking views of the proposed pavilion. The density and species annotated are considered appropriate and should be conditioned as part of the development.</p> <p>The AONB welcomes the agent and applicants willingness to work with the AONB in creating a long term landscape and management plan for the entire site which should ensure the repair and longevity of the local landscape which has the aim and opportunity to enhance the local landscape to the wider benefit of the AONB.</p> <p>Lighting has the potential to cause harm to dark skies a special quality of the AONB and therefore we would ask that a condition requesting details of any external lighting be submitted the LPA.</p> <p>I discussed the issue of drainage with the agent of site and advised of our concerns over the pumps and water levels of the pond at</p>

	<p>Fishpond Farm. I am aware that a drainage assessment has been carried out in relation to the pond at Hayward Green Farm and the surrounding landscape which demonstrates that the pumps are not causing any reason for concern. It is however the water level above the site that is of concern, I am aware that the drainage consultants tried to gain access to Fishponds Farm but were refused entry and with no objection being raised by the WB drainage team the AONB cannot substantiate an objection on the activity and effects of the pumps.</p> <p>The proposed development, subject to the removal of two outbuildings and implementation of landscaping measures would on balance conserve the natural and scenic beauty of the local AONB landscape.</p>
Highways	No highway objections.
National Grid	<p>Objected to the application as the development was within the easement of a mains gas pipeline running through the site. They noted that if the development was removed from the 12.2m easement they would raise no objection to the application. The development was amended and moved approx. 13.5 metres away from the pipeline outside the easement. The National Grid still raised concern despite the development being moved outside of the easement. Given this they recommended a condition requiring an independent engineering assessment and a construction method statement for the construction of the development be submitted prior to commencement. They also advised taking advice from the Health and Safety executive.</p> <p>Any other permissions or work permits required are to be sort between the relevant parties.</p>
Sustainable Drainage Team	<p>The Land Drainage Officers were consulted on the application after the previous committee and reviewed the Surface drainage strategy, the proposed drainage strategy and the Hydrology report produced by the British Geological Survey.</p> <p>The officers conversed with the consultants to discuss the fine details. They were content with the details supplied and recommended no objections subject to a condition.</p>
Health and Safety Executive	<p>As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:</p> <p>The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.</p> <p>The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds. HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.</p> <p>This advice report has been generated using information supplied by</p>

	<p>at West Berkshire Council on 13 June 2019.</p> <p>Note that any changes in the information concerning this development would require it to be re-submitted. HSL-190607102248-</p>
Thames Water	<p>Thames Waters Consultation response is as follows:-</p> <p><u>Waste Water Comments</u> 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 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>

	No objection.
Natural England	Natural England has no comments to make on this application.

4. Representations

4.1. The Local Planning Authority has received 28 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.
- Objection to the residential curtilage not being in accordance with previous 106 agreements.
- The Portland stone that the original dwelling was built in was not appropriate.
- why is no consideration or consultation given to those who live and pay their taxes in the local community and all permissions given to somebody who has no regard for our planning laws, no regard for our country side, no regard for the historical context of our buildings and who does not even live in this country.
- The Geological Assessment, Surface Water Drainage Strategy and Flood Risk Survey only focused on the impact of flooding to Hayward Green Farm and did not mention what effect it will have on neighbouring areas.
- Objections to the suggestion of an estate management plan

- The applicant is already meant to have demolished the Machinery Store and strangely is now trying to again use the promise of its demolition in order to justify further development.
- The deer fencing of the entire property boundary, destruction of trees, hedging & shrubs and mowing of all the agricultural land as if it were one large garden together with the already dramatic changes to the water flows and water levels have irreversibly damaged the fauna and flora over the entire site.
- The overall light pollution is completely unacceptable. Security lighting should only go on when activated by motion sensors yet the house, garage & gates are brightly lit - normally continuously throughout the hour of darkness.
- The previous application for the new driveway noted the old one should be stopped up which has not happened.
- Failure local to engage with the parish council or neighbours.
- The applicant is employing many tricks to get round planning issues
- The applicant initially asked for a great deal of development to start with only to reduce this amount in the expectation of receiving approval. Objectors raise that if this was all requested initially would it have been approved.
- Objection to the AONB changing their consultation response.
- Objection to the contents of the AONB's latest consultation response.

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.
- 6.3. The proposed pavilion measures approximately as follows; eaves height of 3 metres, length of 19.5 metres, width of 7.5 metres and a height of 6.5 metres. The underground car park will be approximately 14m by 30 metres.
- 6.4. There has been objection to the development not being in accordance with previously signed legal agreements. However the development is in accordance with the approved curtilage of application 14/00590/FUL and subsequent application 15/03435/HOUSE for the landscaping of the approved house known as Hayward Green Farm. Given the strong local objection this issue needs to be addressed. Given that the LPA has already permitted the curtilage submitted here under this current application in application 14/00590/FUL and 15/03435/HOUSE the applicant is simply following what the LPA has accepted as the domestic curtilage previously for the replacement dwelling of 14/00590/FUL. It is recommended that the legal agreements be updated to reflect the red line as it is currently, to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line (Domestic Curtilage) under application 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.

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
- Utilities near the site

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; and
 - 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) contains the replacement dwelling, a section of the garden store outbuilding, and an existing pavilion outbuilding. The proposed pavilion building 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. Drawings showing the existing and proposed site section display 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 related to the existing dwelling on the site well. This would great a grouping of buildings reducing the isolation of the dwelling in the countryside. 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 developments acceptable impact. A Landscape Visual Appraisal (LVA) along with an 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, the proposed development considered here re-creates this cluster of built form ordering the site in a better manner, albeit in a different form. The removal of the existing garden store and garage building would assist in achieving this character by removing built form from the site. This amendment to the application can be secured via condition and results in a net decrease in floor space above ground within the AONB. This application reduces built form in the AONB to which the AONB board identifies as a positive aspect leading them to raise no objection. 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 the proposed development 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 any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form in the AONB. The AONB Board raises no objection to the development and adds *“The clearance of trees has unbalanced this characteristic and the removal of the 2 outbuildings will aid in restoring the intimate and secretive landscape, the landscaping proposed will continue the symmetrical character associated with the buildings whilst visually breaking views of the proposed pavilion. The density and species annotated are considered appropriate and should be conditioned as part of the development.”*

- 8.6. There is not considered to be any significant historic interest in the local area, the site is not contained within 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 Garage in addition to the location of the proposed outbuilding would create a cluster of building in keeping with the previous built form on site. The replacement of the ramped access with a car lift to the basement of the development would have a lesser visual impact and is an amendment well received to the application. The underground car park would not be visible in the AONB neither would the car lift. A condition requiring details of spoil use and disposal is required to ensure the amount of evacuated material is dealt with acceptably. The proposed new landscaping within the site will assist in minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form in the AONB.
- 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. This view is accepted by the NWD AONB board who comment *“that we cannot make right the existing use of Portland stone and therefore the proposed building would reflect the style and proportions of the existing pavilion and dwelling.”*
- 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 four 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, or of a certain size. Representation letters have raised concern in regards to the impact the underground car parking area may have on issues such as the water table, aquifers and bore holes. As a result of the previous deferred committee the applicant was asked to review this aspect of the proposed development produce the relevant reports. The applicant submitted a Hydrology Report produced by the British Geological Survey and proposed drainage schemes produced by Cole Easdon. The LPA's land drainage team have reviewed the sustainable drainage information submitted which includes a geology investigation and are satisfied with the details supplied. The LPA's SUDS officers are also content with the flood risk assessment and the sustainable drainage methods proposed for the site. The case officer has consulted the Environmental Health Officer in regards to bore holes and ground water impact. They indicated that they would have no concerns in regards to this application. The case officer has also consulted the Environments Agency who responded that they assessed the consultation as a "miss consultation", namely the development did not fall within the remit of applications the EA wishes to be consulted upon. Therefore any refusal reason in regards to ground water risk or sustainable drainage issues is not warranted as specific consulted officers and bodies have not raised issue in this area.
- 10.2. 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.

- 10.3. Given the domestic use of the proposed development with no objections from consultees 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. Although objectors are not satisfied with the Hydrology report produced the evidence submitted by the applicant and check by the LPA indicates the harm from this development in regards to the issues raised previously are not present. Only circumstantial evidence has been submitted by objectors.

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. The AONB officer welcomes the changes proposed to the landscaping and the removal of buildings on site will create the secretive landscape, the landscaping proposed will continue the symmetrical character associated within buildings whilst visually breaking views of the proposed development. The density and species annotated are considered appropriate and should be conditioned as part of the development.

- 11.4. The AONB welcomes the agent and applicants willingness to work with the AONB in creating a long term landscape and management plan for the entire site which should ensure the repair and longevity of the local landscape which has the aim and opportunity to enhance the local landscape to the wider benefit of the AONB.

- 11.5. 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. **The Impact on Utilities near the site**

- 12.1. Through consultation with the relevant parties it was discovered during the course of the application that a mains gas pipeline runs near to the site and near to the proposed development. The national grid advised that this pipeline has a 12.2 metre easement restricting development. The development was amended so that it was moved outside of the easement. Despite this the National Grid still raised concern with the application. However they resolved to not object to the application subject to a condition requiring the submission of an independent engineering report and construction method statement for the development in regards to the pipeline. This was agreed by the applicant. The National Grid also suggest that the Health and Safety Executive was consulted. The HSE raised no objection and signposted the LPA towards the National Grid and its legal interests in the site (the pipeline easements). Although objectors have raised concerns it is clear that the protective easement is being observed as part of the development and any further permits or discussions during the course of construction need to be between the contractors and the national grid. The relevant insurance for the contractors will need to be observed to guarantee the safety of the pipeline, these are all issues beyond planning's control.

13. **Conditions**

- 13.1. 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.
- 13.2. 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.
- 13.3. A condition requiring the demolition of the garden store and the garage building 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.
- 13.4. 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.
- 13.5. 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.

14. The Planning Balance

- 14.1. 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.
- 14.2. 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
- 14.3. 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.
- 14.4. 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. The demolition of both the garage and garden building would result in a net loss of built form above ground in the AONB. The proposed new landscaping within the site will assist in minimising any visual impact on the wider countryside. The plot boundary of the development would be retained and not extended by the proposed outbuilding. The development is considered to conserve the AONB by creating a cluster of buildings in one area and enhance the AONB by resulting in a net loss of built form above ground in the AONB. The AONB board have raised no objection to the application, the domestic curtilage has been previously agreed in applications, and the development outside of the easement of the mains gas pipeline. The applicants have listened to objectors and councillors at committee, produced the relevant documents and have overcome previous concerns of consultees and committee.
- 14.5. The application is therefore recommended for APPROVAL subject to conditions.
- 14.6. The development is in accordance with the National Planning Policy Framework (2019) and policies ADPP1, ADPP5, CS13, CS14, CS16, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), C3 and C6 of the West Berkshire HSADPD. In addition to these the proposal is in line with supplementary planning guidance Quality Design (June 2006) and House Extensions (July 2004). It is therefore recommended for APPROVAL.

15. 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. 106 Agreement

The use of the ancillary outbuilding hereby permitted shall not commence until the applicant has entered into a variation of the section 106 agreement of application 93/42531/ADD to vary the residential curtilage so that it accurately represents what has been approved under application 14/00590/FUL and 15/03435/HOUSE.

It is recommended that the legal agreements be updated to reflect the red line as it is to avoid further confusion. A refusal reason on this matter would likely be indefensible at appeal as the LPA has already accepted and approved the red line under application 14/00590/FUL and 15/03435/HOUSE. The recommendation of the variation of the 106 agreement regularises this issue.

3. 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 14th May 2019.
- Drawing title "Site Block Plan as Proposed". Drawing number 6038/PLO3 Rev D. Dated received 14th May 2019.
- Drawing title "Existing and Proposed Site Section". Drawing number 6038/PLO4 Rev.C. Date received 14th May 2019.
- Drawing title "Proposed West Pavilion- Staff, Home Officer & Garage". Drawing number 6038/13B. Date received 14th May 2019.
- Drawing title "Existing East Pavilion Proposed Alterations for Staff Apartment". Drawing number 6038/05A. Date received 14th May 2019.
- 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. D. Date stamped 14th May 2019.
- Drawing title "Proposed Basement Garage and Link Plan". Drawing number 5643/PL08 Rev D. Date received 14th May 2019.
- Drawing title "Proposed Roof Alteration". Drawing number 6038/06a. Date received 14th May 2019.
- Document title "Design & access statement". Document reference 6038 04s. Date received 14th May 2019.
- Drawing title "Proposed drainage strategy plan". Drawing number 6683 – 501a. Date received 14th May 2019.
- Document title "Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14th May 2019.
- Drawing title Landscape and Planting Plan. Drawing number uh-283-100. Date received 14th May 2019.

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

4. 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 (2019), 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).

5. 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: To limit the future use of the building to prevent uses which would not be ancillary or incidental to the main dwelling. This condition is applied in the interests of preventing a change of use which would result in an unsustainable pattern of development, and detract from neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD 2006-2026, WBC Quality Design SPD (2006), and WBC House Extensions SPG (2004).

6. Demolition of Garden Store and Garage Building

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

Reason- The demolition of the two buildings is used to justify the approved development. Without demolition of these buildings the development would proliferate built form on the AONB not in accordance with policy, This condition is imposed in accordance with the National Planning Policy Framework (2019), 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. Landscaping

Prior to occupation of the pavilion the landscaping scheme shall be implemented in accordance with Drawing titled "Landscape and Planting Plan". Drawing number uh-283-100. Date received 14th May 2019.

Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and House Extensions (July 2004).

8. 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 (2019), Policies ADDP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

9. Removal of spoil

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies ADPP5, CS14, CS19 of the West Berkshire Core Strategy (2006-2026).

10. 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 (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

11. SUDS condition

The Land Drainage and Surface water of the development is to be managed in accordance with the documentation submitted during this application; namely;

- Drawing title "Proposed drainage strategy plan". Drawing number 6683 – 501a. Date received 14th May 2019.
- Document title "Surface Water Drainage Strategy – issue 3 (with appendices) (small) 6683. Date received 14th May 2019.
- A Hydrology Report (prepared by the British Geological Survey) received 22/05/2018.

This shall include the outfall from the pond at the downstream end of the SW network into the existing watercourse to be restricted by Hydrobrake to no more than 4 litres/second.

Reason: To ensure the protection of land and surface water drainage and ensure it is dealt. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

12. Submission of Engineering and CMS in Relation to Pipeline

No development shall commence until an Independent Engineering Assessment to confirm the proposed development and method of construction will have no impact on the gas pipeline, has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Grid. Thereafter the approved Assessment shall be implemented and adhered to throughout the entire construction period.

Reason: To ensure the safety of the National Grids utilities Pipeline which runs through the site is not compromised by works. The condition is placed in relation to materials considered in regards to the health and safety of the areas and its occupants. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 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.

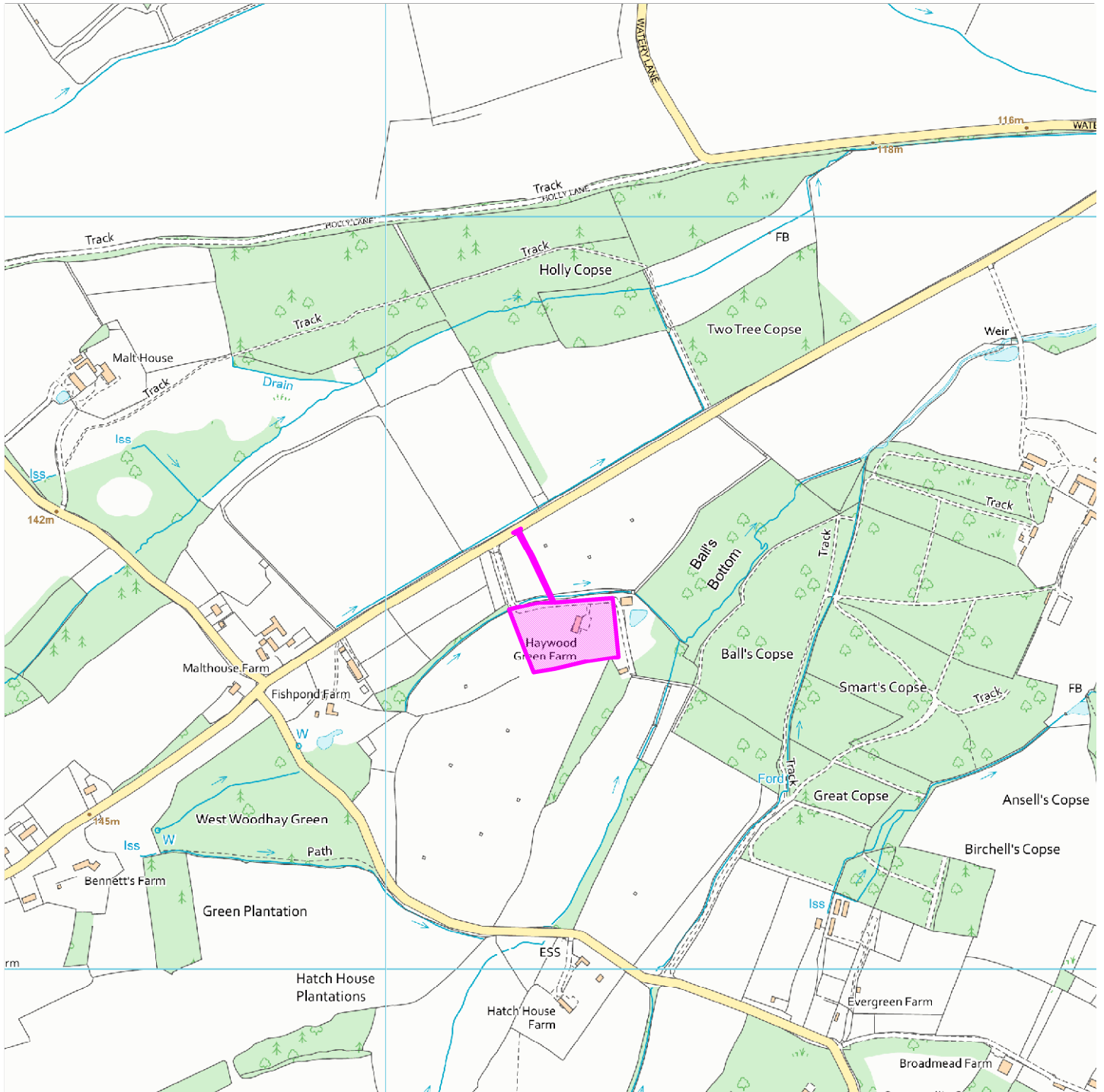
Landscape Management Plan

The applicant is encourage to engage with the North Wessex Downs AONB board and other relevant stakeholders to produce a estate management plan for the extensive landownership associated with the development to ensure conservation of the AONB landscape into the future.

DC

18/01441/HOUSE

Hayward Green Farm, West Woodhay, Newbury RG20 0BJ



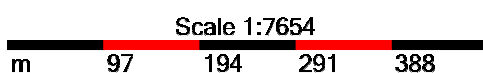
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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Agenda Item 4.(4)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(4)	18/03340/COMIND Greenham Parish Council.	24 April 2019 (Extended to 3 October 2019)	Permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) Newbury Racecourse, Racecourse Road Newbury Racecourse – Applicant

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03340/COMIND>

Recommendation Summary: **The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.**

Ward Member(s): Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

Reason for Committee determination: The Council has received 10 letters of objection.

Committee Site Visit: 27th June 2019.

Contact Officer Details	
Name:	Simon Till
Job Title:	Principal Planning Officer
Tel No:	(01635) 519111
E-mail Address:	simon.till@westberks.gov.uk

1. Relevant Site History

09/00971/OUTMAJ: Outline planning permission for redevelopment of racecourse to [inter alia] the new hostel. Permitted April 2010.

11/00723/RESMAJ: Western area - erection of 421 dwellings with associated works and access. Approved October 2011.

11/01505/RESMAJ: Erection of 123 bedroom hotel, hostel, nursery, offices, refurbishment of stables and access. Permitted November 2011.

14/03109/OUTMAJ: Application to vary the original outline consent to allow up to 250 dwellings to be constructed prior to opening of bridge (most recent permission for entire site). Permitted February 2016.

15/03152/COMIND: Change of use of hostel (Sui generis) as a hotel (C1) for up to 305 days per year for a temporary period of up to 3 years. Permitted March 2016.

2. Publicity of Application

Site notice displayed 5 February 2019. Expired 26 February 2019.

3. Consultations and Representations

Greenham Parish Council

Objection. This application has raised a number of objections from residents - mainly those living in Horsewalk, which is very close to The Lodge. It is felt that the original consented use purely as overnight accommodation for 'lads' prior to/on race days (only about 25 a year) was acceptable but that the temporary extension of use of the considerable spare capacity as a hotel (mainly on race days) was a different matter. If this is to be extended permanently, with the 'quid pro quo' being the unilateral cancellation by Newbury Racecourse of its plans for a hotel on a more suitable site well away from residential homes, GPC objects on the basis that this has been shown to cause harm to amenity of residents.

GPC to write to the British Horse racing club – in contravention of their rules.

Newbury Town Council (adjacent Town Council)

Objection. The Racecourse should be required to build the original hotel, as previously approved. Affected neighbours have not been sufficiently consulted, and their concerns have not been sufficiently addressed. This proposal will cause duress to nearby residents, with issues re noise, access and egress. The present planning permission requires that the hostel should be reserved for the use of stable lads for at least 60 days per year.

If the application is approved, the following actions should be taken:

1) The present cut off time for street lighting of 11 p.m. should be retained. 2) The Racecourse should maintain ongoing consultation with adjoining residents of the hostel, to minimise inconvenience to them. 3) Suitable screening should be erected to shield neighbours from noise and light pollution from the hostel/hotel.

Highways

The Lodge building was originally approved to house stables and racecourse staff. It was then in 2016 changed to a hotel use for 305

days per year for a temporary period of three years. The proposal is now to permanently have the building as a hotel throughout the year

A hotel was originally planned within the Newbury Racecourse but it was to be on the eastern side of the development. If this ever goes ahead, this would need to be considered at that time.

I am not aware of any traffic or highway difficulties with the existing use, and such issues does not seem to be mentioned much within the objection letters so far submitted. There does seem to be issues surrounding noise. I have much sympathy for this, but this is not a concern for the Highway Authority. I therefore I raise no objection to the proposal.

Environmental Health

No objections but recommend conditions requiring noise management and restriction on operation of external lighting.

Archaeology

No objections.

Public representations

10 letters of objection received to the application. The following material planning considerations have been raised:

- Overlooking and noise impacts on neighbouring residential properties;
- Increase in traffic movements and parking requirements;
- Concerns regarding the level of available accommodation for stable staff during race meetings;
- Existing consent for a 123 bedroom hotel to the east of the site;
- No sequential assessment of need for 2 hotels on the site in a non-town centre location;
- Lack of development of approved 123 bedroom hotel would alter the appearance of the "heart space" of the racecourse development;
- Use is incompatible with residential use;
- Proposed works do not support the racehorse industry so are contrary to Policy CS12.

The following matters that are not material planning considerations in this application have also been raised:

- Compliance with racehorse industry rules and standards;
- Impact of proposed change of use on property prices;
- Level of parking provision approved under planning permissions for residential development;
- No consideration of alternative uses for the lodge building if superfluous to need;

4. Policy Considerations

The following policies and documents are relevant to consideration of this planning application:-

Policy

- The National Planning Policy Framework;
- The West Berkshire Local Plan Core Strategy (2006-2026) 2012: Policies ADPP1, ADPP2, CS2, CS5, CS9, CS11, CS12, CS13, CS14
- The West Berkshire District Local Plan (1991-2006) Saved Policies 2007: Policies OVS6, TRANS1

Documents

- The West Berkshire Quality Design Supplementary Planning Document, in particular Part 2: Residential Development.

5. Description of development.

- 5.1 The application site comprises the present 36 bed hostel stable staff hostel at the Racecourse which was completed a number of years ago. It formed an integral component of one of the principal reserved matters applications pursuant to the original outline consent granted by the Council in 2010 for the comprehensive redevelopment of the whole racecourse site. The hostel building was, until recently operating under a temporary consent (15/03152/COMIND). This use has been retained pending the determination of this planning application.
- 5.2 It is important for the Committee to note that another component of that permission was the erection of a 123 bedroom hotel to the east of this application site, adjacent the central residential area, presently under construction. This hotel has not yet been commenced, but remains extant in perpetuity, by reason of the part authorised implementation of the 11/01505/RESMAJ application. At the present time the applicants have elected not to commence the hotel for commercial reasons. As part of the justification for the current proposal the applicant has offered to enter into a legal agreement with the Council preventing the development of the consented 123 bed hotel.
- 5.3 Although it is not specifically conditioned in either the original outline permission or indeed any subsequent reserved matters permission, the authorised use of the hostel is limited to accommodation for stable staff (described in the previous applications as stable lads accommodation), by virtue of both the clear description in the original application, and the fact that a hotel use [Class C1] is certainly different from the accepted sui generis use of a hostel. This is recognised by the applicants.
- 5.4 The recently expired temporary consent limited the use of the hostel as hotel accommodation to 305 days per year. However, this application seeks to retain this use permanently. The submissions state that the hostel accommodation is considerably over the level of demand for such accommodation on race days, and a simple management arrangement to prioritise stable staff having access to the hostel on race days can accommodate such level of need as there is associated with the horse racing business on the wider site.
- 5.5 An accompanying application (reference 19/00225/COMIND) seeks permission for a 40 bedroom extension to the existing lodge building to allow the racecourse the option to meet any growth in demand for hotel accommodation on the site beyond the current level. Access to the site is secured from the recently completed bridge to the east, and non-residential access across the site to the west is now understood to be restricted by the imposition of bollards in this location.

6. Consideration of the scheme.

The application will be considered against the following two issues:-

Principle of change of use, and amenity.

- 6.1 The following points revisit a number of the officer's comments on application 15/03152/COMIND, which continue to be relevant to the current application. A full copy of the officer's report to the Committee on this application is included as an appendix to this report.
- 6.2 It is clear from the officers original Committee report to the Council on application 09/00971/OUTMAJ, that (inter alia) it was noted the hostel was ONLY for stable staff accommodation and for no other use, albeit this was not specifically conditioned as such in the outline permission.
- 6.3 It is clear that to change the use from a hostel to a hotel, a planning application is required.
- 6.4 The officer noted in his report on the original outline application, the apparent need and local demand for additional "good" hotel accommodation in the Newbury catchment based on a report actually prepared in October 2008, by the then applicants. This was undoubtedly the case at that time.
- 6.5 Since that time the Travelodge has been approved and built in Parkway and the Premier Inn Hotel was approved at Committee (100 beds) on 17 February 2016. This is now complete. In addition the Inspector's decision to grant outline planning permission (ref. 12/00772/XOUTMAJ) and the subsequent approval of reserved matters (ref. 19/00278/RESMAJ) has allowed (inter alia) a new 82 bedroom apart-hotel at Faraday Road, and another apart-hotel has recently been completed in West Street in Newbury Town Centre. Accordingly the level of supply of hotel bed spaces in sequentially preferable locations to the NRC permission has increased significantly since 2008.
- 6.6 Consequently the Racecourse have reconsidered the need for the extant 123 bedroom hotel permission on their site: this is a legitimate business decision upon which planning has, and should not, have any control. It is a fundamental basis of planning advice and law, that unless in specific circumstances, normal commercial competition has no place as a material consideration in arriving at planning decisions.
- 6.7 Objectors have noted that the Racecourse acted "not in good faith" regarding the timing of the previous planning application for temporary permission for hotel use following the house sales adjacent, and subsequently in submission of this application for permanent change of use. This may or may not be the case (entirely without prejudice) but the Council, including officers can make no judgement on this issue since it is not a material planning consideration. Devaluation of property is mentioned, but this is not a planning matter.
- 6.8 As commented on the previous application for temporary use, the purchasers bought their dwellings in the knowledge that the hostel was to be built. What the Committee must now do is to examine if the new increased use is acceptable in overall amenity terms having regard to the reasonable living expectations of adjoining residents to the south.
- 6.9 Officers have concluded, taking into account the economic advantages of permitting the application, the scheme should be approved. Additional hotel accommodation in this existing building will assist the functioning of the Racecourse, and will be of benefit to the town as a whole. While it is noted that objections have raised concerns in respect of compliance with rules within the racehorse industry related to provision of accommodation for stable staff, it is up to NRC to ensure that such rules are complied with and irrespective of the requirements of Policy CS12 to support the racehorse industry, the administration of requirements outside of planning legislation and policy is not a material planning concern. There is no reason to suppose that NRC would not be in a position to comply with such requirements under the altered arrangements under the currently proposed change of use by giving priority for accommodation to stable staff on race days, especially if such a

requirement of industry rules would have a commercial impact on how the businesses on the site are run. It is not for planning to enter into the detail of how such commercial decisions are made and administered.

- 6.10 In considering the previous application for temporary change of use officers concluded that, on balance, notwithstanding the objections raised, the impact on amenity is acceptable, having regard to local overlooking - the physical distance is in excess of 21m (actually 23m) the accepted best practice guideline for "front to front " distances in such situations - indeed elsewhere on the Racecourse estate there are lesser equivalent distances between housing and the latter is more intensively used than hotel occupation. There is no additional overshadowing as the hostel is already there.
- 6.11 Several residents of the adjacent development have objected on grounds of noise and disturbance related to the continued use of the site to provide a hotel, and to the increase in number of days of such use. However, environmental health have considered the use of the site, including reviewing their investigation records. The environmental health officer has confirmed that environmental health have not received any noise nuisance complaints since temporary use of the site as a hotel was commenced three years ago. In respect of these matters your officer notes first that the properties concerned are located within a commercial site with a significant hospitality and tourism element where there should be a reasonable expectation of commercial enterprise focussed on hospitality and tourism taking place. As such the situation on site should not be expected, either in planning terms or by residents living on the site to be static, but to be an evolving situation based on current demands associated with the industry and local area. Furthermore, location of a hotel use alongside a residential use is far from being a unique situation. It is common for such uses to be located in close proximity, and many examples of this can be seen in the Newbury area, such as the apart-hotels permitted at West Street and Faraday Road alongside residential development, and the Travelodge and Premiere Inn alongside London Road and Park Way, again in very close proximity to residential development. The racecourse is not a town centre location but it is a commercial operation that has characteristics equivalent to such a location, and one such characteristic is the expectation that commercial activities will operate alongside its residential elements. As such the proposed change of use is considered compatible in this location with the existing residential use alongside the site. In order to ensure that appropriate measures to limit noise arising from guests at the hotel are imposed a condition is recommended regarding provision of a noise management plan for the hotel within one month of the date of approval.
- 6.12 As per the previous temporary consent, while noting objections raising concerns regarding overlooking between the hotel and dwellings officers have not recommended a condition in respect of obscure glazing windows of the hotel as it would not meet the 6 tests on conditions set out in the NPPF. This is because of the acceptable intervening distances involved. While the previous officer's report noted that the permission was temporary this does not impact on the materiality of overlooking as a planning consideration, which has been assessed as acceptable in accordance with the guidance set out above.
- 6.13 Finally, in terms of traffic and car parking, the highways officer has raised no objections to this application, which would not generate additional vehicle movements or parking requirements beyond those considered acceptable under the previous temporary consent.
- 6.14 In addition to the above, paragraph 86 of the NPPF makes it clear that for town centre uses, (such as hotels) a sequential test should normally be undertaken in order that the out of centre sites, such as the application site, are not favoured over and above more central and accessible sites. In respect of this matter officers agree with the applicant that subject to completion of a section 106 legal agreement requiring that the extant permission for a 123 bedroom hotel shall not be constructed this application would result in a provision of less hotel accommodation than already benefits from having planning permission on the site, and as such a sequential test would not be necessary. This would also be the case if

Members were to approve both this application and the accompanying application for a 40 bedroom hotel extension, which would result in a combined total of 76 bedrooms, approximately 62% of the number of bedrooms already consented and currently capable of being implemented on the site.

- 6.15 Echoing previous officer considerations the NPPF makes it clear to local planning authorities that it should not place unreasonable requests on developers for additional information, unless fully justified. In this case the additional data cannot be justified in officer view due to the level of consented hotel accommodation on the site, and the applicant's offer to legally agree not to develop that consented accommodation. Finally, policy CS12 in the adopted Core Strategy specifically outlines the Racecourse as a major tourist attraction and economic driver. Accordingly it is clear that the application for a hotel use is compliant with this policy.

7. Conclusion.

- 7.1 The proposed works to change the use of the site are considered to offer significant benefits in terms of the ongoing vitality and viability of the racehorse business and its range of compatible leisure and tourism activities on the site. The impacts of the change of use on residential amenity are not considered to be of an unacceptable or unexpected level on a site with mixed commercial and residential uses of this nature. Subject to the extant hotel permission for the site being addressed as set out above, the works are not considered to result in an overprovision of hotel accommodation on the site, and indeed the need to avoid overprovision and make best use of existing buildings on the site are offered as partial justification for this application. As such, subject to completion of a section 106 legal agreement for the applicant or any future party not to develop the consented 123 bed hotel, this application is recommended for approval.

8. Recommendation.

The Head of Development & Planning be authorised to GRANT planning permission, subject to the conditions set out at section 8.1 below and to an acceptable section 106 legal agreement or other means of securing that the 123 bedroom hotel consent is not constructed being agreed by officers.

OR

In the event that a section 106 agreement or other means of securing that the 123 bedroom hotel consent is not constructed is not agreed within 3 months of the date of the Committee resolution or such other period as to be agreed by the Development Control Manager, that the Head of Development & Planning be authorised to REFUSE planning permission for the reason set out at section 8.2 below.

8.1. CONDITIONS.

1. All vehicular access to the hostel/hotel shall be via the east from the new racecourse bridge as shown on location plan drawing reference 4385 SK20. At no time shall any traffic, including deliveries, be directed to arrive or leave via the western access through Stroud Green.

Reason: To ensure the amenity of residents in the western area are respected having regard to traffic movements in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

2. The external lighting to the hotel shall be switched off no later than 11pm daily and shall not be operated before 7am.

Reason: In the interests amenity of preserving the amenity of adjacent residential occupants in accord with policy CS14 in the West Berkshire Local Plan Core Strategy (2006 to 2026) 2012.

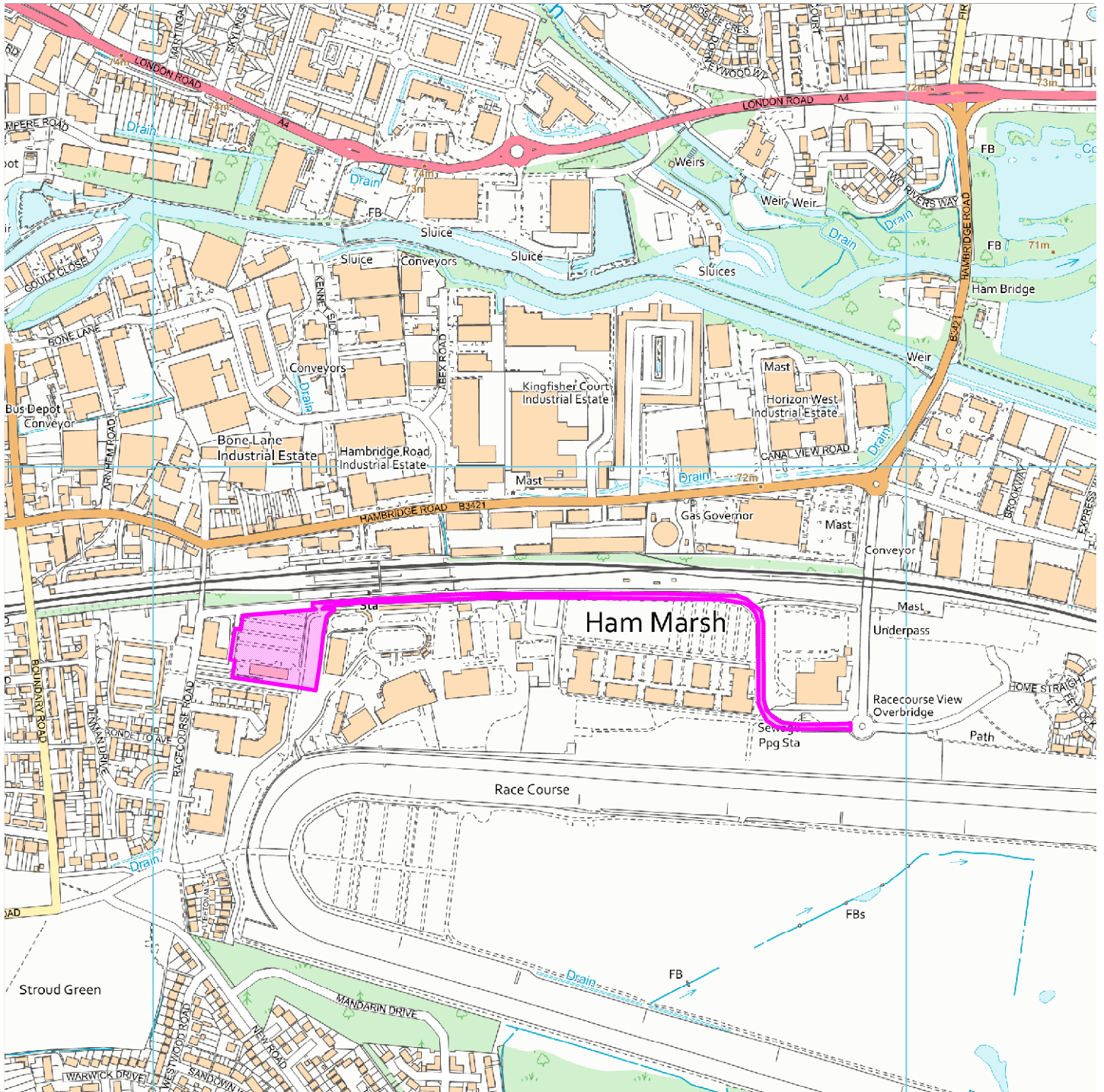
3. Within 1 month of the date of this decision a noise management plan shall be submitted to the local planning authority, for written approval, that sets out how noise from the following sources will be controlled to protect residents living close to the site from noise and disturbance:
- Noise from guest and other users of the hotel
 - Noise from people using the outside seating area to the west of the restaurant bar
 - Noise from service vehicles and delivery operations
- The measures identified in the approved noise management plan shall be implemented and maintained upon approval of those details and thereafter.

Reason: To protect residential amenity in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

8.2 Refusal reason

The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses.

DC



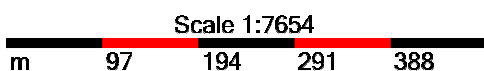
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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Agenda Item 4.(5)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(5)	19/00225/COMIND Greenham Parish Council.	3 May 2019 (Extended to 3 October 2019)	Erection of a three storey extension to the front elevation of The Lodge to provide additional rooms. Newbury Racecourse, Racecourse Road Newbury Racecourse – Applicant

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00225/COMIND>

Recommendation Summary: **The Head of Development & Planning be authorised to GRANT conditional planning permission subject to completion of a Section 106 legal agreement.**

Ward Member(s): Councillor Phil Barnett
Councillor Billy Drummond
Councillor Erik Pattenden

Reason for Committee determination: The Council has received 10 letters of objection.

Committee Site Visit: 27th June 2019.

Contact Officer Details	
Name:	Simon Till
Job Title:	Principal Planning Officer
Tel No:	(01635) 519111
E-mail Address:	simon.till@westberks.gov.uk

1. Relevant Site History

09/00971/OUTMAJ: Outline planning permission for redevelopment of racecourse to [inter alia] the new hostel. Permitted April 2010.

11/00723/RESMAJ: Western area - erection of 421 dwellings with associated works and access. Approved October 2011.

11/01505/RESMAJ: Erection of 123 bedroom hotel, hostel, nursery, offices, refurbishment of stables and access. Permitted November 2011.

14/03109/OUTMAJ: Application to vary the original outline consent to allow up to 250 dwellings to be constructed prior to opening of bridge (most recent permission for entire site). Permitted February 2016.

15/03152/COMIND: Change of use of hostel (Sui generis) as a hotel (C1) for up to 305 days per year for a temporary period of up to 3 years. Permitted March 2016.

2. Publicity of Application

Site notice displayed 12 February 2019. Expired 06 March 2019.

3. Consultations and Representations

Greenham Parish Council

Object.

Objection: If extension is allowed GPC are concerned that this would take away any land, available for a community centre, which was part of the original Racecourse planning application.

Newbury Town Council (adjacent Town Council)

Objection / comment: This building was intended as a facility for racing staff on Race Days. This application will more than double its size and result in its full use throughout the year, which will greatly increase the disturbance to the 25 or so local residents located at about 20 metres distant. The 120-bed hotel intended in the Racecourse planning consent, to be located near the Stands and so without these disadvantages, should be respected, and the lodge should not be adopted as a substitute for it. Examples of other dual-function lodges at Racecourses quoted by the applicant (York and Chester) are located remotely from residential accommodation.

Highways

I refer to my previous response dated February 25th 2019 and the response the applicant's agent Catherine Tyler from March 11th 2019 [case officer's note, the email concerned was received 4th March 2019]. I have also viewed objection letters submitted.

As stated previously, pages 6 of the TS provides detail of car parking surveys that were undertaken on October 25th and 26th 2018 that represented conditions on a race day and a non - race day. On a non - race day there is a significant amount of surplus car parking available. However on race days, there is much less of a surplus. The TS then states that should the parking on the grass and gravel areas be managed more efficiently. However I do not consider that this is possible to secure. I am therefore concerned that there will not be sufficient levels of car parking on race days. Can more be done to resolve this issue?

In response, the applicants agent has stated that the “NRC already has a very effective parking management strategy in place, which is managed by a third party contractor and this ensures that available formal and informal parking areas are maximised as necessary...It is important to note that as the car park is managed by NRC, there is some flexibility as to how efficiently the car park is managed (i.e. how close cars park to each other etc), and as noted within the TA, on the race day observed, the current car park has the potential to accommodate up to 310 cars. It is in NRC interest to ensure that parking is managed appropriately and for the parking areas to operate efficiently. The TA notes that the peak demand for parking resulted in the equivalent of 36 vacant spaces on the race day observed. On that basis, a reduction of 16 car parking spaces as a result of the proposed development would still leave capacity for up to 20 vacant spaces available on a race day (which could be utilised if required, through the management of the car park on that day)”.

I consider that a 20 car parking margin is of concern for such a large facility. However there is no evidence to suggest that there will be a shortfall in parking overall or that any shortfall will be extensive enough to raise objection.

The applicant’s agent then discusses sustainability issues and the areas accessibility to the train station, bus services etc. I do concur with this, but I also consider that that the majority of clientele will travel to the hotel by car. However as stated previously, page 13 of the TS details expected traffic levels that will arrive via Hambridge Road only. I have no concerns regarding traffic levels. Little or no increase is expected via Stroud Green. Some clientele could be dropped off near the hotel via Stroud Green, but I think numbers will be limited.

The proposal will need to comply with the Council’s Cycle and Motorcycle Advice and Standards for New Development November 2014. Will the hotel also have electric car charging points?

In conclusion, I have some concerns, but they are not sufficient to raise an objection. Conditions recommended requiring construction method statement, cycle storage, electric charging point details and parking provision.

Environmental Health	No objections. Recommends conditions restricting plant and construction noise and limiting hours of work during construction.
Drainage engineer (SuDS)	Comments awaited pending consideration of additional drainage calculations.
Thames Water	No objections on foul water infrastructure or surface water infrastructure; advise that there are mains crossing the site and building should not be on top of these; no objections on water network capacity.
Archaeologist	No objections.
Public representations	11 letters of objection received to the application. The following

material planning considerations have been raised:

- Overlooking and noise impacts on neighbouring residential properties;
- Increase in levels of noise associated with lodge building;
- Concerns regarding overlooking of nearby children's nursery;
- Increase in traffic movements and parking requirements;
- Concerns regarding the level of available accommodation for stable staff during race meetings;
- Existing consent for a 123 bedroom hotel to the east of the site;
- No sequential assessment of need for 2 hotels on the site in a non town centre location;
- Lack of development of approved 123 bedroom hotel would alter the appearance of the "heart space" of the racecourse development;
- Use is incompatible with residential use;
- Proposed works do not support the racehorse industry so are contrary to Policy CS12.
- High level of hotel accommodation in Newbury town centre;
- Visual impact of car park overflow area;
- Contrary to Policy CS12 as does not support the racehorse industry.

The following matters that are not material planning considerations in this application have also been raised:

- Compliance with racehorse industry rules and standards;
 - Impact of proposed works on property prices;
 - Level of parking provision approved under planning permissions for residential development;
 - No consideration of alternative uses for the lodge building if superfluous to need
- Other matters raised in objections**
- Concerns regarding display of site notice;
 - Application should be determined alongside change of use application

4. Policy Considerations

The following policies and documents are relevant to consideration of this planning application:

Policy

- The National Planning Policy Framework;
- The West Berkshire Local Plan Core Strategy (2006-2026) 2012: Policies ADPP1, ADPP2, CS2, CS5, CS9, CS11, CS12, CS13, CS14
- The West Berkshire District Local Plan (1991-2006) Saved Policies 2007: Policies OVS6, TRANS1
- The West Berkshire Housing Site Allocations Development Plan Document: Policy P1 (Electric car charging points).

Documents

- The West Berkshire Quality Design Supplementary Planning Document (2006), in particular Part 2: Residential Development;
- Sustainable Drainage Systems (SuDS) Supplementary Planning Document (SPD) 2018

5. Description of development.

- 5.1 The application site comprises the present 36 bed hostel stable staff hostel at the Racecourse which was completed a number of years ago. It formed an integral component of one of the principal reserved matters applications pursuant to the original outline consent granted by the Council in 2010 for the comprehensive redevelopment of the whole racecourse site. The hostel building was, until recently operating under a temporary consent (15/03152/COMIND). This use has been retained pending the determination of an accompanying application for permanent change of use of the building to hotel, reference 18/03340/COMIND.
- 5.2 It is important for the Committee to note that another component of that permission was the erection of a 123 bedroom hotel to the east of this application site, adjacent the central residential area, presently under construction. This hotel has not yet been commenced, but remains extant in perpetuity, by reason of the part authorised implementation of the 11/01505/RESMAJ application. At the present time the applicants have elected not to commence the hotel for commercial reasons. As part of the justification for the current proposals to extend the lodge and permanently change its use to hotel the applicant has offered to enter into a legal agreement with the Council preventing the development of the consented 123 bed hotel.
- 5.3 The proposed works are for the erection of a three storey extension to the existing lodge for use to provide 40 additional hotel bedrooms. Parking would be retained in an undercroft area. Access to the site is secured from the recently completed bridge to the east, and non-residential access across the site to the west is now understood to be restricted by the imposition of bollards in this location.

6. Consideration of the scheme.

The following matters are relevant to the consideration of this application:

- Principle of development;
- Design and impact on the character and appearance of the surrounding area;
- The impact on neighbouring residential amenity;
- Parking provision and traffic impacts;
- Drainage and Sustainable Drainage

6.1 Principle of change of use

- 6.1.1 Matters of the principle of the use of the site to provide hotel accommodation have been discussed in detail in the accompanying report for planning permission 18/03340/COMIND, and it is not considered necessary to re-iterate this discussion for the current report. The matters of principle to be discussed herein are the use of the land for development of an extension and the increase in number of bedrooms. In this respect your officer notes that the site falls within land in use for existing commercial purposes associated with leisure and tourism. As such the principle of further commercial development of the site is considered by officers to be acceptable for purposes of supporting these commercial uses. It is noted that objections have raised concerns in respect of the contribution made to the racehorse industry. However, officers consider that the racehorse industry as it is present at Newbury racecourse must be supported by a range of ancillary businesses. This justification was accepted in granting permission for a 123 bedroom hotel on the site, and remains the case under the present application. The same arguments in respect of seeking to prevent an overprovision of hotel accommodation that relate to the application for permanent change of use of the lodge also relate to this application, and it is officer's view that in the absence of a sequential test to demonstrate the level of need for hotel accommodation it is appropriate to secure a section 106 legal agreement or other suitable measures that prohibit development of the previously approved 123 bedroom hotel. Subject to such an

agreement being reached, the level of provision proposed in both this application for extensions and the accompanying application for change of use falls considerably below the level of extant, consented hotel accommodation, and with the “fall-back” position of the extant consent in place officers consider that the level of provision is acceptable in principle.

6.2 Design and impact on the character and appearance of the surrounding area

6.2.1 The application site falls within the existing apron of development within Newbury racecourse. A mixture of uses surround the site, including both commercial uses and residential uses. The land proposed for development of the extension currently forms part of the overspill parking area, and has little visual amenity. The existing lodge building, although typical for modern commercial development, is of an attractive design that is in keeping with nearby built form both in terms of character of elevation and choice of materials. The proposed works have been designed with an eye to visual continuity, borrowing from the elevations of the existing building in terms of design and detail to bring about a visually sympathetic and consistent extension. While having a substantial footprint the proposed works will sit within a complex consisting of similarly large buildings, and within the open area of the existing car park where its visual imposition will be subsumed into its backdrop. It is therefore your officer’s view that the proposed works will provide a high quality and sympathetic design in keeping with the pattern and character of surrounding built form, consistent with the requirements of Policies CS14 and CS19 and the NPPF.

6.3 The impact on neighbouring residential amenity

6.3.1 Objections to this application raise concerns with the use of the building as a hotel and its impact on nearby residential properties to the south. While the proposed works are located such as to raise no significant concern in respect of overlooking impacts on the amenity of nearby residential occupants, concerns arising from noise regarding the increased use of the site are noted. Nevertheless, this is a commercial site which is focussed around business within the horseracing industry, including its leisure and tourism aspects, under which such associated activities might be expected to emerge as part of the ongoing development of the site. Location of hotel accommodation alongside residential is not uncommon and the two uses are generally considered compatible in planning terms, subject to sufficient controls being imposed on the hotel use. In this case it is noted that the concerns relating to noise relate principally to the existing aspects of the lodge, with the proposed extension located further away from the residential development to the south. The environmental health officer has considered both this and the accompanying application for change of use and has recommended, inter alia, a noise management plan be provided for the lodge to administer in terms of those activities that might reasonably be expected to cause disruption to residential amenity. While it is noted that concerns are raised in respect of antisocial behaviour, this is not a planning matter and could as easily be associated with residential as hotel development. However, management of guests in terms of use of the outside areas of the lodge, for example, is a reasonable expectation in terms of addressing identified noise. Other controls are recommended on the change of use permission in respect of external lighting on the site, and those are considered to relate to the lodge in particular so are not recommended on this application. However, controls on construction noise and plant such as air conditioning are reasonable to impose in the interests of amenity of nearby occupants.

6.3.2 Objections note concerns with respect to the orientation and proximity of the exterior areas of the Rocking Horse Nursery to the proposed hotel extension. Officers note that in respect of security the nursery has raised no objection to this application. Neither is the relationship a particularly close one, with the proposed extension more than 50 metres from the rear fence of the nursery. Furthermore, the proposed works would be a greater distance from the exterior areas of the nursery than a number of north facing windows in the existing

lodge, which has been in use as a hotel for the last 3 years. In light of these considerations officers are not of the view that the proposed extensions would be located such as to raise significant concerns in respect of security.

6.4 Parking provision and traffic impacts

6.4.1 The highways officer has made a comprehensive review of the proposed works. While he has stated that the increase in use of the hotel raises some concerns in respect of the increase in parking need, he has nevertheless concluded that the site can accommodate a sufficient level of parking and that the proposed works will not result in such a level of increase in traffic as to result in any detrimental impact on the local highways network.

6.5 Drainage and SuDS

6.5.1 At the time of writing the drainage engineer was in the process of considering additional drainage calculations to inform design of drainage and SuDS for the site. It is anticipated, without prejudice to any objection subsequently lodged, that the site is capable of providing adequate drainage and mitigation through appropriately designed sustainable drainage measures. However, an update will be provided to the Committee on the update sheet following receipt of further comments from the drainage officer.

6.5.2 It is noted that Thames Water have raised concerns regarding the location of drainage mains on the site. It is considered likely by officers that these relate to the access rather than the area proposed for the extension. However, this is an impact that the developer will need to investigate and address prior to commencement of development and is a matter of concern for the developer and statutory undertaker to address rather than being the proper remit of planning. If planning permission is granted but practical construction concerns prevent development from being undertaken this is a matter outside of planning control.

6.6 Other matters

6.6.1 Community centre

Greenham Parish Council have raised concerns in respect of a community centre originally proposed as part of the outline permission for the racecourse development for this location. However, officers note that subsequent permissions including the most recent permissions for the site include this land as car parking and do not show a community centre building in this location. Should such a building be proposed in the future there are alternative locations (such as that of the extant hotel consent where it could be located).

6.6.2 Publicity

Concerns were raised in one objection with respect to the site notice for this application. Your officer confirms that he conducted a visit to the site on the 12th February 2019 at which time a site notice was posted on a lamp post adjacent to the car park access. This had an expiry date of 6th March 2019.

7. Conclusion.

7.1 The proposed works are considered to allow new hotel accommodation in an existing commercial site and in a location that would relate it well to existing and surrounding built form. The works are considered to be of a type and nature that would support the leisure and tourism aspect of the racecourse business, and subject to the extant consent for the 123 bedroom hotel being agreed not to be developed and this being secured via a section

106 legal agreement, are considered to be of an amount that would be consistent with the likely level of commercial justification. Such associated impacts on neighbouring amenity and parking and traffic generation are considered to be adequately addressed by the recommended conditions and consequently officers support this planning application.

8. Recommendation.

The Head of Development & Planning be authorised to GRANT planning Permission, subject to the conditions set out at section 8.1 below and to an acceptable section 106 legal agreement or other means of securing that the 123 bedroom hotel consent is not constructed being agreed by officers.

OR

In the event that a section 106 agreement or other means of securing that the 123 bedroom hotel consent is not constructed is not agreed within 3 months of the date of the Committee resolution or such other period as to be agreed by the Development Control Manager, that the Head of Development & Planning be authorised to REFUSE planning permission for the reason set out at section 8.2 below.

8.1 CONDITIONS.

1. Three years for commencement

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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. Approved drawings

The development hereby approved shall take place in accordance with the following approved drawings:
SK20, SK23, SK27, SK28, SK29, SK30, SK33, SK34, SK35, SK36, SK37.

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

3. Materials

The external materials to be used in the approved extensions shall match those used in the existing lodge and shown on the approved drawings.

Reason: In the interests of visual amenity in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

4. Construction management plan

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development

- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if any)
- (e) Wheel washing facilities
- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (g) HGV haul routes
- (h) the control of noise
- (i) the control of dust, smell and other effluvia;
- (j) the proposed method of piling for foundations (if any);
- (k) hours during the construction when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policies OVS6 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Parking in accordance with drawings

The development hereby approved shall not be occupied until the parking has been provided in accordance with the approved drawings. The parking area shall thereafter be retained and kept available for the parking of motor vehicles.

Reason: In order to ensure that the site is provided with sufficient parking in accordance with the NPPF, Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy TRANS1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

6. Cycle storage

The development hereby approved shall not be occupied until details of motorcycle parking and cycle storage to be provided on the site have been submitted and approved under a formal discharge of conditions application. The development shall not be occupied until the motorcycle parking and cycle storage have been provided in accordance with the approved details. The motorcycle parking and cycle storage shall be retained and kept available for the parking of cycles and motorcycles thereafter.

Reason: To ensure that the site is provided with sufficient storage for cycles and motorcycles to reduce reliance on the private motor car in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

7. Electric vehicle charging points

The approved extensions shall not be occupied until details of electric vehicle charging points have been submitted and approved under a formal discharge of conditions application. The electric charging points shall be installed in accordance with the approved details and shall be retained for charging electric vehicles thereafter.

Reason: In order to facilitate the increased use of electric vehicles in order to reduce reliance on other fuel sources and in order to provide a sustainable form of development in accordance with the requirements of the NPPF and Policy P1 of the West Berkshire Housing Site Allocations DPD (2017).

8. BREEAM

The extension hereby approved shall not be taken into use until a post construction review demonstrating that the extension has achieved a BREEAM “Excellent” standard of construction has been submitted and approved under a formal discharge of conditions application.

Reason: In order to meet with the requirement for sustainable construction in accordance with the NPPF and Policies CS14 and CS15 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

9. Hours of construction work

No work relating to the development hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or public holiday.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

10. Noise from mechanical plant

The sound rating level (established in accordance with BS4142:2014) of any plant, machinery and equipment installed or operated in connection with this permission, shall not exceed, at any time, the prevailing background sound level at the nearest residential or noise sensitive property.

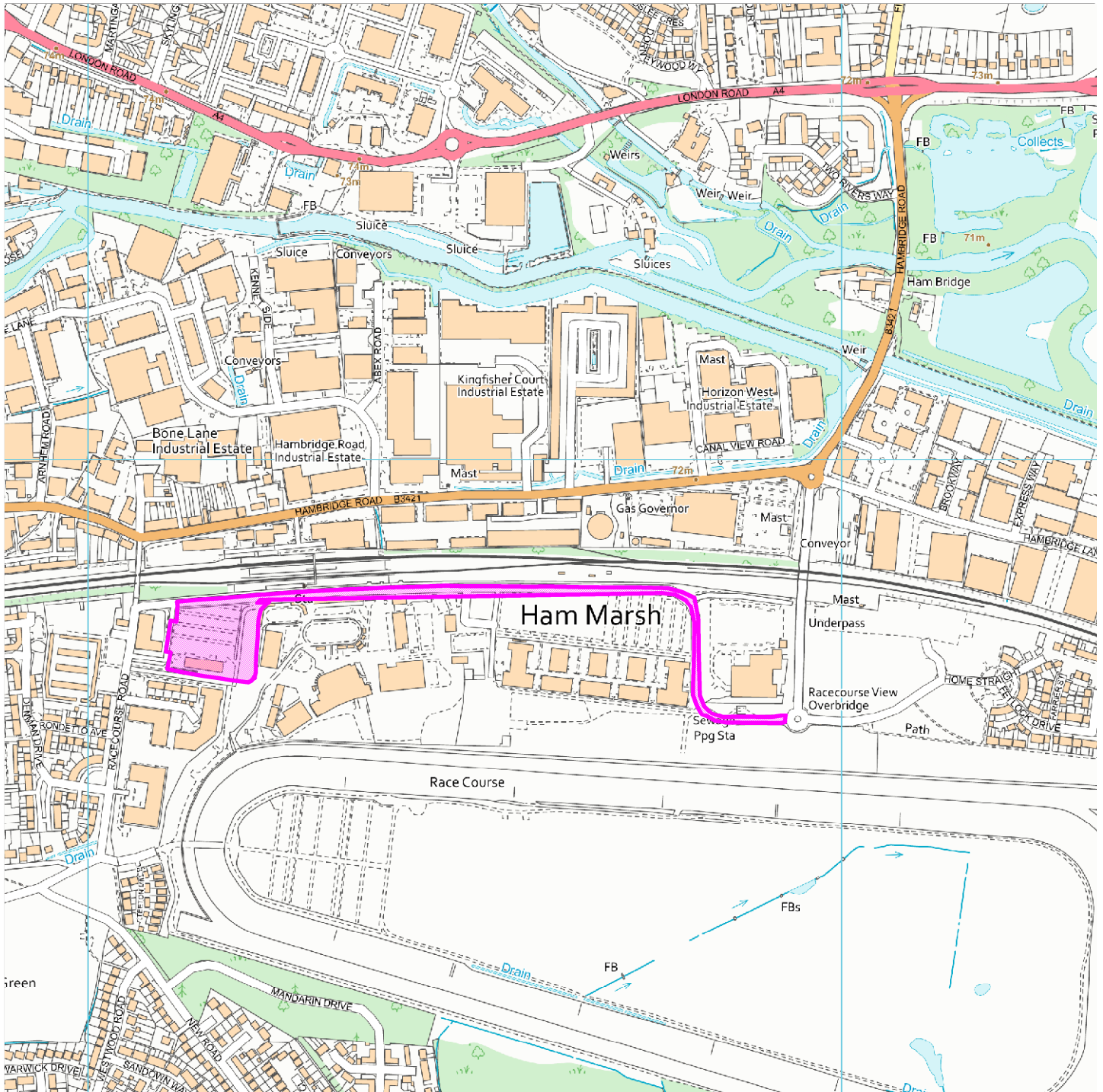
Reason: In the interests of amenity of residential occupants and hotel guests in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

11. Drainage/SuDS

To be confirmed on update sheet following receipt of drainage officer’s comments.

8.2 Refusal reason

The application is not accompanied by sufficient information or a sequential test to demonstrate that it would result in provision of hotel accommodation (a town centre use) in an appropriate location and at a justified amount. Furthermore, due to the extant consent for a 123 bedroom hotel on the racecourse site the proposed works would result in an over-provision of hotel accommodation in this location without justification of local need. The proposed works are therefore contrary to the requirements of paragraph 84 of the National Planning Policy Framework and Policy CS9 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, requiring that proposals for new business development should not conflict with existing uses.



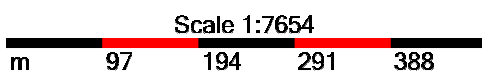
Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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Agenda Item 4.(6)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(6)	19/00577/FULD Newbury Town Council	17 May 2019*	New single family dwelling 6 Northwood Drive, Newbury, RG14 2HB Mr Hamey and Mrs Woodhead

*Extension of time agreed with the applicant until 5 July 2019

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00577/FULD>

Recommendation Summary: To **DELEGATE** to the Head of Development and Planning to **GRANT** PLANNING PERMISSION subject to conditions

Ward Members: Councillor Jeff Beck
Councillor Jeff Cant

Reason for Committee Determination: The application has been called into planning committee at the request of Cllr Beck. In addition, it is recommended for approval and is subject to in excess of 10 letters of objection

Committee Site Visit: 3rd July 2019.

Contact Officer Details	
Name:	Jay Singh
Job Title:	Consultant Planner
Tel No:	01635 519111
Email:	jay.singh1@westberks.gov.uk

1. RELEVANT PLANNING HISTORY

- 1.1 18/00876/FULD – New single family dwelling.
Refused – 23.03.2018 on grounds relating to a lack of external amenity space for the existing and proposed dwellings and that the proposal would harm the character and appearance of the area.
Planning Appeal - Dismissed 09.01.2019 on grounds relating to the lack of external amenity space for the existing dwelling no. 6 Northwood Drive (considered in more detail below).
- 1.2 17/00772/FULD - New single family dwelling.
Refused - 19.05.2017 on grounds relating to a lack of external amenity space for the existing and proposed dwellings and that the proposal would harm the character and appearance of the area.

2. SITE DESCRIPTION

- 2.1 The application site is located within the identified settlement of Newbury, located in an established residential area of Shaw to the northeast of Newbury town centre and north of the A4. Northwood Drive is a cul-de-sac comprising 29 two-storey dwellings constructed in the 1970's. These are mainly semi-detached dwellings with three groups of terraced dwellings at the western end and a garage parking court. The semi-detached dwellings all have off street parking including single garages. The terraced dwellings have access to a garage block. The dwellings are set back from the road, most with dwarf walls forming the front boundary. To the rear most dwellings have good sized private back gardens in proportion to the dwellings. On the eastern side of the road, coming from Kiln Road, is a wide grass verge with a row of protected trees.
- 2.2 The application site is a corner plot rectangular in shape and currently forms part of the front/rear and side garden serving No. 6 Norwood Drive. This existing semi-detached dwelling has its rear/side garden enclosed by a 1.8 metre high fence and garage located to the rear.

3. PROPOSAL

- 3.1 This proposal relates to the erection of a two-storey three bedroom dwelling to be attached to the eastern side of the existing semi-detached dwelling (No. 6 Northwood Drive). The new dwelling would measure approximately 5.5m in width x 9m in length x 8.5m in height to gable roof. It would comprise lounge, kitchen diner and WC on the ground floor with three bedrooms and family bathroom on the first floor.
- 3.2 The proposal would provide three off road car parking spaces for the new dwelling and two for the existing dwelling via dropped kerb access. The proposed parking spaces would be located to the frontage. The proposal would essentially create a terrace block of three dwellings from the existing pair of semi-detached dwellings, with the scale, external appearance and materials intended to match the existing dwelling at no.6 Northwood Drive.

- 3.3 The proposal, based on the supporting plans, shows the removal of the existing garage within the site and subdivision of the garden of the property to provide an L shaped garden with approx. 100m² in area for the existing dwelling and 92m² in area for the proposed dwelling.
- 3.4 This proposal, in terms of the form and siting of the proposed house, is materially the same as that considered under refused planning application 18/0076/FULD dated March 2018 which was subsequently dismissed on appeal in January 2019. The Inspector in dismissing the appeal, in summary, concluded that the proposal would not harm the character and appearance of the area but would leave inadequate garden space (approx. 35m² in area) for the occupiers of the existing house at no.6 Northwood Drive resulting in the creation of inadequate living conditions for its occupiers. The appeal decision is a material consideration of significant weight to the determination of this application and is considered in more detail below.

4. PROCEDURAL MATTERS

- 4.1 Publicity: Site notice displayed on 10 April 2019 which expired on 1 May 2019.
- 4.2 CIL: Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure. Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council new dwellings are liable to pay the Community Infrastructure Levy. In this instance the site is within the Newbury charging area under which the chargeable rate is £75 per m² of gross internal area (indexed). CIL liability will be formally confirmed following the grant of planning permission.

5. CONSULTATION

5.1 Statutory and Non-Statutory Consultations

Town Council: Objection - This would be an over development of the site and change the street character.

Highways: No objection subject to conditions.

Waste Management: No objection

Environmental Health: No objection

Land Drainage Engineer: No comments received at time of writing the report.

Thames Water: No objection

6.2 Public representations

Original consultation: Total: 22 Support: 0 Object: 22

The following material planning considerations have been raised (summarised by officers):

- Adverse impact on highway safety due to inadequate visibility splays on the corner of Northwood drive, unsafe location of dropped kerbs provided under the GPDO, increased traffic generation, lack of parking provision, inadequately sized car parking spaces (2.4m x 4.8m rather than 2.5m x 5m) with awkward parking layout, lack of information to demonstrate car parking spaces are fully accessible without harming pedestrian safety, lack of pedestrian access to rear of proposed house for servicing or emergency access and proposed access further displaces on-street parking contrary to the provisions of the Newbury Town Design Statement.
- The previous appeal inspector did not consider highway safety issues.
- Loss of light and outlook to adjacent residential properties.
- Proposal would create a terrace block dominated by frontage car parking with inappropriate boundary treatment resulting in a poor relationship to, and would have an adverse impact on the street scene and character and appearance of the area contrary to Core Strategy Policy CS14, Part 2 of the SPD on Quality Design, NPPF and PPG which require good design.
- Construction process would damage neighbouring properties and harm surrounding residential amenity.
- Proposal is overdevelopment of the site and due to the proposed car parking lacks areas for suitable soft landscaping.
- The changes to no. 6's garden would now be particularly noticeable from the public realm and would appear out of character and exacerbate the cramped appearance. The proposed eastwards projection would not be intimately associated with no. 6 when viewed from the highway and would appear at odds with the rhythm of development, especially when the space is enclosed by new boundary treatments to the north (adjacent to no. 4) and the east (the pavement).
- Proposal would impact on shared boundaries and its construction would require access from neighbouring properties which would require consent of adjacent owners which has not been sought.
- Poor quality living environment due to inadequate amenity space (below 100m² council standard, no.6 Northwood would retain 92m² and proposed plot 82m²) for such family sized accommodation contrary to the Council's SPD guidance entitled Quality Design (Part 2) and Core Strategy Policy CS14.
- The proposal would result in an L shaped garden, the bottom part appearing separated from the house, and lacking proper surveillance resulting in it being unsatisfactory.
- The removal of the garage which contains asbestos would need consent from the adjacent landowner which would not be provided.
- The position of the boundaries, including 0.5m offset, would not allow for proper maintenance and impact on windows on the existing house.
- The proposal would result in unacceptable noise and disturbance to the occupiers of neighbouring properties.
- Insufficient external storage for the proposed dwelling.
- 1.8m high boundary fence would impinge on visibility splays.

- Proposal makes inadequate provision for bin and secure cycle storage.
- The Council's waste team have not considered the impact on waste storage and access arrangements for the existing house no.6.
- Proposal would have an adverse ecological impact.
- The access driveways have been constructed without drainage or porous paving.
- The closeness of the proposed parking space next to the proposed side elevation of dwelling containing French door would not create a satisfactory relationship.
- The reasons for refusal on the previously rejected planning applications and appeal decision (which is a material consideration in the assessment of this application), in terms of lack of external amenity space and creation of satisfactory living conditions, as well as other matters relating to adverse impact on the highway which are not addressed by this revised proposal.

7. PLANNING POLICY

7.1 The statutory development plan includes the West Berkshire Core Strategy (2006-2026), Housing Site Allocations DPD (2006-2026) and the saved policies in the West Berkshire District Local Plan (1991-2006) (Saved Policies 2007).

7.2 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies- ADPP1: Spatial Strategy, ADPP2: Newbury, CS1: Delivering New Homes and Retaining the Housing Stock, CS4: Housing Mix and Type, CS13: Transport, CS14: Design Principles, CS16: Flooding and CS17: Biodiversity.

7.3 Housing Site Allocations Development Plan Document (HSA DPD):
Policies- C1: Location of New Housing in the Countryside, P1: Residential Parking for New Development.

7.4 West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP):
Policies- OVS.5: Environmental Nuisance and Pollution Control, OVS.6: Noise Pollution, TRANS.1: Meeting the Transport Needs of New Development

7.5 Material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Newbury Town Design Statement (2018)

8. APPRAISAL

The key issues relate to:

- Principle of the development
- Character and appearance
- Residential amenity
- Highways matters
- Drainage
- Other matters

8.1 Principle of the development

- 8.1.1 The application site is within the defined settlement boundary of Newbury. Policy ADPP1 of the Core Strategy identifies Newbury as an Urban Area which is a focus for new development. This is supported by Policy ADPP2 which advises that Newbury will be the main focus for housing growth. Policy CS1 of the Core Strategy states that new houses will be primarily developed on suitable previously developed land, and other suitable land, within settlement boundaries. Policy C1 of the HSA DPD indicates there is a presumption in favour of development and redevelopment within the settlement boundary of Newbury.
- 8.1.2 The proposal, having regard to the provisions of Policies ADPP1, ADPP2 and CS1 of the Core Strategy and Policy C1 of the HSA DPD, and subject to the material considerations set out further below, is therefore considered acceptable in principle.

8.2 Character and appearance

- 8.2.1 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 ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The Quality Design SPD and Newbury Town Design Statement further support these objectives.
- 8.2.2 As indicated above, the proposal, in terms of the form and siting of the proposed dwelling is materially the same as that considered under planning appeal decision reference APP/W0340/W/18/3210045. In considering the appeal proposal, the Inspector commented:
- 8.2.2.1 *'The site currently forms part of No 6's side garden, and provides an open character to the corner of Northwood Drive. The surrounding area generally consists of semi-detached and terraced properties.'*
- 8.2.2.2 *'While Nos 2-4 and 6 Northwood Drive are set back from the road, the set back is not identical, there is a large gap between them, and boundary treatments differ. Consequently, the building line along the eastern end of Northwood Drive is not a significant attribute of the area. The proposal would therefore not harm the surrounding area simply because it would extend the building line further beyond that of Nos 2-4.'*
- 8.2.2.3 *'While the proposal would reduce the open space in the corner of Northwood Drive, the new dwelling would be set back from the road and spacing to surrounding buildings would not be significantly affected. Combined with the trees opposite continuing to provide a natural and undeveloped environment in the corner of Northwood Drive, the proposal would not have a significantly enclosing effect on the streetscene or unacceptably reduce the area's open character.'*

- 8.2.2.4 *The proposed plot size of No 6 would be generally smaller than surrounding plots. However, its size would not be particularly noticeable from the public realm, while the size of the appeal site would not appear significantly different to that of surrounding plots. I am therefore satisfied that the resulting plot sizes would not appear out of character or result in a cramped appearance.*
- 8.2.2.5 *There are variations between the surrounding semi-detached dwellings, such as the additional width arising from the attached garages and a first-floor side projection opposite the appeal site. There are also terraced properties on Northwood Drive, a short way and visible from the appeal site. The creation of a short terrace in this part of the road would therefore not be incongruous or out of character. The proposal's similar architectural design and proportions would also ensure a similar appearance to surrounding properties, while a condition could secure the use of suitable external materials.*
- 8.2.2.6 *For the above reasons, I conclude that the proposal would not harm the character and appearance of the surrounding area. I therefore find that the proposal accords with Policies ADPP1 and Policy CS14 of the West Berkshire CS and the guidance contained within Part 2 of the SPD Quality Design and the Newbury Town Design Statement. Together, these require, amongst other aspects, high quality design that respects and enhances the area's architectural style and which relates to and respects the character and appearance of the surrounding area. It would also not conflict with the provisions of the Framework relating to character and appearance.'*
- 8.2.3 The Inspector therefore did not consider the proposal to harm the character and appearance of the area. The current proposal which although removes the existing garage and introduces an additional car parking space to the site frontage which is limited in space and as a result would provide minimal opportunities for new soft landscaping, it follows the general layout principles that the Inspector considered acceptable previously, as such this arrangement, on balance, is therefore considered acceptable.
- 8.2.4 Taking into the account the Inspectors comments which are a material consideration of significant weight, and subject to the imposition of planning conditions to secure appropriate facing materials, officers consider, on balance, that the proposal would not harm the character and appearance of the area.

8.3 Residential amenity

- 8.3.1 Policy CS14 of the Core Strategy states that new development must make a positive contribution to the quality of life in West Berkshire. The NPPF seeks to protect the amenity of neighbouring land users. The Quality Design SPD supports these aims and provides guidance on garden sizes (detailed below). The Council's SPG 04/2 House also provides guidance on protecting daylight and outlook which can be applied to new residential development.
- 8.3.2 The proposal that was considered under planning appeal decision reference APP/W0340/W/18/3210045 showed the existing dwelling no.6 Northwood Drive retaining approx. 35m² of external amenity space and the proposed dwelling having approx. 100m² of garden space. In considering the appeal proposal, the Inspector commented, in respect of the impact on living conditions:

- 8.3.2.1 *The proposal would result in a significant reduction in No 6's outdoor amenity space. Part 2 of the Council's Supplementary Planning Document 'Quality Design – West Berkshire' (2006) (SPD Quality Design) sets out a general guide for garden sizes from 100 square metres for 3 or more bedroom dwellings. It also emphasises the importance of the outdoor area's quality. Although focused on the living conditions of future occupiers in new developments, I have little evidence to indicate that the SPD's aim of ensuring adequate living conditions through the provision of sufficient outdoor amenity space is not also applicable to existing occupiers. I am satisfied that its guidance on garden sizes is therefore relevant to the proposal's effect on the living conditions of the occupiers in No 6.*
- 8.3.2.2 *I recognise that future occupiers of No 6 may prefer a small garden, and I note that the existing garage would provide some storage space. However, the garden area remaining for No 6 would provide very limited outdoor space, with room only for a small patio and few other features or play space. Although No 6's existing garden area is generally larger than surrounding properties, its reduction to approximately 35 square meters would in most cases leave it significantly smaller than those of neighbouring properties and result in inadequate and poor quality external amenity space for the occupiers for the 3 bedroom dwelling of No 6.*
- 8.3.2.3 *For the above reasons, I conclude that the proposal would not provide adequate living conditions of the occupiers of No 6. I therefore find that the proposal does not accord with Policy CS14 of the West Berkshire Core Strategy (2006-2026) 2012 (West Berkshire CS) and the guidance contained within Part 2 of the SPD Quality Design. Amongst other aspects, these require developments to make a positive contribution to the quality of life in West Berkshire and provide suitable outdoor amenity space. It would also fail to accord with the provisions of the Framework in so far as it relates to ensuring a high standard of amenity for existing users.*
- 8.3.3 To seek to address the appeal inspectors concerns, this revised application proposes approx 100m² in garden area for the existing dwelling (No. 6 Northwood Drive) and approximately 92m² in area for the proposed dwelling. This level of provision is considered large enough to ensure the accommodation of such features as garden sheds, washing lines and other domestic features and allow sufficient opportunities for sitting outside in comfort and for children's play. As such, the level of proposed garden space is considered acceptable having regard to the overall aims and objectives of the SPD Quality Design. Furthermore, it is considered that the level of provision addresses the concerns raised by the Inspector previously.
- 8.3.4 Concerns have been raised by neighbours that the proposal would result in an 'L' shaped garden for the existing dwelling (no.6 Northwood Drive) with the bottom part appearing separated from the house and therefore lacking proper surveillance resulting in it being considered unsatisfactory. In this regard, whilst the garden would have an irregular shape, given the relatively short garden depth coupled this area being enclosed existing residential properties on 3 sides, this arrangement would ensure the garden is subject to a satisfactory level of surveillance. Furthermore, given the inevitable need for bin and refuse storage

areas, this part of the garden could be reasonably used for such purposes ensuring the garden is usable in its entirety.

- 8.3.5 In terms of neighbouring residential amenity, the proposed dwelling would be sited where there are satisfactory separation distances from neighbouring dwellings as such neighbouring amenity would be preserved in terms of loss of light, outlook or privacy. Furthermore, given the proposal relates to the erection of a single dwelling within an established residential area, there would no material impact on neighbouring amenity by way of increased noise and disturbance.
- 8.3.6 To mitigate any short term impact on neighbouring amenity from construction activities, appropriate planning conditions can be imposed to control hours of work, provision of temporary off road parking for workers and measures to mitigate dust emissions.
- 8.3.7 For these reasons, the proposal would ensure the creation of an acceptable living environment for existing and future occupiers of No. 6 Northwood Drive, and the occupiers of the proposed dwelling. Furthermore, the proposal would preserve neighbouring residential amenity.

8.4 Highways matters

- 8.4.1 Policies CS13 of the Core Strategy and TRANS.1 in the Saved Policies of the Local Plan, set out highway requirements. Policy P1 of the HSA DPD sets out residential car parking levels for the district.
- 8.4.2 The proposal has been carefully considered by the councils highways team who advise, in terms of the proposed access arrangements, a new drop kerb has been installed outside the frontage of no 6 Northwood and partially around the bend to the east. Vehicles are therefore already entering and exiting the highway in this location and subject to the visibility being kept clear above a height of 0.6m on the plot frontage, this access arrangement would not be harmful to highway safety.
- 8.4.3 In respect of car parking provision, the proposal includes 2 off car road parking spaces for the existing house (no.6) and 3 spaces for the proposed house accessed via dropped kerbs from Northbrook Drive. In this regard, the highways team comment this site is located within Zone 2 of West Berkshire Council's parking standards as set out in HSA DPD Policy P1. A 3-bedroom dwelling in this location should therefore provide 2.5 car parking spaces. A total of 5 car parking spaces are provided for the existing and proposed dwellings in accordance with the policy and is considered sufficient provision to mitigate the on-street parking demands generated by the proposed development.
- 8.4.4 In relation to traffic generation, the highways team advise the proposal could generate a total of 6 additional vehicle movements (3 in and 3 out) per day. This level of traffic generation would not have a material impact on the highway, taking into account any cumulative impacts.
- 8.4.5 The highways team also confirm, in coming to their overall conclusions, they have carefully considered objections received from local residents identifying various concerns over the impact of the proposal on highway safety on Northwood Drive.

8.4.6 Taking into account the comments of the highways team which are given significant weight and subject to the imposition of necessary planning conditions to secure visibility splays, off road car parking provision, temporary parking during construction, electric charging points and cycle parking, it is considered that the proposal would not have an adverse impact on highway safety or result in an unacceptable impact on the local highways infrastructure from associated traffic generation and increased on-street parking demand.

8.5 Drainage

8.5.1 The site is not within in a flood risk or critical drainage area. Policy CS16 of the Core Strategy requires all development to incorporate sustainable drainage methods. The proposal would result in the loss of permeable area. However, subject to the imposition of planning conditions requiring details of the detailed drainage strategy based on sustainable drainage principles to be agreed with the LPA, the proposal would not have an adverse impact on the risk of flooding within the site or locality.

8.6 Other Matters

8.6.1 Storage and Waste

The supporting plans demonstrate that the proposed and existing dwellings would retain sufficient space within their respective gardens for the storage of bins/recycling, and storage of other domestic paraphernalia to meet the needs of existing and future occupiers.

8.6.2 Ecology

The site is of low ecological value as such the proposal would not have an adverse ecological impact.

8.6.3 Construction access and shared boundaries

Concerns have been raised the construction of proposed dwelling would impact on private shared boundary walls and require access from neighbouring private property owners and the consent of these owners. However, these issues relate to civil matters and therefore not material to the assessment of this application.

8.6.4 Contamination

The site is on a former builder's yard and therefore maybe subject to potential contamination. A planning condition can be imposed ensure that any unforeseen contamination is dealt with appropriately to mitigate contamination risk to any sensitive receptors/future occupiers of the site.

In relation to potential asbestos material within the garage to be demolished, this would be addressed under the requirements of separate environmental legislation.

8.6.5 Protected Trees

There are no trees of merit on this site. However, opposite there are trees forming the boundary of the road that are subject to a Tree Preservation Order (TPO). Taking into account the separation distances, the intervening road and footpath between the development site and the trees, the proposal would not have an adverse impact on the health of these trees.

9. CONCLUSION

- 9.1 Having taken account of all the relevant policy considerations and other material considerations referred to above, including the recent appeal decision which is particularly relevant to this proposal and is afforded significant weight, it is considered that the application complies with the development plan when considered as a whole. Furthermore, taking into account relevant social, economic and environmental considerations, the proposal would constitute sustainable development. The application is therefore recommended for approval.

10. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **GRANT** PLANNING PERMISSION subject to the following conditions.

1. Commencement of development

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 following approved plans and documentation:

- (i) Location plan received on 1 March 2019 (but not the 1:500 block shown on the same drawing which is superseded).
- (ii) Proposed elevations received on 1 March 2019; and
- (iii) Proposed site plan received on 25 May 2019.

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

3. Electric charging point

No development hereby permitted shall take place until details of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved details. The charging point shall thereafter be retained and kept available for the approved use.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. Surfacing of access

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

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

5. External facing materials

The external facing materials to be used on the dwelling hereby permitted shall match those on the existing dwelling known as no.6 Northwood Drive.

Reason: To ensure that the external materials respond to the surrounding built form. This condition is applied in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

6. Cycle storage

No development hereby permitted shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (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).

7. A scheme to minimise the effects of dust

No development hereby permitted shall take place until details of a scheme to minimise the effects of dust emissions from the construction of the approved dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the

approved details.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; a scheme to minimise the effects of dust is required throughout the construction phase and therefore it is necessary to agree before development commences.

8. Landscaping scheme (including hard surfacing)

No development hereby permitted shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

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

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

9. Sustainable drainage measures

No development hereby permitted shall take place until a scheme for surface water drainage, based on sustainable drainage principles, has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be completed in its entirety prior to the first of the occupation of the dwelling hereby permitted.

Reason: To ensure the surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS16 of the West Berkshire Core Strategy (2006-2026). A pre-commencement 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.

10. Hours of work

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; and

No work to be carried out 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 (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

11. Parking in accordance with approved plans

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

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Temporary parking

No development hereby permitted shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off-site parking in the locality which could cause danger to other road users, and inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

13. Visibility splays

The fence located on the boundary between the vehicle access and existing lamppost to the east must not exceed 0.6 metres in height as shown on the site plan drawing with amended highway notes dated 20/05/19 and this part of the site shall be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of pedestrian and road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

14. Boundary treatment

The dwelling hereby permitted shall not be occupied until the approved boundary treatment has been provided in accordance with the approved plans.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and guidance contained with West Berkshire SPD Quality Design.

15 Permitted development restriction (extensions/outbuildings)

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or 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 applied in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006) and the Newbury Town Design Statement.

INFORMATIVES

1. Approval- Need for revision/ representations received

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

2. **Damage to footways, cycleways and verges**

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

3. **Damage to the carriageway**

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

4. **Construction/demolition noise**

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

5. **Thames Water: Waste water**

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water: Mains water

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.

WASTE COMMENT

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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 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

WATER COMMENT

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

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.

7. **CIL informative**

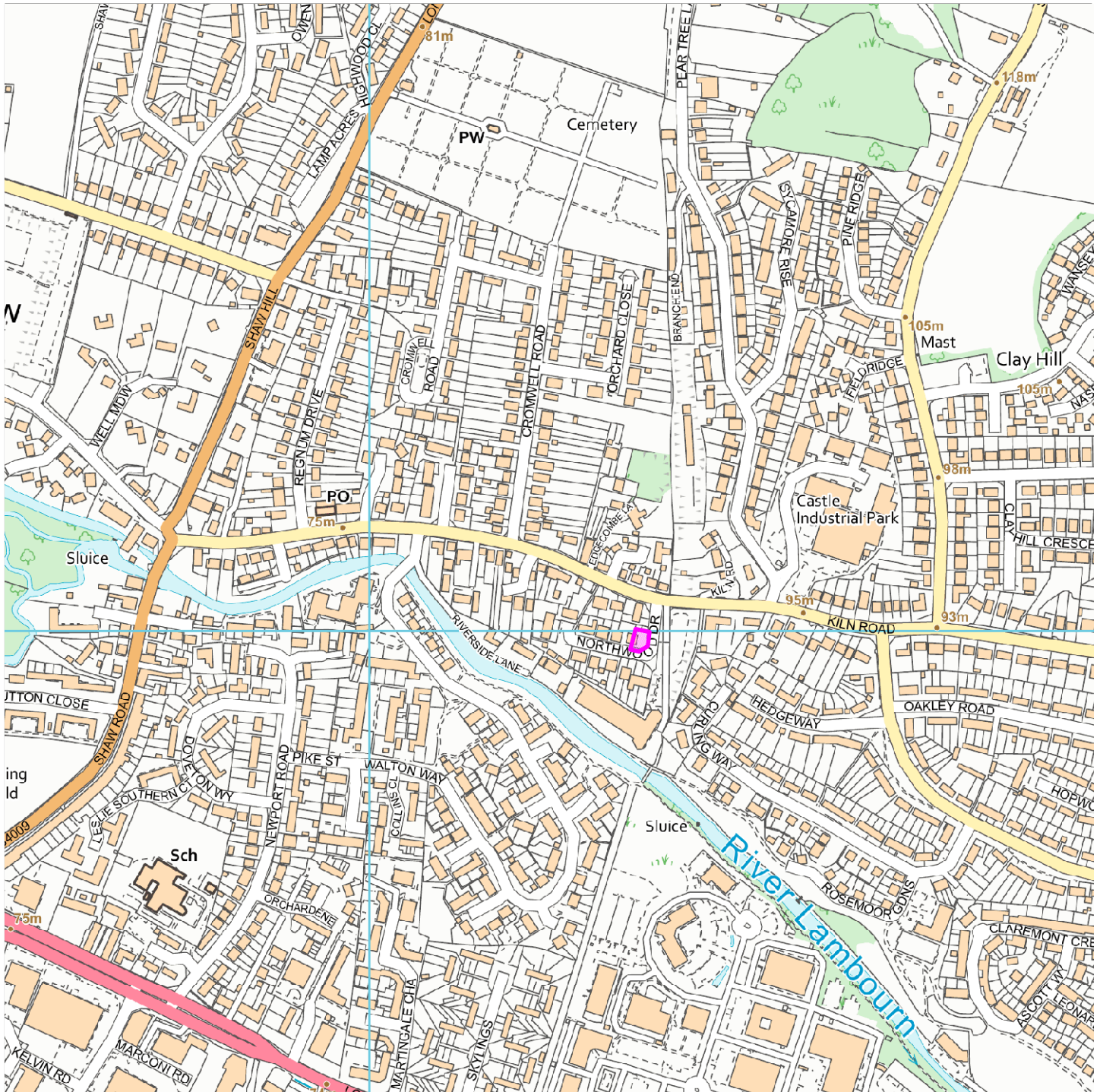
The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are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

8. **Ownership**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

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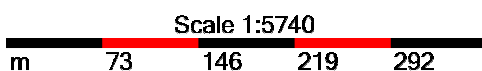
Map Centre Coordinates :

Scale : 1:5740

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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Agenda Item 4.(7)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(7)	18/03398/HOUSE Hungerford & Kintbury	6th March 2019	Two storey and single storey extensions Winterley House, Kintbury Mr and Mrs McNally

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03398/HOUSE>

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

Ward Member(s): Councillor Claire Rowles
Councillor James Cole
Councillor Dennis Benneyworth

Reason for Committee determination: Requested by Cllr Stansfeld initially. Then re-presented following appeal decision and further re-present following second site visit.

Committee Site Visit: 27th June 2019

Contact Officer Details	
Name:	Isabel Oettinger
Job Title:	Planning Officer
Tel No:	(01635) 519111
E-mail Address:	isabel.oettinger@westberks.gov.uk

1. Site History

86/2783/ADD conversion of grooms cottage and stables into private dwelling and new garage. Approved 05.01.1987

10/00852/FUL Change of Use of land to form new entrance, construct new sections of brick boundary wall to Back Lane and Kintbury Road and new entrance gates to the drive. Approved 20.07.10

10/01186/HOUSE Extension to south west corner and 1st floor bedroom, reconstruct west elevation brick work facing garden and realign fenestration to suit wider elevation. Approved 15.07.10

18/01506/HOUSE Demolition of existing ancillary outbuilding and erection of two storey and single storey extensions. Refused 17.10.18 (

Dismissed at appeal 08/05/19 Inspectors report attached

2. Publicity of Application

Site Notice Expired: 21.02.19

3. Consultations and Representations

Parish Council: No objections.

Highways: No objections.

Conservation Officer: Refusal of application 18/01506/HOUSE and notification of valid appeal against refusal noted.

Whilst arguments have been made by the applicants about the age of the property, there does not appear to be a denial of its heritage value, and the main issue in terms of extending the property has as much to do with the scale of the extensions proposed in house extension as well as heritage impact terms.

The house as it currently exists clearly possesses a symmetry its main (south) elevation, which should be respected in devising any extensions to it. Such "respect" would be best achieved in subservient extensions, with a set back and set down from the existing house. Although an attempt has been made to reduce the impact of the extensions by setting down the ridge heights of the two storey elements (which goes a little way to preserving the symmetry of the main building), no set back is proposed, nor is the footprint of the extensions reduced. Accordingly, the previously made comments are still considered to apply.

NB. On a small point of detail, there appears to be a discrepancy between the submitted proposed elevation and floor plan drawings in respect of the window layout for the curved rear two-storey element.

Natural England: No comments.

Public: No representations received.

The following consultation responses from 18/01506/HOUSE are also relevant to the consideration of this application:

Conservation: Original: The two storey part of the extension arguably upsets the basic symmetry of the main building, and the further single storey extension exacerbates this, which is arguably contrary to SPG advice on house extensions, particularly in terms of subservience.

Whilst the building is not a designated heritage asset, nor do the works affect the setting of any designated heritage assets, the host property could be described as a non-designated heritage asset, where paragraph 197 of the NPPF 2018 applies. A Heritage Impact Assessment might therefore be appropriate in this case to justify (the impact of) the proposed works. It might also be appropriate at this stage for the Council's Archaeologist to be consulted on the application for an opinion and whether there is any information in the Historic Environment Record.

Follow-up: I am happy to stand by my original comments of 24th August 2018, that notwithstanding any heritage issues, the proposals, particularly the two storey element, upset the basic symmetry of this albeit historically much altered building, and are not subservient to the main building, arguably contrary to SPG advice on House Extensions and part i of DPD C6 referred to in the Agents e-mail dated 7th September 2018.

Further, there can be little doubt, on the basis of evidence provided by the Councils Archaeologist, that Winterley House should be considered as a non-designated heritage asset, on which basis paragraph 197 of the NPPF 2018 applies.

Archaeology: Original: Winterley House I am fairly certain that it was a listed building from c1950 up until the 1980s review, though the old description only said C.18. Altered which makes it hard to be certain which element of Mount Pleasant was referred to. This was the previous name until the late 1980s, and it was listed at Grade III, a level which was then phased out (being replaced by Grade II). I do not know why it was de-listed - perhaps due to the alterations. The HER entry for the house is provided. Mapping evidence supports an 18th century (or older) date for the building, as a small country house with subservient outbuildings / staff accommodation.

The house appears to have had roughly the same footprint for c 125 years, i.e. nearly square, though from aerial photographs the roof structures are of more than one period. I see a previous application for a small extension was approved in 10/01186/HOUSE. The D & A statement with this app says the house dates back to c 1780, but there were alterations and extension in 1987. There are other planning references in Uniform under the old name, i.e. 80/12600/ADD and 81/15938/ADD which also mention alterations and extensions.

My advice for 18/01506/HOUSE would therefore be the same as [Conservation], i.e. that Winterley House aka Mount Pleasant

should be considered as a non-designated heritage asset, and a bit more information about its origins, development and existing fabric should be provided to justify this larger extension. Symmetry is a key feature of most Georgian buildings but I leave the comments about design to the Conservation Officers. I do not believe I would request any below ground archaeological investigations should this extension be approved, as any possible post-medieval features (e.g. rubbish dumps) are unlikely to be very significant. The garage doesn't appear to be an old building.

Follow-up: Thank you for forwarding on the Design, Access and Heritage Statement on Winterley House. I do not have any further comments to make as regards the planning proposals and would not be requesting an archaeological condition.

4. Planning Policy

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan includes the West Berkshire Core Strategy 2006-2026 (WBCS) and the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 4.2 The following policies from the WBCS are relevant to this application:
- ADPP1: Spatial Strategy
 - ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
 - CS13: Transport
 - CS14: Design Principles
 - CS19: Historic Environment and Landscape Character
- 4.3 The following policies from the HSA DPD are relevant to this application:
- C1: Location of New Housing in the Countryside
 - C3: Design of Housing in the Countryside
 - C6: Extension of Existing Dwellings within the Countryside
 - P1: Residential Parking for New Development
- 4.4 The following are relevant material considerations:
- The National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Quality Design SPD (2006)
 - House Extensions SPG (2004)

5. Description of Development

- 5.1. The application site is located outside of any defined settlement boundary. There is a single dwelling to the south east (Mount Pleasant Cottage) and the converted stables dwelling to the north east. The site lies in the North Wessex Downs AONB. The existing property is a large, detached dwelling set within established gardens with a single pitched roof garage/outbuilding on the east side.
- 5.2 The existing dwelling has had several historical additions over time, detailed in the Design, Access and Heritage Statement. The most recent of which was a two storey extension in 2010 which effectively squared-off the south-west corner of the dwelling.

- 5.3 Amended proposed floorplans and elevations have been provided in response to the consultation received from the conservation officer which have set the two-storey elements of the extension in by approximately 100mm and adjusted the window proposed on the curved element.
- 5.4 The current scheme is a re-submission of the previously refused application (18/01506/HOUSE) with the amendment of a set-down in the ridge line of the second storey extensions and additional information submitted as part of a heritage statement.
- 5.5 The two storey element would add an additional hall, 4 metres wide, and add on to the existing kitchen at ground floor level. It would also provide an additional bedroom and bathroom at first floor level. There are now set down ridge lines and eaves line at approximately 6.5 metres in height. The single storey of the orangery and office would extend to a ridge height of 5 metres with a new chimney reaching 6.5 metres high.

6. Consideration of the Proposal

The main issues raised by this development are:

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

6.1. The principle of development

6.1.1 Core Strategy Policy ADPP1 provides a hierarchy of settlements within the district to ensure development follows the existing settlement pattern and delivers the spatial vision and objectives for West Berkshire. The hierarchy comprises defined urban areas, rural service centres, and service villages. New development will be considered commensurate to its position within the hierarchy. Below the settlement hierarchy, smaller villages with settlement boundaries are suitable only for limited infill development subject to the character and form of the settlement. Beyond defined settlement boundaries, only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.1.2 The application site is located outside of any defined settlement boundary and is therefore regarded as “open countryside” under Core Strategy Policy ADPP1. The site is also located within the AONB where great weight must be given to conserving and enhancing landscape and scenic beauty. Policy ADPP5 states that, recognising the area as a national landscape designation, development will conserve and enhance local distinctiveness.

6.1.3 In the context of this general policy of restraint in the countryside, Policy C6 of the HSA DPD gives a presumption in favour of proposals for the extension of existing permanent dwellings. An extension or alteration will be permitted providing that:

- i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
- ii. it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
- iii. the use of materials is appropriate within the local architectural context; and
- iv. There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.

6.1.4 As detailed below, it is considered that, despite the set down of the ridge and eaves, the proposal fails to comply with points i and ii. Overall, therefore, the proposal fails to comply

with the aforementioned policies, and is not appropriate limited development in the AONB countryside.

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 and proposals affecting heritage assets. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.2.2 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. According to Policy CS19, particular regard will be given to: (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation and, where appropriate, enhancement of heritage assets and their settings.
- 6.2.3 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'. Moreover, development will respect and respond to the historic environment of the AONB.
- 6.2.4 Policy C6 of the HSADPD seeks to ensure any enlargement remains subservient to the original dwelling and in character with the existing dwelling. This reflects design guidance in the Council's Quality Design SPD and House Extensions SPG, as well as the site-specific advice from the conservation officer in terms of conserving the significance of this non-designated heritage asset.
- 6.2.5 For this application the two storey extensions have had the ridgeline dropped by approximately 0.5 metre. However, the bulk, depth, and scale of the extensions at two storey and single storey remain as previously. Therefore the previous assessment remains that overall, the scheme is not subservient to the main dwelling. Furthermore, it is still considered that the resultant dwelling would appear unbalanced and lose its current architectural identity. The single storey elements represent a poorly related add-on to the existing well defined dwelling character, to the detriment to the visual quality and character of this sensitive building in a sensitive location.
- 6.2.6 The proposed extensions would appear intrusive within the streetscene when viewed from Back Lane, and cumulative would provide substantially greater bulk and roofscape of the orangery and office. This would be incongruous to the character of the immediate area and would impact on its setting in the wider landscape. The two neighbouring dwellings on the east side would also have clear views of the new extensions.
- 6.2.7 Overall, it is considered that the new extensions would fail to achieve a high standard of design that respects the character and appearance of the area, and is appropriate in scale and design. Moreover, the extensions would harm the significance of the building as a non-designated heritage asset. The harm would be exacerbated by the impact on the street scene. The proposal would fail to comply with the aforementioned policies.

- 6.3 The impact on the amenities of the neighbouring properties
- 6.3.1 Core Strategy Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Quality Design SPD and House Extensions SPG outline the factors to consider with regard to impact on neighbouring properties.
- 6.3.2 The two neighbouring dwellings on the east side would have clear views of the new extensions. The existing pitched roof garage is a slightly incongruous feature within the existing garden area. This would be considerably exacerbated by the addition of a linear, linked extension. This concern is raised above in relation to the impact on the character and appearance of the area, but given the separation distance to neighbouring properties the proposed extension is not considered to result in material harm to the living conditions of the neighbouring properties.
- 6.4 The impact on highways and parking
- 6.4.1 The proposed application does not impact on available parking within the site as the garage/outbuilding is not accessible for parking.
- 6.5 Other matters
- 6.5.1 The previous application received a consultation response from the Council's Archaeological Officer providing historical background context for the dwelling and detailing its previous listed status. The current application is very similar to the previous scheme, a further consultation response has been sought but not received at this stage.
- 6.5.2 The current application is accompanied by further information in the Design, Access and Heritage Statement. This has been assessed afresh for the current application, together with the external alterations to the scheme, namely the reduction of the ridge height by approximately 0.5 metre and the setting in of the two storey elevations from the existing building by approximately 0.1 metre.
- 7. Conclusion**
- 7.1 The dwelling is located in open countryside within the North Wessex Downs AONB, a statutory designation which is afforded the highest level of protection for landscape and scenic beauty. The existing building was also previously a listed building, and is therefore regarded as a non-designated heritage asset. The proposal would add dominant and incongruous extensions to the detriment of the existing character of the dwelling and the local area. They would harm the significance of this non-designated heritage asset.
- 7.2 The proposed extensions are not considered an acceptable design, bulk or scale for the reasons given above. Having taken account all of the relevant policies and the other material considerations referred to above, it is considered that there are clear reasons to refuse the proposal.
- 7.3 The committee resolution for the application on 13th March was for the deferment of the application pending the appeal decision. The appeal was dismissed by the Planning Inspectorate on 08.05.19. The application was discussed again at the Western Area Committee on 12th June 2019. The scheme was deferred pending a second committee site visit.

8. Full Recommendation

8.1 Following the appeal decision, the recommendation of the application remains for Refusal.

8.2 It is recommended that the Head of Development and Planning be authorised to **REFUSE** permission for the following reason:

Winterley House is a former Grade III listed building until being delisted in the 1980s review. Whilst the building is no longer a designated heritage asset, nor do the works affect the setting of any designated heritage asset, the host property is regarded as a non-designated heritage asset to which paragraph 197 of the National Planning Policy Framework (NPPF) applies. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This status of the building and area increases the sensitivity of the building to inappropriate extensions.

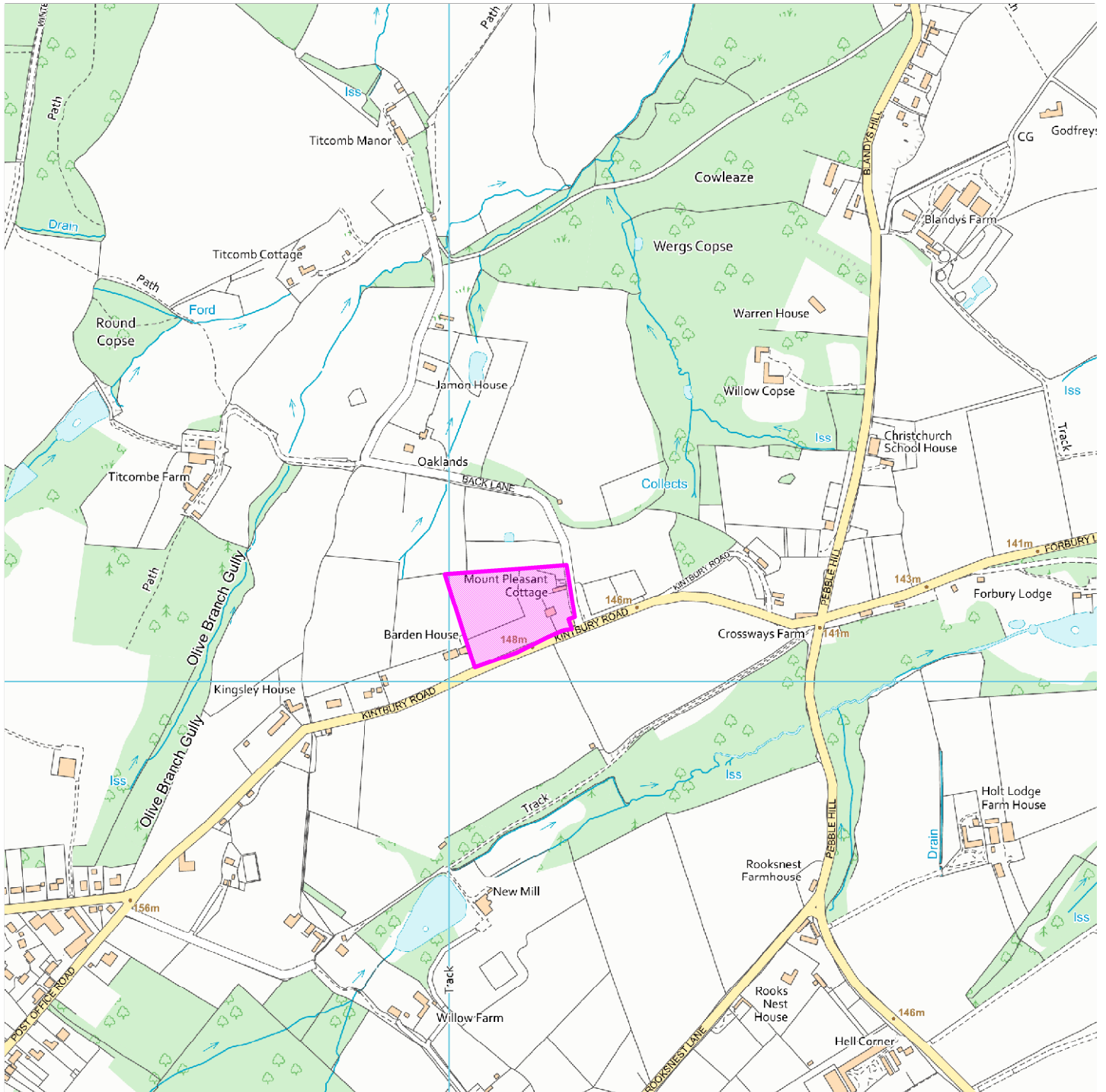
Notwithstanding the changes from the refused proposal (application 18/01506/HOUSE), the proposed two storey extension would upset the basic symmetry of the main building, which is a key feature of most Georgian buildings, and this impact would be exacerbated by the additional single storey extension. Overall, the extensions would result in a dominant and bulky addition to the host building, which fails to be subservient and significantly harms the existing character and appearance of the building. The building is visible from public viewpoints and also from neighbouring dwellings to the east, which further exacerbates these impacts, and also thereby fails to conserve the special qualities of the AONB.

Accordingly, the proposal conflicts with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, the North Wessex Downs AONB Management Plan 2014-19, the Council's House Extensions SPG, and the Council's Quality Design West Berkshire SPD (Part 2).

DC.

18/03398/HOUSE

Winterley House, Kintbury, Hungerford RG17 9SY



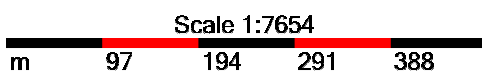
Map Centre Coordinates :

Scale : 1:7653

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 June 2019
SLA Number	0100024151



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Agenda Item 5.

CHIEVELEY 18/02691/FULD Pins ref: 3222543	1 Elm Grove Cottages Down End Chieveley Newbury RG20 8TS	Conversion of the existing outbuilding to a separate one bedroom detached dwelling.	Dele. Refusal	Dismissed 18.06.2019
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Main Issues

The main issues are:-

- i) whether the proposal would represent development which would be acceptable in terms of principle and sustainability; and
- ii) the effect of the proposal on the character and appearance of the locality.

Reasons

The outbuilding forming the basis for this appeal is at the end of the parallel-to-the-road garden of a semi-detached cottage which lies in a rural area close to an assortment of generally agricultural related buildings. The site is within an Area of Outstanding Natural Beauty (AONB) and lies well outside Chieveley which is the nearest settlement with a boundary defined by the Council. The outbuilding is a simple modest structure of rural style with a ground floor space and room in the roof and was erected following a 2005 planning permission (05/00590/HOUSE) for a garage with storage area above. The proposal is as described above and would embody an additional dormer window, use of an existing shared parking area and some garden space being reallocated from the main host property to the planned dwelling.

In terms of relevant planning policies: Core Strategy (CS) Policies ADPP1 (Spatial Strategy) and ADPP5 (North Wessex Downs AONB) seek to direct development to the most sustainable locations within the district, and conserve and enhance the special landscape qualities of the AONB. CS Policy CS1 calls for new homes to be located in accordance with the settlement hierarchy and area delivery plan policies. Policy CS14 of the CS requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and contributes positively to local distinctiveness and sense of place. CS Policy CS19 aims to conserve and enhance landscape character and environment and ensure that new development is appropriate in terms of location, scale and design given wider context. Housing Site Allocations DPD 2006-2026 (HSA) Policy C1 sets out that there will be a presumption against new residential development outside of the settlement boundaries, subject to some prescribed exceptions.

Principle and sustainability

The site does not lie within a settlement boundary; there is no disagreement between the parties over this. On the detailed front, one must consider the prescribed exceptions in HSA Policy C1. If one were to consider that the site lay within say Down End, as a settlement with no defined boundary, then 4 infill requirements would apply. However, contrary to the case made by the Appellant the site simply does not lie within a cluster of 10 or more existing dwellings (Inspector's underlining) and thus there is no purpose in assessing the other 3 detailed criteria relating to infilling.

Outside settlement boundaries and not in a hamlet or village with no defined boundary HSA Policy C1 emphasises the presumption against new residential development with a few exceptions. Only one of these is put forward by the Appellant – conversion of a redundant building. However, to the Inspector's mind, the building is not redundant. Firstly, at the time of his visit, there was some storage of furniture evident. Furthermore no information is put

forward as to why if garaging was required for the property in 2005 it is no longer needed. Car ownership has not decreased in the round and no extra parking, garaging or significant storage provision has been provided. The separation off of the premises from the rental arrangement with the present tenant might strike one as contrived and is not a demonstration that the building is superfluous for the purposes it was built. Finally, an empty, or part empty, building is not an unequivocal sign of redundancy, a bigger picture has to be considered and a convincing case on redundancy is simply not made by the Appellant or aligned with his observations.

The Appellant suggests that the site is in a relatively sustainable location pointing in particular to the impressive range of facilities and services to be found at Chieveley. However it is a fact that these are not readily to hand and given distances, availability of public transport and the nature of the highway links it is a safe assumption that the vast majority of journeys to these facilities and services would have to be undertaken by car. The reality is that this is a rural site in the countryside and a dwelling here would not accord with the reasonable policy aim to apply a logical spatial strategy and to direct development to sustainable locations within the district with the clear focus being to settlements in accord with their hierarchy.

Given the above, the Inspector concluded that there would be unacceptable conflict with the pertinent development plan policies cited in paragraph 4 above. The scheme would not be acceptable in principle and would not be sustainably located development; these factors carry significant weight in his eyes.

Character and appearance

The site is in the countryside and AONB and it is important that landscape qualities are conserved and enhanced, that there is a positive contribution to local distinctiveness, and that that character and appearance are respected and ideally enhanced.

To the Inspector's mind, the scheme would run contrary to these objectives. There would subdivision of garden space in to two smaller elements and increased external parking. Additional domestic paraphernalia would inevitably arise with a further household on this spot.

The frontage would be altered with two residences occupying it and the planned home would be at odds visually with the traditional type of dwelling found in closest proximity.

A new dormer window would increase the scale of the property, give it a more domestic appearance and blur the intended and appropriate subordination of the outbuilding relative to the host cottage. The appearance would also increase in domesticity with the addition of other further windows, a front door, and with removal of the outside staircase. The property would change from being relatively low-key subordinate outbuilding with a rural influence and a clear ancillary purpose to a (albeit small) chalet bungalow out of place in the countryside.

The scheme would unduly impinge upon the landscape qualities and character of the area and not accord with the objectives he referred to in paragraph 9. The Inspector concluded that there would thus be conflict with the pertinent development plan policies on this matter cited in paragraph 4 above. There would be environmental harm to which he gave significant weight.

Other matters

Third parties query the access arrangements and the accuracy of the plans. The Inspector had to agree that the plans and certificates do not indicate the availability of unhindered vehicular access to the public highway for this scheme. Furthermore it did seem to him that the submitted plans rather mis-represent the scale and/or siting of the subject building and some of its surrounds. This all adds to his concerns over the main issues.

The Inspector understood the Appellant's wish to create a home here and appreciate that this could bring some social and minor economic benefit. He had assessed the other cases drawn to his attention but found none to be directly comparable given site circumstances, location or detail of the development. In any event, the Inspector must determine this case on its own merits. He had carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which he had in relation to the main issues identified above.

The Inspector confirmed that all relevant policies in the National Planning Policy Framework have been considered and the development plan policies which he cited mirror relevant objectives within that document.

Overall conclusion

For the reasons given above, the Inspector concluded that the appeal proposal would represent unacceptable development in terms of its principle and sustainability and would have an undue adverse effect on the character and appearance of the locality. Accordingly the appeal was dismissed.

DC

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NEWBURY 18/03059 Pins ref: 3226404	10 Kingsbridge Road Newbury Berkshire RG14 6EA	Single storey rear extension and loft conversion.	Dele. Refusal	Dismissed 14.06.2019
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Appeal Procedure

The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

A revised Block Plan (drawing no. 18/427/05 A) was submitted with the appeal. It shows two off-street parking spaces to the rear of No. 10 Kingsbridge Road, Newbury as well as a reference to development at No. 4 Kingsbridge Road, Newbury. The plan does not materially change the development and therefore the Inspector accepted the plan as he considered no parties would be prejudiced by his doing so.

Main Issue

The Council have commented on the revised Block Plan and consider that the parking shown could overcome the second reason for refusal as outlined in the decision notice, subject to a planning condition. Therefore, the remaining main issue is the effect of the proposed development on the living conditions of the occupants of No. 8 Kingsbridge Road, Newbury having particular regard to light.

Reasons for the Recommendation

Living conditions

The appeal property comprises a two-storey mid-terraced dwelling. Currently, the kitchen and utility room of No. 10 Kingsbridge Road are set back from the wooden fence which is sited on the boundary with No. 8 Kingsbridge Road. The proposed single storey rear extension would abut the boundary with No.8.

The single storey rear extension will sit right on the boundary and appear as a long and blank brick wall when seen from No. 8. The increase in built form as a result of the proposed extension, and its proximity to No. 8, combined with the position of the rear dormer extension facing No. 8, will have an adverse dominant and overbearing impact and will reduce the amount of light received by the ground floor side windows of No. 8 Kingsbridge Road.

The Inspector therefore found that the proposed development will have an unreasonable impact on the living conditions of the occupants of No. 8 Kingsbridge Road with regards to their light. The development therefore conflicts with the National Planning Policy Framework which aims to ensure a high standard of amenity for residents, and Policy CS14 of the West Berkshire Core Strategy 2012, a copy of which had been provided to the Inspector by the Council, which aims to ensure new development is of good design and well related to its context.

The appellant refers to development at No. 4 Kingsbridge Road. However, each application and appeal should be determined on its individual merits, and this is the approach that the Inspector had adopted. Furthermore, the harmful effect on the residents of No. 8 should not be justified by a development at a different property.

Recommendation

For the reasons given above and having had regard to all other matters raised, the Appeal Planning Officer recommended that the appeal should be dismissed.

Inspector's Decision

The Inspector considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal was dismissed.

DC

SHAW CUM DONNINGTON 18/03322/HOUSE Pins ref: 3224504	36 Kingsley Close Shaw Newbury Berkshire RG14 2EE	Single storey side and rear extension, including demolition of existing side extension and reusing existing footprint of the existing conservatory.	Dele. Refusal	Dismissed 13.06.2019
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Main Issues

The main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No. 38 Kingsley Close with regard to light and outlook.

Reasons

Character and appearance

The appeal property forms the right-hand half of a pair of two storey semi-detached houses. It is typical of the development in the surrounding area, the street-scene of which is characterised by reasonably evenly spaced pairs of semi-detached houses and short rows of terraced houses, some of which have been extended. When viewed from the street, the pair of semi-detached houses appear as reasonably symmetrical and visually balanced. This positive characteristic is highlighted by its position on a prominent relatively spacious corner plot.

The proposal would extend the house to the side elevation at ground floor such that the front elevation would extend to very nearly the full width of the plot. The front elevation would include a 45° corner to maintain a consistent building line. The proposal would narrow in width towards an extended rear elevation to fill the irregular shape of the space between the host property and the neighbouring boundary. To accommodate the irregular shape the proposal would have an unusual roof form.

Although the proposal would be single storey, the irregular shape, extensive footprint, and unusual roof form, would significantly detract from the simple design of the host property. Owing to the width of the side extension, it would not appear subservient to the host property and in this respect the development would be conspicuous and incongruous when viewed from within the street-scene. Indeed, it would disrupt the marked visual balance of the pair of semi-detached properties on the corner plot and as such would have a significantly adverse influence on the street-scene. For these reasons, the proposal would be significantly harmful to the character and appearance of the surrounding area.

For the reasons outlined above, the proposal would not accord with the design aims of policies CS14 and CS19 of the adopted West Berkshire Council Core Strategy 2012 (CS); the Supplementary Planning Guidance for House Extensions 2004 (SPG); the Quality Design - West Berkshire Supplementary Planning Document 2006 (SPD), and the National Planning Policy Framework (the Framework).

Living conditions

The neighbouring property at No. 38 Kingsley Close is an end of terrace house set on slightly lower ground and at a slight angle to the appeal site such that the separation of its north facing side elevation to the boundary varies from approximately 1.5 metres to 2.0 metres.

From the site frontage the boundary between the two properties is open until approximately half way along the side elevation of No. 38. Here, a fence at approximately 1.8 metres in height forms the remaining length of the boundary.

No. 38 has two ground floor windows on its side elevation and they face toward the appeal site. The window closest to the front elevation is relatively small and the other, closest to the rear elevation, is a secondary window serving a room at the rear of the property. The outlook from the secondary window is already towards the aforementioned fence.

Taking into account the scale and height of the appeal proposal, the existing fence, and existing levels of outlook from windows at No. 38, the Inspector did not consider that the development would result in a significant loss of outlook for the occupiers of the neighbouring property when viewed from the two ground floor windows. Moreover, by virtue of the development being to the north of No. 38 it would not materially reduce the amount of sunlight reaching the windows. Whilst the development may lead to a very limited loss of daylight to such windows, he had considered the height and position of the development with such windows and he did not consider that the loss of daylight would be so significant as to warrant refusal of planning permission.

For the reasons outlined above, the Inspector concluded that significant harm would not be caused to the occupiers of No. 38 Kingsley Close in respect of outlook and light. Therefore, the proposal would suitably accord with the living conditions aims of the SPG, the SPD, and the Framework. The Council has made reference to policy CS14 of the CS in terms of this main issue. However, this is not directly relevant to living conditions issues.

Other Matters

The Inspector noted the appellant referred to a previously approved two storey extension at the appeal site. The Inspector had no evidence to suggest that such a permission is still extant. In any event, he had determined the appeal proposal on its individual planning merits. Whilst he noted some of the other developments in the local area referenced by the appellant, this did not justify the harm he had identified in character and appearance terms and in particular the harm that would be caused to the host dwelling and pair of semi-detached dwellings if planning permission were to be approved.

The Inspector acknowledged that the appellant had opted for a particular design solution in order to accommodate the garaging of his motor vehicle. However, this does not in itself justify allowing harmful development.

None of the other matters raised alter or outweigh his overall conclusion on the main issues.

Conclusion

In conclusion, whilst the proposal would not cause significant harm to the living conditions of the occupiers of No. 38 Kingsley Close in respect of light and outlook, this would not overcome the significant harm that would be caused to the character and appearance of the area. For the reasons given above, and taking into account all other matters raised, the Inspector therefore concluded that when the development is considered as a whole the appeal should be dismissed.

DC

NEWBURY 18/02200/FUL Pins ref: 3222796	39 Cresswell Road Newbury Berkshire RG14 2PQ	Conversion of TV room into bedroom with shower.	Dele. Refusal	Allowed 18.06.2019
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Decision

The appeal is allowed and planning permission is granted for the conversion of TV room into bedroom with shower at 39 Cresswell Road, Newbury, Berkshire, RG14 2PQ in accordance with the terms of the application, Ref 18/02200/FUL, dated 31 July 2018, subject to the following conditions:-

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: CRB/01 Rev A; CRB/02; CRB03; CRB/06; CRB/07 & CRB/08.
- 3 Prior to the first occupation of the development hereby permitted details of the cycle parking and storage space shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and it shall be retained for this purpose at all times.
- 4 Prior to the first occupation of the development hereby permitted the vehicle parking shall have been provided in accordance with the approved plans and shall have been surfaced in bonded material. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Main Issue

The main issue is the effect of the proposal on local parking demand with consequent considerations of highway safety and convenience.

Reasons

Parking

The appeal property is a two storey semi-detached dwelling of a family style in a mid-density area of suburban character with relatively generous road carriageway and footway widths, private driveways and parking for most properties and additional road-side lay-bys. The appeal proposal is as described above; effectively it is to add a seventh bedroom to an existing 6 bed House in Multiple Occupation (HMO).

Policies P1 of the Housing Site Allocations DPD, CS13 of the West Berkshire Core Strategy (2006-2026) and TRANS.1 of the Saved Policies of the West Berkshire District Local Plan (1991- 2006 (Saved Policies 2007)) are all of some relevance to this case. Policy P1 sets out minimum parking standards; 1.25 spaces for a 1 bed flat in this 'accessibility zone' plus a percentage of shared visitor parking. Policy CS13 encourages a shift from single occupancy car use to more sustainable travel. Policy TRANS 1 calls for development to meet parking standards albeit with an inherent degree of flexibility and the policy being based in a previous era of maximum not minimum parking standards.

As the Council acknowledges, conversion of a dwelling to a 6 bed HMO is normally 'permitted development'.

There are no Council referenced or policy adopted parking standards for HMOs above or below this figure within this District.

The Inspector found it difficult to assimilate that an HMO bedroom should anywhere near equate to a 1 bed flat in terms of parking requirements. Whilst the Council is prepared to indicate some flexibility he agreed with the Appellant for the reasons he gave that the scope for this should be greater. Added to this, he noted that the Officer Report indicates that the site is in a sustainable location in Newbury and thus reliance on car ownership is not an essential pre-requisite of living here.

The current application gives an opportunity to unequivocally ensure the provision and retention of 3 suitably surfaced car parking spaces and new cycle parking provision. The latter would encourage sustainable travel. The scheme would provide a place to live in a situation which, other than parking, raises no concerns from the Council over a range of planning issues. It is located in an area with a fairly loose and generous arrangement of street pattern, kerb-side opportunities and width of carriageway and is not on a heavily trafficked route. A lay-by lies opposite although due to drives it is not usable by all for its whole length. The Inspector was not at all convinced that any slight additional on-street parking demand arising from this scheme would have a material effect on road safety, ease of movement or the convenience and amenity of local people. The Inspector added that he was dealing solely with the individual circumstances of this case, its planning background and its precise location. The Council need not fear of cumulative impacts as each case will have to be assessed on its merits.

Given the nature of the scheme and this location he concluded that the appeal proposal would not run contrary to the policies which he cited in paragraph 4 above.

Conditions

There should be the standard commencement condition and also a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. The Inspector agreed with the Council's suggestion on cycle parking provision in the interests of encouraging more sustainable travel. Ensuring the provision and suitable surfacing of the car parking area to the front is appropriate in the interests of maximizing on-site parking usage to lessen any reliance in on-street provision. The two conditions suggested by the Council in this regard can usefully be broadly combined and he had altered some wording of the suggested conditions to aid clarity and align with national guidance.

Overall conclusion

For the reasons given above, the Inspector concluded that the appeal proposal would not have unacceptable adverse effects on the on local parking demand and there would not be consequent undue impacts on highway safety or convenience. Accordingly the appeal is allowed.

DC

NEWBURY 17/03526/FULD Pins ref: 3215608	Land to the rear of 39 Oxford Street Newbury RG14 1JG	Erection of one 1 bedroom and 2 two bedroom flats with associated parking and private amenity space	Dele. Refusal	Dismissed 18.06.2019
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Main Issues

The main issues are the effect of the proposed development on the setting of the nearby listed building at No. 39 Oxford Street and on highway safety.

Reasons

Listed building

The building at No. 39 Oxford Street is a substantial town house style property which is Grade II listed and has been the subject of a 1980s extension to the front/side. The appeal site is presently used as a car park for the offices at No. 39, with a car sales use having been regularised in respect of a number of the spaces also. It adjoins a parking area for the Strawberry Hill Medical Centre, with little definition between the two areas.

Although in use for car parking, the present openness of the appeal site means that the architecture and detailing of the rear of the listed building can be appreciated and gives a sense of the grandeur of this substantial property. In contrast, the proposed development would introduce a new one and a half storey building onto the site, which would extend across much of the width of the plot. This would both impede views of the rear of the listed building and would also result in a cramped appearance at odds with the currently more spacious setting.

Efforts made to ensure a sensitive design for the building proposed, and historic evidence of subservient buildings in the area do not overcome these fundamental concerns. The fact that some views of the rear would remain available is not a justification for significantly impeding existing views, whether or not these were originally intended to be publicly available.

Equally, adverse changes to the listed building's setting over time do not automatically mean that further harm is acceptable. Benefits related to the restoration of residential use, providing a defined curtilage, sense of containment and visual break from development beyond also do not overcome the harm identified.

The Inspector thus concluded on the first main issue that the proposal would have a harmful effect on the setting of the nearby listed building at No. 39. It would conflict in this way with Policies CS14 and CS19 of the West Berkshire Core Strategy (adopted 2012) (CS) which seek the conservation of historic assets and to ensure that proposals for development are informed by, and respond to, the nature of heritage assets.

In reaching this conclusion, he had undertaken his statutory duty pursuant to the section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting. The harm would be less than substantial in the terms of the revised National Planning Policy Framework (2019) given that the proposed development would not remove key historic or architectural features. He therefore proceeded to weigh the public benefits of the proposal below.

Highway safety

The effect of the appeal proposal would be to develop land currently used for car parking in connection with offices at No. 39 and car sales. Parking provision would be made for the new

flats and the development is intended to be brought forward together with an existing permission for residential development of No. 39. The Council is concerned that if the existing residential permission for No. 39 does not come forward, parking spaces for the office and car sales would be displaced.

Irrespective though of whether or not the proposed No. 39 residential development is brought forward with the existing residential permission for No. 39, no detailed evidence is produced to identify any harm that would result from the loss of parking spaces for the office and car sales use in terms of highway safety or otherwise.

As such, on the evidence before the Inspector, he found that the proposal would not result in any adverse impacts in terms of highway safety. It would accord in this regard with the highway safety aims contained within Policies CS13 and CS14 of the CS.

Public benefits and balancing

The proposal would provide two additional units of smaller and so, in this way, more affordable residential accommodation in an accessible location in the context of local and national policies seeking these benefits. This would very modestly increase use of local services and would potentially provide some increased surveillance at night time. New Homes Bonus and council tax payments are also cited as benefits. Along with the previously approved residential permission for No. 39, it would reduce hard surfacing on the site and reinstate the former residential use. These aspects together weigh modestly in favour of the proposal.

Community Infrastructure Levy payments and provision of parking and amenity space to adopted standards do not represent benefits and so would be only neutral effects. The Council has not identified any harm to the Newbury Conservation Area and, in undertaking his statutory duty pursuant to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Inspector had no reason to disagree with this assessment. Again though, the absence of harm does not represent a benefit.

Weighed against this, the proposal would result in less than substantial harm to the setting of the listed building at No. 39. The Inspector is required, pursuant to the revised Framework, to accord great weight to the asset's conservation.

Balancing and Conclusion

The proposal would offer some modest benefits as outlined but would result in harm to the setting of the listed building at No. 39. Given that the conservation of the setting of No. 39 is due great weight, the benefits identified would not outweigh this harm. The proposal would thus conflict with the development plan, read as a whole. For the above reasons, and taking into account all other matters raised, the appeal does not succeed.

DC



Appeal Decision

Site visit made on 25 March 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 May 2019

Appeal Ref: APP/W0340/D/18/3219372

Winterley House, Kintbury Road, Kintbury, Hungerford RG17 9SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M McNally against the decision of West Berkshire Council.
 - The application Ref 18/01506/HOUSE, dated 30 May 2018, was refused by notice dated 17 October 2018.
 - The development proposed is the extension of existing property with part single and part two storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building, which is a non-designated heritage asset, and the wider North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

3. Winterley House is a handsome two storey over basement detached brick building with Georgian origins. It has been extended and remodelled over time during different eras to become a substantial and mostly symmetrical building of square proportions. The existing north, west and south elevations have an attractive regular appearance due to the height, length and depth of the elevations which results in a squareness of built form. This is enhanced by the arrangement of the size, positioning and design of windows and door openings. Whilst not a Listed Building the Council consider the building to be a non-designated heritage asset.
4. The building sits comfortably surrounded by substantial grounds. It is positioned centrally on its north, east and south boundaries which gives it a spacious character and open setting within the enclosed plot. It has an existing single storey ancillary brick building separated and distinct to the east.
5. The proposal seeks to add a two storey extension to the east elevation which would also include a significant linear ground floor projection. The proposed two storey extension element seeks to extend along from the existing ridge height and the building line of the historic building. As a result, the scale of the proposed two storey addition would not appear subservient and would have an

- unbalancing impact on the appearance of the Heritage Asset. This would be exacerbated by the introduction of a curved element on the northern corner which would be out of keeping with the existing architectural style. The detailing on the southern elevation would also accentuate this harm by introducing a new fenestration pattern which would be at odds with the existing regular window and door arrangement.
6. The proposed single storey projection would introduce a strong linear element contrary to the compact, square form of the existing dwelling. This would have a dominating impact given its substantial length, especially when compared with the existing footprint. This would not therefore appear a subservient addition. This length of built form extending to close to the eastern boundary would also erode its spacious setting which complements the Heritage Asset. This harm would be exacerbated by the proposed design, including uncharacteristic features such as an external chimney stack, and its L-shape form, despite quality materials being proposed.
 7. Whilst wider views are limited, the proposed extension would extend close to the boundary and would be visible from the public domain. The size and scale of the extension would be recognised and it would detract from the appearance of the wider area. The proposal would also therefore fail to conserve the special qualities of the Area of Outstanding Natural Beauty (AONB).
 8. Therefore, the proposal would harm the character and appearance of the non-designated Heritage Asset, adversely affecting its significance, and would fail to conserve the special quality of the AONB. Consequently, the proposal conflicts with the National Planning Policy Framework (2019), policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (2012), policies C3 and C6 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) (2017), the North Wessex Downs AONB Management Plan 2014-19 (2014), the West Berkshire House Extensions Supplementary Planning Guidance (2004) and the Council's Quality Design West Berkshire Supplementary Planning Document (Part 2) (2006).
 9. Taken together, these policies require extensions, amongst other objectives, to be subservient to the original dwelling and designed to be in character with it, to have no adverse impact on the historic interest of the host building and to conserve the local distinctiveness of the AONB.

Other Matters

10. My attention has been brought to another two storey extension permitted by the Council. However, limited details have been provided. In any event, the fact that apparently similar development may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

11. I note that no objections were received to the proposal from local residents. However, the absence of opposition to this development in circumstances when I have found it would be harmful to a Heritage Asset and the wider AONB does not persuade me that it would be appropriate for me to allow this appeal.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR

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