

Notice of Meeting



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Western Area Planning Committee Wednesday 18 December 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 webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. **Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.**

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

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

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

Email: planapps@westberks.gov.uk

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



WestBerkshire
C O U N C I L

**Agenda - Western Area Planning Committee to be held on Wednesday, 18 December
2019 *(continued)***

Any queries relating to the Committee should be directed to Jenny Legge / Rachel
Craggs on (01635) 503043/519441/519486 Email:
jenny.legge@westberks.gov.uk / rachel.craggs@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 10 December 2019



West Berkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday, 18 December 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. **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](#).
 3. **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).
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- | | | |
|-----|---|--------|
| (1) | Application No. and Parish: 19/00317/FUL, Vine Cottage, Curridge Road, Curridge | 7 - 18 |
| | Proposal: Creation of pond and embankment | |
| | Location: Vine Cottage, Curridge Road, Curridge | |
| | Applicant: Mr S Fairhurst | |
| | Recommendation: The Head of Development and Planning be authorised to GRANT planning permission | |



Agenda - Western Area Planning Committee to be held on Wednesday, 18 December 2019 (continued)

- (2) **Application No. and Parish: 19/01672/FUL, Waterside Youth and Community Centre, Waldegrave Place, Northbrook Street, Newbury** 19 - 30
Proposal: Refurbishment, partial demolition and extension of existing Community Youth Centre to modernise and enhance the facilities together with hard landscaping, boundary treatment and external lighting
Location: Waterside Youth and Community Centre, Waldegrave Place, Northbrook Street, Newbury
Applicant: Berkshire Youth
Recommendation: Approve
- (3) **Application No. and Parish: 19/01690/FULD, The Coach, Worlds End, Beedon** 31 - 48
Proposal: Erection of 1 dwelling within the curtilage of public house
Location: The Coach, Worlds End, Beedon
Applicant: Newperties Ltd
Recommendation: The Head of Development and Planning be authorised to **GRANT** planning permission
- (4) **Application No. and Parish: 19/02676/HOUSE, 37A Russell Road, Newbury** 49 - 58
Proposal: Section 73: Variation of Condition 2 - Approved plans and Condition 3 - Materials of previously approved application 18/00541/HOUSE: Demolish single-storey garage and rear conservatory. Proposed two-storey side and rear extensions and loft conversion, to create large family home. Widen existing dropped kerb access to provide four off-road parking spaces
Location: 37A Russell Road, Newbury
Applicant: Mr and Mrs Richardson
Recommendation: The Head of Development and Planning be authorised to **GRANT** planning permission



Agenda - Western Area Planning Committee to be held on Wednesday, 18 December 2019 (continued)

Items for Information

4. **Appeal Decisions relating to Western Area Planning Committee** 59 - 66
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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Agenda Item 3.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	19/00317/FUL Chieveley	12 th April 2019 ¹	Creation of pond and embankment Vine Cottage, Curridge Road, Curridge Mr S Fairhurst
¹ Extension of time agreed with applicant until 20 th December 2019			

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00317/FUL>

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

Ward Member(s): Councillor Hilary Cole
 Councillor Garth Simpson

Reason for Committee Determination: Ward Member call-in
 More than 10 objections

Committee Site Visit: 16th December 2019

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Sian.Cutts@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the creation of a pond and associated embankment.
- 1.2 The application site is situated to the west of a dwelling known as Vine Cottage. It is situated in the open countryside beyond any defined settlement boundary, and is within the North Wessex Downs Area of Outstanding Natural Beauty (NWDONB). The site was previously used for sand extraction, and the land has been restored, there are a few mature trees within the site. The site is adjacent to Curridge Road, and to the north of the road is a group of 5 dwellings in Oaklands and to the east of the site are Foxford House and Galini Cottage, separated from the site by a track and the CHIE/32/1 Footpath a Public Right of Way.
- 1.3 The application is seeking planning permission for the creation of an attenuation pond and embankment. The application is partly retrospective as the embankment bunding has been partially constructed. The proposed pond is to be dug below the existing ground level with bunding which has been partially constructed along the northern boundary (with Curridge Road) along the eastern side of the pond.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
17/01829/CERTE	Excavation of water attenuation pond under Agricultural Permitted Development and creation of bunding with the excavated spoil	Refused 22/12/2017

3. Procedural Matters

- 3.1 [Given the nature and scale of this 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 The application was advertised by a site notice displayed on 5th March 2019, at a gate post at a post on the entrance to the site; the deadline for representations expired on 26th March 2019. A subsequent site notice was posted in the same location when additional information was received on 18th June 2019 expiring on 9th July 2019.
- 3.3 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). The proposed works are not with a class of development for which CIL is liable.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Chieveley Parish Council:	<p>Object</p> <p>Concern about the risk of flooding elsewhere and whether the embankment will be permeable, and leak. The embankments are too steep and could be unstable. Risk of flooding to nearby properties</p> <p>Leakage onto Curridge Road will add to the problem of ice in the winter.</p> <p>Conditions are required to ensure works are carried to the specialists requirements, to ensure the embankment does not fail</p> <p>Object due to the risks highlighted in the geotechnical and hydrology reports</p> <p>Request West Berkshire Council to commission and independent report putting into place provision for maintaining a stringent monitoring process.</p> <p>Following the receipt of additional information the objections were maintained and additional concerns raised with regards to the height of the bund; the position of the soakaway near to a property that has previously flooded; concern about rabbits undermining the bunds, the bunds not being wide enough, not compact enough and too porous</p>
Shaw – cum Donnington Parish Council:	No objections
WBC Highways:	<p>Wheel washing facilities will be required, and confirmation of whether material is required to be transported to or from the site, and if so haul routes.</p> <p>Following receipt of additional information, confirmed no additional information.</p>
Environmental Health:	No objections
Ecology:	A Phase 1 ecological study would have been preferable, but given it is retrospective it is too late, information about environmental improvements would be desirable.
Trees:	The works have already been carried out for the embankment and the pond. Any damage would have already occurred to the trees. They are not covered by a TPO and they are outside the conservation area. Would like to see some additional tree

	planting and landscaping around the site.
WBC Drainage:	<p>Initial response 20/03/2019</p> <p>Acknowledge the hydrology and geotechnics but the however there is a potential risk downstream to properties, and require further information with regards to drainage to a single soakaway; the hydraulic design of the soakaway and inclusion of 40% climate change allowance and the soakaway checked for a 24 hour half drain time; concern about the risk of blockage of the pipe and implications of a blockage; concern about critical storm duration.</p> <p>Note that although we understand that there is an issue with water flowing onto the highway downstream of the site, we do not consider that a Flood Alleviation Scheme of this scale is necessary at this location and the Council are not considering any flood alleviation works within the vicinity. The applicant has not submitted any information to demonstrate the downstream benefits of the proposals or the need for such a scheme. For a scheme of this nature, hydraulic modelling would typically be undertaken to confirm the design and test the downstream impacts.</p> <p>Second Response 13/08/2019</p> <p>Accept the findings of the additional soakage testing and the revised infiltration rates, would expect more information with regards to the design of the soakaways including detailed hydraulic calculations. Request detailed engineering drawings of the soakaways with supporting calculations, taking into account previous comments, and other previously made comments have not been addressed with regards to the soakaway pipe and hydrological calculations with regards to the critical storm duration.</p> <p>Third Response 11/11/2019</p> <p>Reviewed the additional information submitted by the applicant relating to the management of flood risk and consider the proposals to be acceptable in principle. However the drawings submitted are of insufficient detail to understand what will be built, request that the applicant submits detailed engineering drawings of the overflow structure and soakaways as previously requested in our comments. These drawings should be sufficient for construction purposes. If preferable, a planning condition could be set to require the submission of these details prior to completion, and filling of the attenuation area.</p> <p>Final Response</p> <p>Confirmation that not objecting to the application, but requiring additional details to be approved. These details can be conditioned with additional information being provided before the completion and filling of the attenuation area.</p>

AONB Board:	No comments received
WBC Minerals and Waste Team:	No comments received
Public Rights of Way	No comments received
Ramblers Association	No comments received

Public representations

4.2 Representations have been received from 26 contributors, 13 of which support, and 13 of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Concern about leakage/flooding to nearby properties, including properties which experienced ground water flooding in 2007, directly downstream from the pond
- Concern about the long term structural integrity of the embankments
- Concern about West Berkshire Council's ability to monitor the report recommendations
- Clearance of greenery has already increased the level of run-off
- Depth of 2.3 m of pond raises concern about future commercial uses
- Concern for safety of children visiting the fields
- Concern for safety in my garden if a sudden breach occurred
- The size and volume of the pond is unnecessary
- Impact on wildlife
- Out of character in the AONB
- Request that if the application is refused that the embankments are removed, and area re-planted to reduce surface run-off
- The pond should be dug below ground level to make surface water flooding not possible
- Size of the outflow pipe should be increased and cleaned annually
- Impact on the level of groundwater in the area
- Concern about water and ice on the highways and safety to vehicle and horse riders on the road
- Erosion of the adjacent PROW
- Proposed relocation of the soakaway does not consider the sub terrain water table within Oaklands, where there have been sink holes, and also Foxford House
- A comprehensive hydrological survey has not been undertaken of the wider area
- The membrane lined pond at Oaklands is 50 cm² in area with a culvert 40cm below the terrain level, which alleviates terrain flooding, this is not the case with the current application.
- The height of the embankment is not justified
- The word amenity s used but not explained.
- No justification why the water levels of the pond cannot be below terrain level

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS5, CS13 CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5, and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Chieveley Village Design Statement (2002)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Flooding
- Character and appearance
- Highways
- Ecology

Principle of development

6.2 The application site is defined by policy ADPP1 as being within the open countryside where only appropriate limited development will be allowed focused on addressing identified needs and maintaining a strong rural economy. Policy ADPP5 recognises the NWDAONB as a national landscape designation and states that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB, preserving the sense of remoteness and says that the development will respond positively to the local context. The application is proposing the continuation of the creation of an attenuation pond within an area of some surface water issues. The application has indicated that the pond is required to deal with surface run-off after periods of prolonged rain, to reduce run-off onto Curridge Road, however the consideration of the application is based on the consideration of the following matters.

Flooding

6.3 The application site is within Flood Zone 1 and is not at risk of flooding from river flooding, and is not within a critical drainage area, and mapping shows that the area is not at risk from groundwater flooding. The application was updated during the course of the application so that it included a Geotechnical Assessment; a Hydrology Report and a Hydrological Modelling and Soakaway Design. Whilst a Flood Risk Assessment

was not submitted as required by policy CS16 for a development of this size, the reports which were submitted have included details about the risk of flooding from the development. There have been a number of concerns raised by residents of nearby houses, and Chieveley Parish Council about the safety of the embankment bunds, the soakaway designs, and the overall efficacy of the embankments and the potential risk of flooding to the nearby properties, which are to the north and east of the proposed pond, and at a lower ground level. The criteria of policy CS16 which are relevant to this application are that the development can demonstrate that there would not be a detrimental impact on surface water or obstruct the run-off of water due to high levels of groundwater; and that appropriate measures required to manage flood risk can be implemented.

- 6.4 The Council's Land Drainage Engineers have assessed the application, and concluded that the initial submission was deficient as insufficient information has been submitted to address the potential risk to downstream dwellings, and additional infiltration testing was required, and the capacity of the design of the soakaway, and the size of the pipe and potential for it blocking. These details were submitted during the assessment of the application, and following the receipt of further infiltration tests; and subsequent Hydrological Modelling and Soakaway Design, and additional plans, elevations and details, and the pond spill-over outlet. Once this information was received the Council's engineers had confirmed that the applicants had demonstrated that the details relating to the management of flood risk were acceptable in principle. Further information is required with regards to the detail engineering drawings of the overflow structure and soakaways, which had been requested in the earlier consultation comments. Whilst this information is required, they can be dealt with as a condition to the planning permission as there is insufficient information at this stage, and the details which are required are not necessary to determine the application. These details can be approved before the attenuation pond is filled, so that the safety of the details can be approved, to ensure that there are not blockages and that the detailed design of how the elevations will block once completed can be confirmed. Whilst many of the objections raised by residents about the technical details, of the embankment details, and soakaways, the council's engineers have confirmed that they are satisfied with the technical details which have been submitted, and subject to a condition ensuring that the outstanding information is provided. With the suite of the conditions the Council's engineers are satisfied that the details submitted are sufficient to indicate that the attenuation pond, bunds and soakaways will not increase the risk of flooding, and associated safety risks identified by nearby residents about the proposal.

Character and appearance

- 6.5 Policies CS14 and CS19 require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire, the policy goes on to say that considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Policy CS19 seeks to conserve and enhance the local distinctiveness of the landscape character of the District. The policy says 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.
- 6.6 The application site is agricultural land within the NWDAONB. The site was historically used for sand extraction, and has been restored with a number of mature trees on the site. The land forms a transition between the open fields, and the densely wooded area of Snelsmore Common East. The bunds have been partially constructed on the site, and these are evident from Curridge Road. The bunds have some vegetation cover on them, however this is not the result of formal planting and the tree officer has

recommended a landscaping condition, this will ensure that there is sufficient planting to assimilate the bunds into the street scene. The completion of the bunds with appropriate planting will act as a screen to the water within the pond. Whilst objections have been raised to the development being out of character with the appearance of the area, with appropriate planting the embankments can be assimilated into the street scene. The presence of ponds is not an unusual feature within the countryside, and given that it is a transition area between the open fields around Curridge, and the wooded copse to the west of the site, and small groups of houses, the proposal is considered not to harm the overall character and appearance of the site within the NWDAONB.

Highways

- 6.7 Policy CS13 refers to development which has an impact on the Highway network. The Highways Officer initially required information about the material which may be required to transport material to and from the site, and the haul route required. After receiving confirmation that there was no further need to import or export waste from the site, the Highway Officer was satisfied that further information was not required. A condition requiring wheel washing facilities for further works on the site is required, to ensure that the surrounding roads are kept in a clean condition.

Ecology

- 6.8 Policy CS17 required biodiversity assets across West Berkshire to be conserved and enhanced, and the site is within a defined Biodiversity Opportunity Area. The policy says that opportunities will be taken to create links between natural habitats and that strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Area. The ecology representations indicated that it would have been preferable if a Phase 1 Ecology Study had taken place before the works commenced. However given that the application is within a Biodiversity Opportunity Area it is possible to condition a scheme of biodiversity improvements to be completed as the works are completed, in accordance with policy CS17.

7. Planning Balance and Conclusion

- 7.1 The application is seeking consent for the creation of an attenuation pond and associated embankments within the NWDAONB. The application was submitted with Hydrological modelling; the results of infiltration tests; and geotechnical assessments. The Council's drainage engineers have assessed the proposals, and subject to the acceptable submission of full and detailed drawings the proposal, which is for a development which is appropriate to its location within the AONB is considered to be acceptable, and will bring a benefit in reducing surface run-off on Curridge Road. Conditions can be added to ensure that there are biodiversity enhancements as a result of the development, and the addition of further landscaping will enable the bunds and pond to blend with the landscape. The proposal is considered to be in accordance with policies ADPP1, ADPP5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and is recommended for approval.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below:-

Conditions

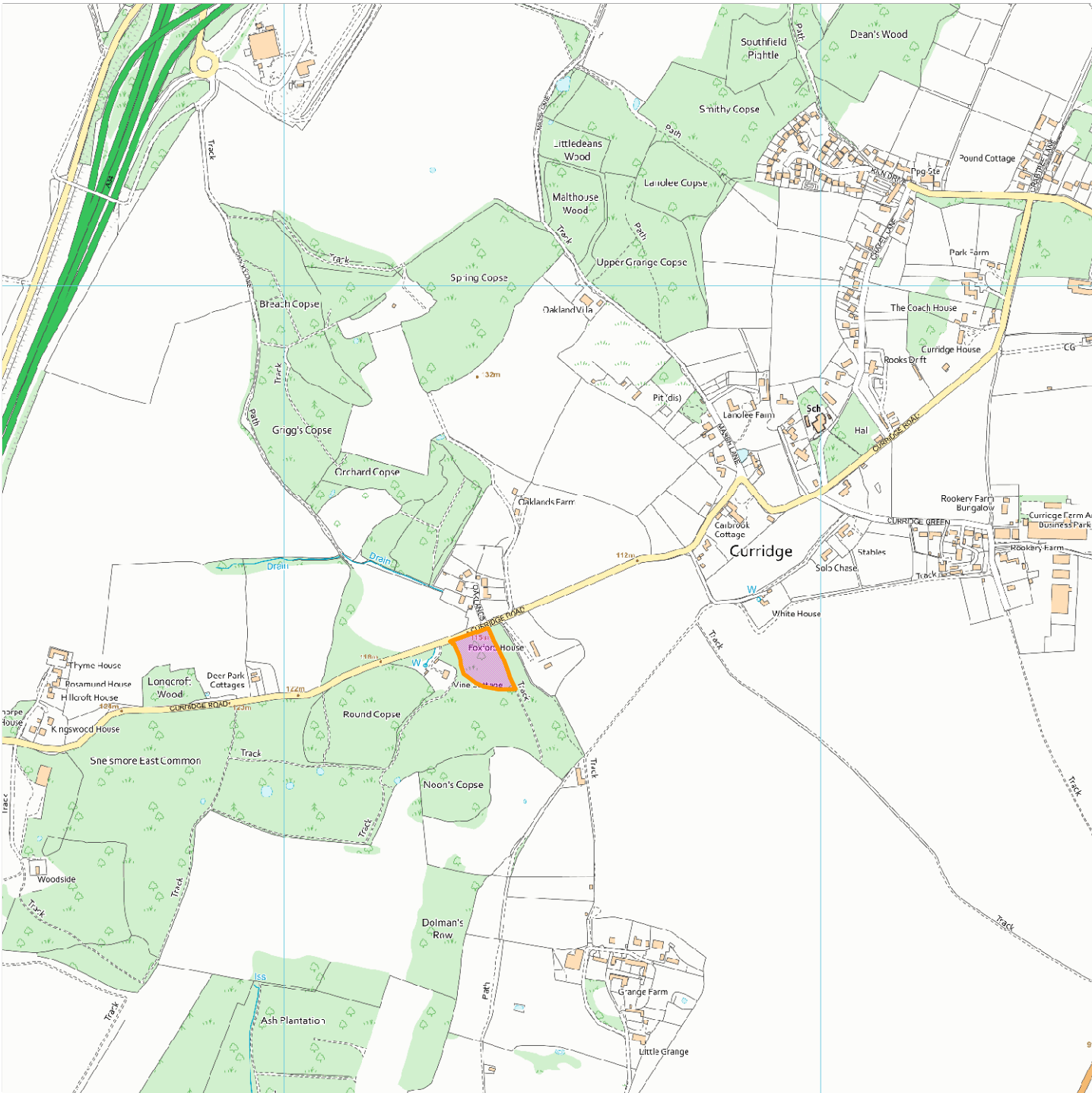
1.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>[To be confirmed on Update Report]</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Engineering drawings</p> <p>The development hereby permitted shall not be brought into use until full and detailed engineering drawings have been submitted to and approved in writing by the Local Planning Authority, on an application for that purpose. The approved measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water management measures will be constructed and managed in a safe and sustainable manner, and insufficient information has been provided within the application to indicate that. This condition is imposed in accordance with the National Planning Policy Framework (2019), and Policy CS16 of the West Berkshire Core Strategy (2006-2026).</p>
3.	<p>Wheel washing</p> <p>Within three months of the date of this permission a statement shall be submitted to the Local Planning Authority on an application for that purpose setting out the wheel washing facilities to be undertaken during the additional construction works. Thereafter the construction works shall incorporate and be undertaken in accordance with the approved statement.</p> <p>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 (2019), and Policy CS19 of the West Berkshire Core Strategy (2006-2026).</p>
4.	<p>Landscaping</p> <p>The development hereby permitted shall not be brought into use until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority, on an application for that purpose. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;</p> <p>a) Completion of the approved landscape scheme within the first planting season following completion of development.</p> <p>b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>

5.	<p>Ecology</p> <p>The development hereby permitted shall not be brought into use until a scheme for biodiversity improvements has been submitted to and approved in writing by the Local Planning Authority, on an application for that purpose. The approved measures shall be maintained in the approved condition thereafter.</p> <p>To provide biodiversity enhancements within a Biodiversity Opportunity Area. This condition is imposed in accordance with the National Planning Policy Framework (2019), and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
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Informatives

1.	<p>Proactive</p> <p>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.</p>
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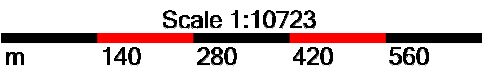
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	06 December 2019
SLA Number	0100024151



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Agenda Item 3.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	19/01672/FUL Newbury Town Council	30 th July 2019 ¹	Refurbishment, partial demolition and extension of existing Community Youth Centre to modernise and enhance the facilities together with hard landscaping, boundary treatment and external lighting. Waterside Youth and Community Centre, Waldegrave Place, Northbrook Street, Newbury Berkshire Youth

¹ Extension of time agreed with applicant until 20 December 2019

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01672/FUL>

Recommendation Summary: Approve

Ward Member(s): Councillor Andy Moore
Councillor Martha Vickers

Reason for Committee Determination: West Berkshire Council ownership

Committee Site Visit: 16 December 2019

Contact Officer Details

Name: Janine Wright
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Janine.wright1@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the refurbishment, partial demolition and extension of the existing Community Youth Centre to modernise and enhance the facilities together with hard landscaping, boundary treatment and external lighting.
- 1.2 The application site is located in Newbury west of the A339. A public car park and the Camp Hopson Furniture Store is to the north, the River Kennet and Avon Canal is to the south and Victoria Park is to the north-east.
- 1.3 The planning constraints of the site are:
- it is within the settlement boundary of Newbury;
 - a public right of way NEWB/28/6 and national cycle route runs to the south of the site along the River Kennet and Kennet and Avon canal;
 - the River Kennet is a Site of Special Scientific Interest;
 - it is within the Conservation Area;
 - it is within an area of potential archaeological interest;
 - it is adjacent to Marsh Cottage Waldegrave, Grade II Listed Building;
 - it is within flood zones 2 and 3.
- 1.4 The existing Youth Centre building was constructed in the 1960 and until recently provided multi-purpose facilities for the West Berkshire community. The building is in a poor condition and as such is currently vacant.
- 1.5 The application is seeking planning permission to refurbish the building, partial demolition and extension of existing centre to modernise and enhance the facilities. The proposal would be implemented in three phases:-

Phase 1 proposal includes internal alterations to provide a new entrance lobby, counselling rooms and disabled toilet facilities. The proposal also includes new changing room facilities on the ground floor with a viewing gallery and café seating area on the first floor.

Phase 2 proposes a single storey extension to the east to provide a shop on the ground floor with an outdoor terraced area above and external staircase.

Phase 3 comprises of a new climbing tower located west of the existing hall. The ridge height of the climbing tower extends to 14.5 metres to match the existing ridge line of the main hall. The tower has been designed to taper as the height increases.

Overall the proposal would result in an increase of 165 sq.m. Once all three phases of the proposal have been completed the youth centre would have a total gross internal floor area of 944 sq.m.

The materials to be used in the construction and refurbishment of the proposal include composite cladding, render and existing brickwork. These materials are considered to be in keeping with the adjacent buildings and neighbouring developments.

2. Planning History

- 2.1 There is no recent planning history for the application site.

3. Procedural Matters

- 3.1 The proposed development and constraints of the site are such that screening is not required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.2 The application has been published in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of a site notice. The deadline for representations expired on 30 July 2019. The application was also published in the Newbury Weekly News on 11 July 2019. The application has been referred to committee and therefore an extension of time has been agreed with the applicant.
- 3.3 Under the community Infrastructure levy charging schedule adopted by West Berkshire Council and Government Community Infrastructure Levy Regulations new retail development may be liable for CIL charges.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Newbury Town Council:	Support
WBC Highways:	No objection raised
SUDS:	No objection, refer to EA requests.
Environmental Health:	Support, subject to conditions
Conservation:	No objection in principle.
Newbury Society:	The proposal would result in extra facilities which are welcomed. An archaeology condition recommended as the area is rich in tannery remains.
Public Right of Way:	No objection, subject to informatives
Ramblers:	No comments received
Environment Agency:	No objections, subject to conditions
Canal & River Trust:	No objections, subject to conditions
Trees:	No objections, subject to conditions
Archaeology:	No objections, subject to conditions

Natural England:	Objection raised, concerns raised regarding the risk to the SSSI and the impact of the development during and after construction. Ecology assessment required consideration should be given to noise and light disturbances. Mitigation measures to counter any adverse ecological impacts and consideration to enhance the benefit of wildlife and habitats.
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Public representations

- 4.2 42 letters of representations have been received from contributors, 38 of which support the proposal and 4 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following points have been raised by the objectors:

Objections:

- Unacceptable mass, scale and positioning of climbing tower
- incongruous feature (climbing tower)
- inappropriate lighting – flood lighting
- Camp Hopson would be dramatically affected
- detrimental effect on neighbouring occupiers
- additional parking and traffic concerns
- blocking of access for emergency vehicles
- limited access for construction vehicles
- flood risk

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP2, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
 - Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - West Berkshire Council Quality Design SPD (2006)
 - Sustainable Drainage SPD (2018)
 - Conservation of Habitats and Species Regulation 2017

6. Appraisal

6.1 The main issues for consideration in this application are:-

Principle of development

- 6.2 The spatial strategy and settlement hierarchy for development in the District is set out in Core Strategy policy ADPP1. It directs development to within the settlements and Newbury is listed as an urban area. This policy is supportive of developments which provide leisure uses and support services and facilities in the town centre. These developments should provide maximum social, environmental and economic benefits to the wider community.
- 6.3 With regard to the proposed redevelopment of the Waterside Youth Centre, policy ADPP2 identifies that the landscape and recreational role of the Kennet and Avon Canal, which makes a positive contribution to the character and heritage of the town centre, will be strengthened.
- 6.4 The existing building is in need of repair and has a poor energy performance. In addition the building's fabric is outdated and has limited functionality which has resulted in a decline in usage. The improved facilities would offer an opportunity to modernise the building, improved energy efficiency and provide facilities which would meet the needs of existing and new communities. The proposal would also strengthen the link between the building, canal and the surrounding footpaths.
- 6.5 The proposed extensions are not considered to result in a significant increase in the footprint of the building and the development would be undertaken in three phases. The proposal would enable the building to be improved visually, structurally and would provide access for disabled people. In addition the proposed development would ensure that the facilities would be widely supported by the local community and members of the public.
- 6.6 The NPPF clearly emphasises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 91 (a) promotes social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – strong neighbourhood centres. Paragraph 92 further states that planning policies should provide social, recreational and cultural facilities and service the community needs. Sub-paragraph (d) emphasises that established facilities and services should develop and modernise and be retained for the benefit of the community. The proposal would allow for a community building which would provide a variety of services and would have a positive impact on the local community. The improvement to the building would result in recreational and cultural opportunities which would make a significant contribution to the health and well-being of local residents and the wider community.
- 6.7 As such the proposed development would be acceptable in principle as it is considered to comply with policy ADPP1, ADPP2 and the NPPF.

Design and impact on character and appearance of the conservation area

- 6.8 There are a number of policies which relate to the impact of the development on the character of the area. Policy ADPP1 requires the scale of the development to be well related to the site's character and surroundings.
- 6.9 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the

area. It further states that development shall contribute positively to the local distinctiveness and sense of place.

- 6.10 Policy CS19 relates to the historic environment including conservation areas, and seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.11 The Council's Conservation Officer was consulted on the application. On reviewing the plans he raised concerns regarding the climbing tower. Overall, the Conservation Officer raised no objections in principle to the refurbishment and modernisation of the facilities, however, he was of the opinion that the climbing tower would have an impact on the character and appearance of the conservation area in which it is situated.
- 6.12 The climbing tower would be located on the north-east side of the building and would make use of a small area of land (open grass land) adjacent to the existing building. The climbing tower (phase III development) would be 14.5m in height and would match the height of the adjacent commercial building which is currently within the ownership of Camp Hopson. There is a separation distance of approximately 6 metres (at its nearest point) between the proposal and this building. Once built the climbing tower would have a close and immediate relationship with this building and it is likely to result in a partial loss of light into the first floor windows. An existing row of trees, within the ownership of Camp Hopson, partly screens the building from the canal footpath and results in a reduction of lighting into the building. Whilst it is acknowledged that the climbing tower is likely to result in a loss of some light, the benefits of the proposal are considered to outweigh the harm which would be caused to the commercial building.
- 6.13 The proposed development, particularly the climbing tower, would be visible from a number of public view points, including the public right of way (28 Newbury) and the River Kennet Canal. Glances of the climbing tower would be visible from the Wharf Road car park and the Wharf Road Bridge. It is accepted that there would be a slight level of visual harm from the viewpoints such as Wharf Bridge, however, these views would be limited. The climbing tower would also be visible from within the canal when approaching the site, however, long distances would be obscured by the bridge ensuring that the views of the structure would be localised.
- 6.14 The two-storey extension and climbing tower have been set back from the canal and would have a close and immediate relationship with the existing built form. It is accepted that the climbing tower would be a prominent feature when compared to the existing youth centre, however, the use of appropriate materials such as wooden cladding would ensure that it is in keeping with the surrounding buildings. Furthermore, when viewed from a distance the climbing tower would blend in with the existing skyline tapestry and would not be substantially harmful.
- 6.15 The scale and mass of the proposal is considered to be in keeping with the existing buildings and those within the immediate vicinity. Appropriate landscaping could be introduced to soften the overall appearance of the new extensions. The proposal is considered to be in keeping with policies CS14 and CS19 of the Core Strategy.

Impact on Listed Buildings

- 6.16 The application site is situated within the Newbury Conservation Area and the nearest listed building is a Grade II property known as Marsh Cottage which is located immediately to the north west of the youth centre, adjacent to the main entrance. The proposal is not considered to affect the character and appearance of this building, as only minor changes are proposed to the north western elevations of the building. These

include the construction of an improved entrance into the youth centre as well as the refurbishment of the building.

- 6.17 Other nearby historic buildings include the main Camp Hopson building and 1 Toomers Wharf which is situated north-west and west of the site respectively. The impact of the proposed development on these historic buildings have been assessed and it is considered that the proposed development would not impact on the character and setting of these buildings.

Amenity

- 6.18 Planning policy CS14 and CS19 of the West Berkshire Core Strategy relate to the impact upon neighbouring properties amenities. Policy CS14 requires new development to make a positive contribution to the quality of the life in West Berkshire and saved policies OVS.5 and OVS.6 of the Local Plan relate to noise and pollution.
- 6.19 The proposed development would be located near to existing residential properties and would have an impact on the residential amenities of these occupiers, however, the use of the building would remain unchanged and the proposed improvements (installation of insulation and cladding) could result in reduced noise levels.
- 6.20 The Council's environmental health officer raised concerns regarding noise, light and dust pollution. Following further considerations the applicant submitted a construction management plan prepared by Calco Construction (dated September 2019). The document has been reviewed by the environmental health officer and it has been concluded that the report is acceptable. As such it would be necessary to impose a planning condition which requires compliance with this document. The proposed development would not result in a loss of light or overshadowing to any of the residential properties within the vicinity and would therefore not have an unduly impact on the residential occupiers amenities. The proposal would therefore comply with policy CS14.

Ecology and biodiversity

- 6.21 Natural England (NE) have raised an objection to the proposal for failing to provide an ecological assessment and a construction management plan. The main concerns raised by NE relate to the impact the proposal would have on the River Kennet (SSSI) during and after construction works. NE have also raised concerns regarding the ecological impacts through light and noise disturbances.
- 6.22 NE have also stated that all construction works must implement controls to ensure that there will be no impact on the SSSI from construction activities. They have requested that a Construction Environmental Management Plan (CEMP) be provided. The document should include information such as dust control and location of machinery. The applicant has already provided a construction management plan, as requested by Environmental Health, which provides information about dust management. A suitable planning condition has been imposed to ensure that the construction works are carried out in accordance with this document. Further measures such as tree protection measures will be put in place to prevent harm to the trees as well as encroachment on to the SSSI. Details of these measures can be provided by the applicant, prior to the commencement of development. It is therefore recommended that a suitably worded planning condition be imposed on the decision notice to allow for the submission of a CEMP.
- 6.23 Although NE are continuing to object to the proposal, the Council is continuing to liaise with them in order to overcome the concerns raised. Their objection and the legislation under the Wildlife and Countryside Act 1981 have been considered, however, after

careful consideration and continued discussions with NE the Authority is of the opinion that suitable planning conditions could mitigate any harm to the SSSI. Furthermore, a restriction on the installation of external lighting and noise disturbances could be mitigated by a planning condition which would restrict the installation of external lighting and plant equipment. Discussions with NE are ongoing and a further update will be available on Wednesday 18th December 2019.

- 6.24 Although a recommendation to approve the application has been submitted, it must be noted that NE continue to object to the proposal. As such, under Section 281(6) of the Wildlife and Countryside Act 1981 (as amended) the decision maker must notify NE of the permission, the terms on which it is proposed to grant it and how, if at all, the Authority has taken account of NE's advice. NE would require a further period of 21 days before the operation can commence.
- 6.25 To encourage biodiversity opportunities within the immediate and wider area, a suitable landscaping scheme would be sufficient. These measures can be secured by a planning condition requiring the planting of native plant species, additional bird boxes and other enhancements.

Flooding and sustainable drainage

- 6.26 Policy CS16 of the Core Strategy requires that a flood risk assessment be undertaken in flood zones 2 and 3. As the site is located within a flood zones 2 and 3 a flood risk assessment has been carried out and the Environment Agency and the Local Lead Flood Authority have been consulted.
- 6.27 The Environment Agency (EA) initially objected to the proposal for failing to provide an adequate Flood Risk Assessment, however, following the submission of additional information the EA reviewed their response and have now removed the objection. Therefore the EA are satisfied that the proposed development would not cause a risk of flooding. A suitably worded planning condition has been suggested in order to ensure that the proposal is carried out in accordance with the approved FRA submitted by Archibald Shaw (Issue 4) dated 28 November 2019. The Council's drainage engineer has also been consulted on the application and is in agreement with the EA. As such the proposal would comply with policy CS16.

Highways and Parking

- 6.28 Policy CS13 of the Core Strategy and TRANS.1 of the saved policies of the Local Plan relate to highways. The Council's highways officer was consulted on the application and has raised no objections to the proposal. The application site is located near to the town centre and is easily accessible by various modes of transport. A public car park (Wharf Road) is located within walking distance from the site and a private car park, owned by Camp Hopson, is situated to the north-west. The site is also close to the bus and train station. The proposal would therefore comply with policy CS13 and TRANS.1.

Trees

- 6.29 The Council's Tree Officer has reviewed the application and raised no objections subject to the provision of protective tree measures and a suitable landscaping proposal. The submission of a suitable landscaping scheme which enhances biodiversity has been recommended. To ensure that adequate provisions are provided a planning condition has been recommended.

Archaeology

- 6.30 The Council's Archaeologist was consulted on the application and advised that the site has a high archaeology potential, dating back to Paleolithic and Mesolithic period. The Archaeologist has recommended that further investigations be undertaken during the phased development. The Archaeologist has requested that a schedule of works be provided and this can be secured via a planning condition.

Green Infrastructure

- 6.31 Policy CS18 of the Core Strategy requires green infrastructure such as public rights of ways to be conserved by development. Footpath 28 Newbury forms the canal towpath and runs adjacent to the eastern boundary of the site. The proposed development has been set back from the canal and does not appear to intrude on the canal nor would it tower over the footpath. The towpath is considered to be fundamental to the operation of this facility and any improvement should be funded by CIL contributions. The public rights of way officer has been consulted and raised no objection to the proposal subject to the inclusion of informatives.
- 6.32 The Canal & River Trust were also consulted and raised concerns regarding the visual impact of the proposal on the canal corridor as well as the impact on the ecology of the canal corridor. Following their consultation, no objections were raised subject to the inclusion of suitable planning conditions in relation to external lighting, external surfaces and soft and hard landscaping. A pre-commencement condition has also been suggested by the Canal & River Trust requiring a survey of the condition of the waterway and a method statement / schedule of works for the protection of the River during the construction works. Subject to the proposed planning conditions the proposal would comply with policy CS18 of the West Berkshire Core Strategy 2006-2026.

7. Planning Balance and Conclusion

- 7.1 The principle of the development is considered to be acceptable and would result in the modernisation of the existing building as well as improvements to the community facilities.
- 7.2 Overall, the proposed development would enable the building to be brought back to use for the benefit of the local community, providing community services and youth benefits. Although the phase III development (climbing tower) would result in a loss of some light into the adjacent building (Camp Hopson), it is considered that the benefits of the proposal would outweigh the harm caused. It is also considered that the impact on the character and appearance of the conservation area would be limited.
- 7.3 The planning practice guidance 'Health and wellbeing' stresses that local planning authorities should ensure that health and wellbeing and health infrastructure are considered in planning decision making.
- 7.4 It is therefore considered that the proposal would seek to support and play an important role in creating healthy and active communities within the west Berkshire district as required by planning policy, NPPF and NPPG.

8. Full Recommendation

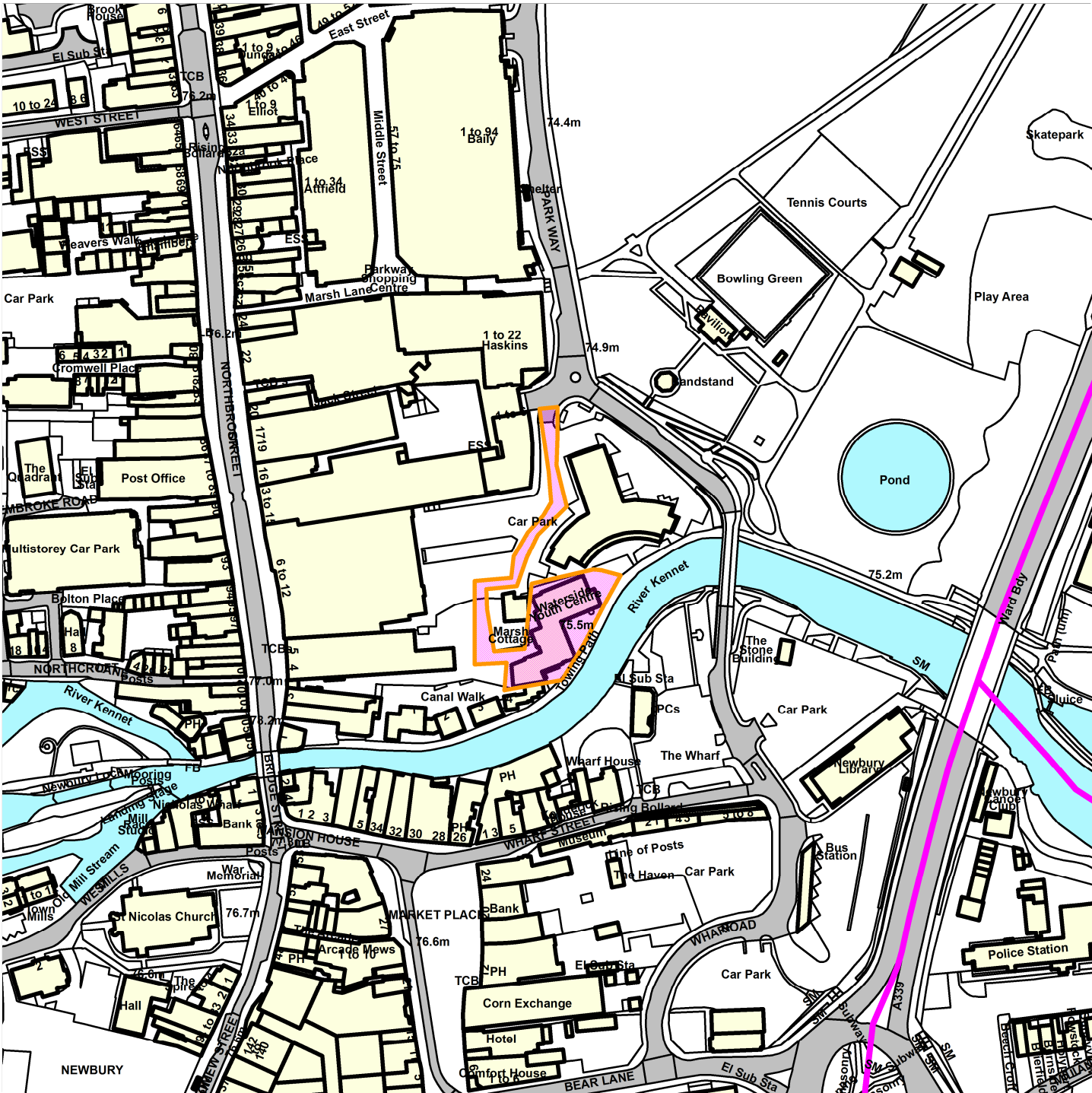
- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to 21 day consultation from Natural England

9. Conditions

- 9.1 A full list of the planning conditions will be provided on the update sheet on Wednesday 18th December 2019.

DC

Waterside Youth&Community Centre, Waldegrave Place, Newbury, RG14 1DS



Map Centre Coordinates :

Scale : 1:2437

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	06 December 2019
SLA Number	0100024151

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Agenda Item 3.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	19/01690/FULD Beedon Parish	9 th September 2019 ¹	Erection of 1 dwelling within the curtilage of public house The Coach, Worlds End, Beedon Newperties Ltd
¹ Extension of time requested from with applicant until 20 th December 2019			

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01690/FULD>

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

Ward Member: Councillor Clive Hooker

Reason for Committee Determination: 10 or more objections

Committee Site Visit: 16th December 2019

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the erection of one dwelling within the curtilage of the public house.
- 1.2 The application site is situated within Worlds End, a small settlement outside of any defined settlement boundaries, within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB). The application site is the existing car park and part of the beer garden of The Coach Public House. The site is to the south-west of the public house, to the immediate south-west of the site is a dwelling known as Old Stores Cottage. There are also houses opposite the site. To the east of the application site are open fields which lead to the A34 trunk road. Within the existing car park is a brick built storage building for the public house.
- 1.3 The application is proposing the erection of a four bedroom house with garden with parking to serve the new dwelling. A section of the existing beer garden is proposed to provide replacement parking to serve The Coach. A total of 12 new spaces are proposed, with 5 spaces being retained in front of the existing pub building. Access to the proposed parking area, is between the existing public house and the proposed dwelling. The application was amended during the course of the assessment following consultation responses, so that the position of the dwelling was moved in the plot, alterations were made to the elevations, and amendments to the parking layout, the provision of a wider pavement to the front, and clarity on the size of the gap between the new dwelling and the existing public house.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
07/01143/FUL	Extensions, alterations to form new kitchen, entrance lobby with level access and disabled toilet	Approved 30 th July 2007
09/00639/COND1	Application for approval of details reserved by Conditions 5, 6, 7 and 9 of planning permission reference 07/01143/FUL: Condition 5 - Minimise odour, Condition 6 - Minimise noise from food preparation, Condition 7 - Prevention of oil and fat in the sewer and Condition 9 - Air Handling.	Approved 9 th June 2009
18/01654/FULD	Erection of two semi-detached dwellings within curtilage of public house.	Refused 11 th October 2018

3. Procedural Matters

- 3.1 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 with the display of a site notice for

21 days. The site notice was displayed on 31st July 2019 and expired on 21st August 2019. Following the receipt of amended plans, those who made representations were re-consulted on the amendments.

- 3.2 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL. The exact amount will be confirmed in the CIL Liability Notice.]

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Beedon Parish Council:	<p>Object</p> <p>Whilst a single house would appear to be more sustainable in the location planning considerations as identified by WBC over the first application must be addressed to their satisfaction.</p>
WBC Highways:	<p>Requested amended plans with regards to the access to the new parking area; details of surfacing for the parking for the new dwelling; visibility splays for the new dwelling; a minimum of 18 spaces for the public house</p> <p>Following the receipt of amended plans and a Highways Technical note raised concerns about access width; visibility splay for the new dwelling; reversing for the third parking space for the new dwelling; inadequate footway;</p> <p>Further amended plans were received and confirmed that the previous issues had been addressed, whilst parking for the public house is 17 as there are no standards this is acceptable, and recommendation is for approval subject to conditions with regards to construction method statement; electric vehicle charging point; footway/cycleway provision; access closure with reinstatement; surfacing of access; provision of the parking spaces; parking in accordance with the plans; and cycle storage.</p>
Environmental Health	Recommend conditions with regards to noise from the A34 and a watching brief with regards to unforeseen contamination of land
Trees	No objection subject to conditions with regards to tree protection; arboricultural supervision; and a tree retention plan
Archaeology	There was a dwelling on part of the site from 18 th century until the 1950s, and there may be remains below ground, in addition features of Late Iron Age to early Roman date were found during an evaluation nearby in 1997. Due to this potential a programme of archaeological supervision during the excavations of foundations and related groundworks for the dwelling is required.

SuDs	No response received
Waste Management	No response received
Thames Water Utilities	No response received
Ramblers Association	No response received
Public Rights of Way	No response received
AONB Board	No response received

Public representations

4.2 Representations have been received from 11 contributors, of which 10 object to the proposal and one in part object and part support.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- The house is too big for the plot, limited garden facilities, as there are no children's play area in Worlds End
- Restricted visibility from the parking for the new house, and road conditions and speed would require a greater visibility
- A revamp of the previous application, development as big as the previously refused scheme, not overcome previous reasons for refusal
- The adjacent house will be overlooked
- Query whether there was a previous building on the site, it should not be used as an argument for a new building
- Overdevelopment of the small site
- Out of character with historic buildings surrounding the site, the proposal does not have aesthetic value or contribute or fit in with the existing houses,
- Worlds End is in the AONB where development should be restricted
- Loss of light to Old Stores Cottage, 3 rooms are affected
- Loss of privacy to Old Stores Cottage to landing, Study / music room and bathroom on the ground floor.
- Does not overcome reasons for refusal with regards to overshadowing and overbearing
- Impact on enjoyment of home, health, wellbeing, modesty and value of property
- Potential damage to boundary wall, request re-instatement of fallen boundary wall
- Insufficient distance between new building and existing oil tank
- 3D views plan are inaccurate
- The North and South elevations show a large gap between Old Store Cottage and the building which is misleading, it will directly abut the oil storage shed which is not shown
- Reduction in the pub garden together with insufficient parking will reduce trade and the viability of the pub

- The planning statement makes reference to the Old Stores Cottage being to the west , when it is within a few metres of the development
- Access difficulties for waste collection, beer delivery and gas tank filling will be dangerous
- Querying the future intentions for the pub, for alternative developments
- Planning Policy
- The amended plans do not overcome objections to visibility for getting on to the road and pedestrian safety
- The garden at the front of the house has been removed to the detriment of the street scene and rural setting
- Further impacts privacy of Old Stores Cottage
- Little garden space
- Over development of the plot
- Inaccuracies in the amended plans

4.4 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS1, CS4, CD5, CS10, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6, and TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4.5 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)

5. Appraisal

5.1 The main issues for consideration in this application are:

- The principle of development;
- Character and appearance;
- Living conditions;
- Highway safety;
- Public house
- Heritage;
- Ecology;
- Flooding;
- Contamination;

Principle of development

- 5.1 The application site is within Worlds End which is defined within the hierarchy of settlements in policy ADPP1 as being within the open countryside, outside of any defined settlement boundary. Policy ADPP1 limits development within the open countryside, and allows appropriate limited development focused on addressing identified needs and maintaining a strong local economy. Policy C1 of the Housing Site Allocations DPD has a presumption against new housing outside of settlement boundaries. However, it does allow for some development in settlements with no defined settlement boundary, where it is in a closely knit cluster of 10 or more dwellings, the scale of the development consists of infilling a small undeveloped plot commensurate with the scale and character of the existing dwellings within an otherwise built up frontage, it does not extend the existing frontage and the plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality. World's End, Beedon is a settlement without a defined settlement boundary. The site has houses to the north, south and west which are sited fronting the road. The immediate surroundings on the east side of the road are closely knit, although further south and on the other side of the road to the north the dwellings are less closely knit. The plot itself is small, but not completely undeveloped, as there is a brick storage building which serves the public house, within the car park, and the area of parking is hard surfaced. There is a wide variety of plot sizes and spacing between building within the vicinity of the site and the proposed plot size could be said to be comparable to others, as such the site is considered to be an exception infilling site as set out in policy C1.

Character and appearance

- 5.2 Policy CS14 requires development to be of high quality design that respects and enhances the character of the area, and the design and layout are to be informed by the wider context not just the immediate area. Development will also contribute positively to sense of place. Policy CS19 requires consideration to be given to the sensitivity of the area to change, that new development be appropriate in location, scale and design in the context of the existing settlement pattern, form and character. Policy C1 which permits infill development in rural areas, also states that development will not be permitted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and appearance of the area, including the natural beauty of the AONB, and policy C3 relates to design and requires housing development in the countryside to have regard to the character of the area as well as landscape character and sensitivity to change. Regard is also to be paid to the Quality Design SPD.
- 5.3 The site is within a group of existing buildings, albeit it forms part of the open car park, and hedged beer garden, which provides a visual separation from The Old Stores to the south, and The Coach to the north as Worlds End is a small village which has developed over time, there is a mixture of house styles and designs with no clear building line, although Old Stores Cottage has a side elevation which abuts the footway, and The Coach itself, and attached dwellings are set back. The site layout has been amended and the proposed dwelling is set back from the front of The Coach, by 4 metres. The extended car park is proposed cover the existing beer garden, which will result in a developed appearance of this area, however due to the hedging along the existing boundary, it is clearly visually and functionally separated at present from the agricultural field to the east and south. The Tree Officer has not raised any objection so the proposal, and has recommended conditions with regards to tree protection, arboricultural supervision and tree retention. These conditions will ensure that the existing trees which provide the visual and functional separation from the open fields, and so it will not harm the appearance of the site within the AONB. The proposed location and pattern of the development is considered to be well related to the existing

form and layout of the existing pattern of the development, and whilst the location of the site within the village and the AONB it is considered to be an appropriate form of development, which is not harmful to the overall character and appearance of the AONB.

- 5.4 The design of the dwelling itself is of a modern design, with the use of hanging tiles, and gables which reflect some of the design features within Worlds End. The use of modern windows reflects a contemporary design approach, which whilst it contrasts with the traditional buildings either side, it blends with the variety of design features within Worlds End, and a condition with regards to the exact materials to be used, will ensure that the dwelling blends in terms of materials and colour palate with other brick dwellings within the street. The previous application which was refused (18/01564/FULD) proposed two dwellings on the site, and this proposal for one dwelling, which is set back from the main building line. The previous application proposed two dwellings on the site, and one dwelling is a less intensify use of the site, and whilst there have been objections raised to the over developed appearance of the site, and cramped appearance, as discussed below there is car parking and amenity space to serve the needs of the dwelling, and together with the set back of the dwelling, provides space around the building and accords with the design criteria set out in policies C1, CS14, and CS19

Living Conditions

- 5.5 Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. In this case the considerations are the impacts on the future occupiers of the proposed dwelling from the noise from the public house and the A34, and the impacts on the occupiers of adjoining properties. The Environmental Health Officer has been consulted on the application. Whilst the Planning Statement addressed the noise form the A34, and suggested a condition with regards to the ambient noise level within the proposed dwelling, the Environmental Health officer requires details of the a scheme to ensure that there is adequate protection is place to ensure ambient noise levels can be achieved, and so a pre-commencement condition require the submission and approval of a noise protection scheme to be submitted and approved before works commence on site.
- 5.6 The noise and odour form the kitchen extraction system for The Coach has also been considered and the Environmental Health Officer has concluded that the issues were addressed when that planning application was considered and will not result in an unacceptable situation for future occupiers
- 5.7 The Quality Design SPD and House Extensions SPD sets out guidance for assessing the impacts on development on the living conditions of adjoining occupiers. There have been objections raised about overshadowing, and loss of privacy to Old Stores Cottage as a result of the proposed dwelling. The design of the proposed dwelling was amended during the course of the application and that included the removal of first floor bedroom windows facing the side of Old Store Cottage. There are first floor obscure glazed windows facing the application site from the existing house, and ground floor windows facing the site. The position of and orientation of the proposed windows is such that there will not be direct overlooking between habitable room windows, and limited secondary views will be afforded across the adjacent rear garden from one bedroom window. Whilst there are two other first floor bedroom windows on the rear elevation, the separation distance and angles are such that there will not be a significant loss of privacy which would detrimentally affect the level of privacy that the occupiers of Old Stores Cottage would enjoy in the garden once the house is occupied. Whilst there are ground floor windows which face the existing house, the use of appropriate boundary treatment, secured through conditions, will ensure that there is no direct overlooking between the dwellings and the gardens.

- 5.8 The objections raised have also referred to the loss of light to the adjacent dwelling, as a result of the two storey house proposed, which is orientated to the north of Old Stores Cottage. The room which will be affected is a ground floor bathroom. The Quality Design SPD and House Extensions SPG excludes bathrooms from the description of habitable room. Whilst there may be some reduction in daylight to that room, given that it is not a habitable room, it will not have an adverse impact on the living conditions of the occupiers of that dwelling. Reference has been made within the objections to the Prescriptions Act 1932, with reference to the potential loss of light, however this is separate legislation, and is a private legal matter between the relevant landowners.
- 5.9 The site layout plans indicated the provision of a rear garden to serve the dwelling, with an area of 111 sq. metres, which will be adjacent to the car park for The Coach, and separated from it by a 2 metre high fence. The Quality Design SPD sets out a minimum guidance of 100 sq. metres for new dwellings of 3 bedrooms or more. This provides an amount of space which will meet the needs of the future occupiers, and provide a sufficient level of private amenity space for the quiet enjoyment of the occupiers of the dwelling.

Highway Safety

- 5.10 Policy CS13 refers to development which has an impact on the highways network, and policies TRANS1 and P1 require appropriate levels of off-street parking to serve new development. There have been a number of objections raised about the parking available to serve the public house, and the parking for the new dwelling, and particularly the lack of visibility in the southern direction from the parking spaces. The Council's Highways Officer also raised a number of concerns about the original plans which were submitted. The previous application on the site was refused, amongst other reasons due to the lack of parking for the proposed dwelling and also due to insufficient width between the proposed dwellings and the side elevation of the public house. The originally submitted plans also had deficiencies with the width between the dwelling and the public house, and with the access and visibility for the parking for the new dwelling. Subsequently and following further re-consultations, additional plans were received which have indicated an access width between the walls of the public house and the new dwelling of 4.85 metres. Swept path analysis drawings were also submitted which have indicated three parking spaces to be provided to the front of the house, with ability to manoeuvre onto the road.
- 5.11 The Council's Highways Officer has reviewed the amendments which have been submitted. The proposal indicates a total of 17 spaces being retained to serve The Coach, with 12 spaces in the proposed car park to the rear of the proposed house, and 5 spaces retained to the front of The Coach, and there are three spaces to serve the new dwelling. It was accepted in the previous application that 18 spaces for the public house would be the acceptable level, and now there is a deficit of 1 space. However given that there are no West Berkshire Council adopted standards for A3/A4 uses, and the developer has indicated that this is sufficient, it is difficult to require that the additional space is required, and a refusal for lack of parking on this basis would be difficult to defend. The parking for the new dwelling is in accordance with the requirements of policy P1, and shows three spaces which can be accessed without the need to reverse onto the highways, which overcomes the previously stated Highways Officer concerns, and those raised by the objectors.
- 5.12 The amended plans show a width of 4.85 clearance at ground level between the two walls to provide the access to the rear car park have been considered to be acceptable. In addition an increase in footway of a width of 1.5 metres has been provided which meets the requirements of Manuals for Streets. The Highways Officer has confirmed that the amended plans have overcome the previous objections, and reason for refusal of the previous application, and subject to conditions to ensure that an electric vehicle charging

point to serve the new dwelling is provided in accordance with policy P1. In addition conditions are required with regards to the provision and approval of a construction method statement, the footway being provided before the dwelling is occupied, the closure and reinstatement of the access, the surfacing of the access and provision of the indicated parking and cycle storage.

Public House

- 5.13 Policy CS10 says that policies to diversify the rural economy will be encouraged, and existing small businesses in the rural areas will be supported to maintain the viability of smaller rural settlements, and that proposal seeking the loss of such sites or premises must demonstrate that the proposal will not have an adverse impact on the local economy. The Public Houses SPG says that the partial redevelopment or change of use of a key facility such as a car park or garden will not be permitted where it is considered it may prejudice the economic viability or future operation of the public house. Objections have been raised about the ongoing viability of the public house, due to the loss of an extensive area of beer garden. There is land available under the control of the applicant which is marked in blue which is currently used as beer garden, and can continue to do so. The proposals do not result in such a loss of outdoor space, that future customers would not be able to enjoy the outdoor space, and that the public house would be able to continue to operate during the construction phase.
- 5.14 There were also concerns about future intentions of the land owner to cease trading and convert to alternative uses. Were the land owner to decide in future to cease trading from the public house and apply for planning permission for a change of use or redevelopment the Council's Supplementary Planning Guidance on Public Houses requires that it be demonstrated that the public house is not viable and the accounts are independently assessed. The guidance also requires that the public house be marketed for at least 6 months as a public house and this is also subject to independent assessment. The Council's policies do not support the loss of public houses unless these tests have been met and national policy guidance recognises public houses for their benefit to local communities.

Heritage

- 5.15 Policy CS19 requires the conservations and where appropriate the enhancement of heritage assets and their settings. The Coach itself is not a listed building, and the site is not within a Conservation area, however the Council's Archaeologist has confirmed that there was a dwelling on part of the development site from at least the 19th century up until the 1950s: there may therefore be below ground remains of this cottage. In addition features of Late Iron Age to early Roman date were found during an evaluation nearby in 1997. A Heritage Assessment and Desk Based Archaeological Assessment were submitted to support the application. That report also referred to the precious development on the site. Whilst there is potential for some archaeological features below ground, it is reasonable to commission a programme of archaeological supervision during the excavation of the foundations and any related groundworks, to ensure that in the event of any remains being found that they can be properly recorded. This can be secured through an appropriately worded condition.
- 5.16 In addition the Heritage Assessment indicates that the building on the site of a new dwelling, replicates a former form of development of the site, and that the open gap between Old Stores Cottage and The Coach is a modern feature in the street scene. Whilst there are listed buildings close to the site, the nearest being the Worlds End Farm House and the Milestone, the application site does not form part of the setting of either, and will not harm their significance.

Ecology

- 5.17 Policy CS17 of the Core Strategy requires all development to maximise opportunities to achieve net gains in biodiversity. A stage 1 ecological assessment was submitted with the application. No protected species were identified on the site and no further surveys required. An external lighting condition is recommended to avoid illuminating large areas that may affect bats.
- 5.18 The presence of ivy-clad trees and shrubs on site may support nesting birds. Nest boxes for common species is required and as part of the development as are bat boxes advised as a biodiversity gain. These matters can be secured by condition.

Flooding

- 5.19 The application site is not within a flood zone or a critical drainage area, and so under policy CS16 a Flood Risk Assessment was not required for the application. However the previous application on the site was refused there was a history of flooding and that insufficient information was submitted with the application. This application has been submitted with a Drainage and Flood Risk Appraisal, which has indicated that there will be a ring soakaway system, to dispose of the surface water from the enlarged hard surface area. The Council's flood engineers were consulted on the application, and they have not responded. Given the low level of flood risk on the site, a condition can be added to ensure that the site is drained in accordance with these details.

Contamination

- 5.20 The Environmental Health Officers' comments on the application, have made reference to the previous use of the site as a car park, and the use of a nearby site as a petrol station, and that these uses may have resulted in land contamination. Policy OVS5 does not permit development which will give rise to an unacceptable level of pollution of the environment, and requires the adequate disposal of waste materials. Given the previous use on and near the site, a condition is required to deal with unforeseen contamination during the development, to ensure that the appropriate investigations and land remediation are undertaken.

6. Planning Balance and Conclusion

- 6.1 The application is proposing the erection of one dwelling on the site of an existing public house car park, with a proposed replacement parking area, to be provided on part of the existing beer garden. There have been an number of objections raised by local residents about the impacts of the proposed development on the street scene, highway safety, the form of the development proposed and that it is an overdevelopment of the site, and concerns about highway safety, flooding, and the impacts on the living conditions of the adjacent dwelling due to overshadowing and privacy, as well as the design of the dwelling, and the ongoing effect on the viability of the public house.
- 6.2 Following the submission of amended plans, the Highways Officer is satisfied that there is sufficient turning within the curtilage of the new dwelling to provide adequate parking and turning so that the additional access point will not be harmful to the safety of the road for pedestrians and road users. In addition which is one parking space short of the ideal situation, to serve the public house, this is acceptable in this instance, given that there are no adopted formal standards for A4 uses. The amendments and additional information have also indicated that there is sufficient space in the access to the car park to enable cars to pass each other. The proposal is considered to meet the requirements of policies P1, CS13 and TRANS1.

- 6.3 There have also been concerns about the design of the dwelling, its effect on the street scene and the impact on the adjacent dwelling. As indicated the proposal has been amended and it is sited and designed in such a way that it will not harm the living conditions of the adjoining occupiers, and also such it accords with policies CS14 and C3, as the design and siting of the house is such that it replicates a historic form of development, and given that the dwelling is set back from the building line, and uses some traditional features in a contemporary manner.
- 6.4 The proposal will also result in the loss of a part of the beer garden which serves the Public House. The application indicated that the investment from the developing the house, is part of the long term plans for the public house. Whilst the beer garden area will be reduced, there will still be retained an outdoor seating area for the use of customers of The Coach, and the proposal will not impact the long term viability of the of the enterprise.
- 6.5 The proposal constitutes an infill development in accordance with policy C1 and has demonstrated that subject to conditions it can accord with the relevant policies of the development plan.

7. Full Recommendation

- 7.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>1. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:</p> <ul style="list-style-type: none"> I. Proposed Location Plan Drawing No PL01 received on 25th June 2019; II. Proposed Site Plan Drawing no PL03 Rev E received on 5th November 2019; III. Proposed Floor Plans Drawing No PL04 Rev C received on 5th November 2019; IV. Proposed Roof Plan Drawing No PL05 Rev B received on 5th November 2019; V. Proposed East & West Elevations Drawing No PL06 Rev C received on 5th November 2019; VI. Proposed North & South Elevations Drawing No PL07 Rev C received on 5th November 2019; VII. Swept Path Analysis Drawing No 1809064-TK05 Rev A received on 5th November 2019; VIII. Planning Statement prepared by Turley received on 15th July 2019; IX. Arboricultural Report prepared by Duckworths Arboriculture dated 14th June 2019 reference SCD 05256/2019 received on 15th July

	<p>2019;</p> <p>X. Extended Phase 1 Ecological Assessment prepared by Pro Vision dated March 2018 received on 18th September 2019;</p> <p>XI. Drainage and Flood Risk Appraisal prepared by Motion dated 17th September 2019 received on 18th September 2019; and</p> <p>XII. Heritage Statement and Desk-based Archaeological Assessment of Development Proposals prepared by Keevil Heritage Ltd dated September 2019, received on 25th September 2019.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials</p> <p>No development shall take place above foundation slab level, until a schedule of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.</p> <p>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 CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy C3 of the Housing Site Allocations DPD (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Electric vehicle charging point</p> <p>No development shall take place above foundation slab level, until details 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 drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework (February 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).</p>
5.	<p>Construction Method Statement</p> <p>1. 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:</p> <ul style="list-style-type: none"> (a) The parking of vehicles of site operatives and visitors (b) Loading and unloading of plant and materials (c) Storage of plant and materials used in constructing the development (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing (e) Wheel washing facilities

	<p>(f) Measures to control the emission of dust and dirt during construction</p> <p>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</p> <p>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 (2019) Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> <p>A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.</p>
6.	<p>Provision of footway</p> <p>No dwelling shall be occupied until the 1.5 metre wide footway is provided in accordance with the approved drawing (Drawing No PL03 Rev E and No 1809064-TK05 Rev A received on 5th November 2019) and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
7.	<p>Surfacing arrangements</p> <p>No development shall take place above foundation slab level until details of the surfacing arrangements for the vehicular accesses 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 accesses 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.</p> <p>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).</p>
8.	<p>Vehicle parking and turning</p> <p>No dwelling shall be occupied until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>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), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).</p>

9.	<p>Cycle storage</p> <p>No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).</p>
10.	<p>Protective fencing</p> <p>Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing Tree Protection Plan. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.</p> <p>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 National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
11.	<p>Arboricultural watching brief</p> <p>No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>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.</p> <p>A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.</p>
12.	<p>Tree Protection Plan</p> <p>No trees, shrubs or hedges shown as being retained on tree protection plan shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.</p> <p>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 National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
13.	<p>Noise mitigation scheme</p>

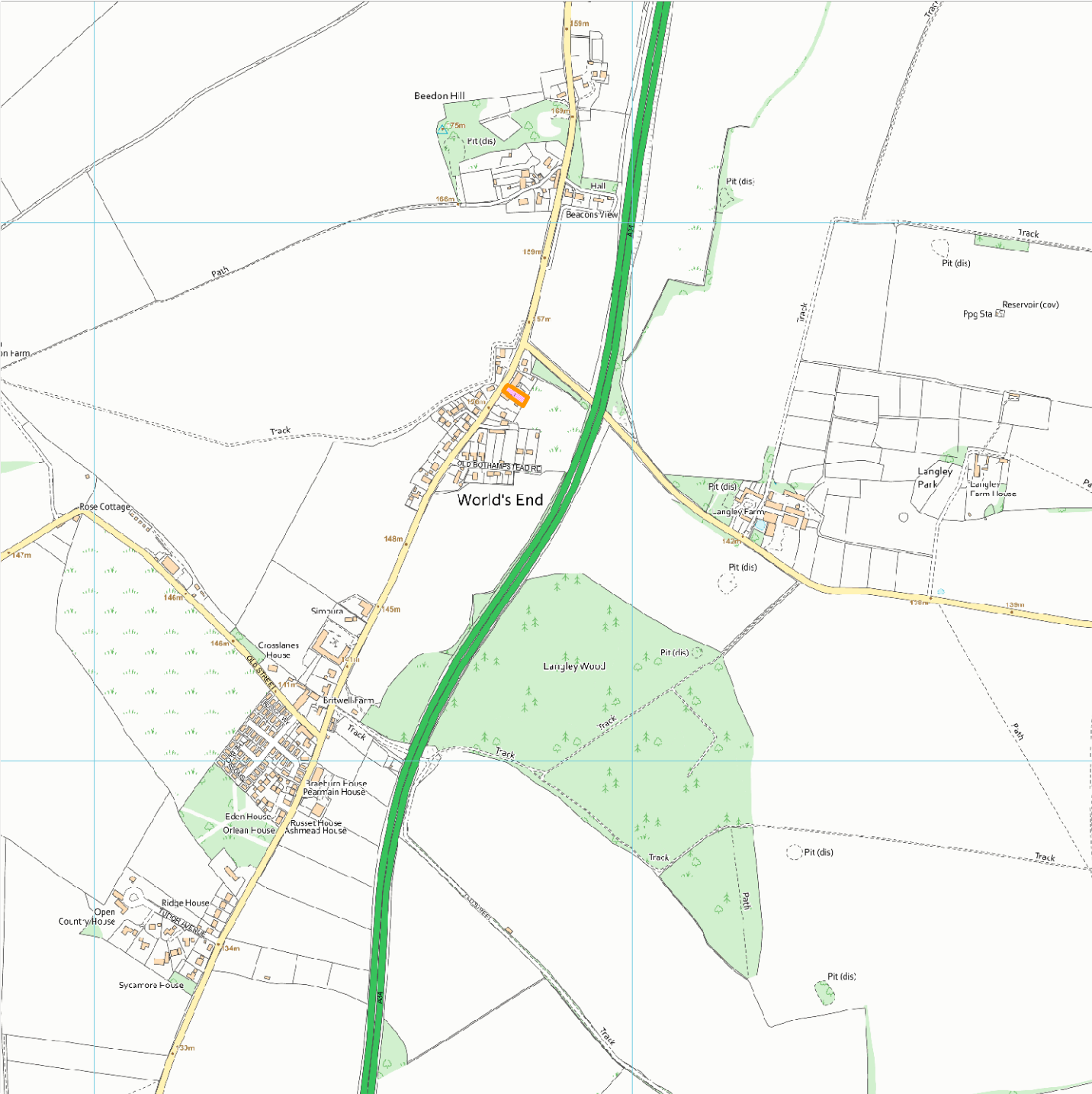
	<p>No development shall take place above foundation slab level, until a scheme for protecting the proposed dwelling from noise from traffic on the adjacent roads has been submitted to and approved in writing by the local planning authority. Any works which form part of the scheme approved by the authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the authority.</p> <p>Reason: as occupiers of the development, without such a scheme, are likely to suffer from noise caused by the traffic to an unacceptable degree. 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 OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)</p>
14.	<p>Unforeseen contamination</p> <p>Should any unforeseen contamination be encountered during the development, the developer shall inform the LPA immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development and before the dwelling is first occupied.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. 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 OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
15.	<p>Archaeological Brief</p> <p>No development or site works shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS19 of the West Berkshire Core Strategy (2006-2026).</p> <p>A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.</p>
16.	<p>Boundary Treatment</p> <p>No development shall take place above foundation slab level until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwelling hereby permitted is occupied. The approved boundary treatments shall thereafter be retained.</p> <p>Reason: The boundary treatment is an essential element in the detailed design of this development and ensuring adequate levels of privacy are secure for adjacent</p>

	occupiers and future occupiers of the dwelling. 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)
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Informatives

1.	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.	<p>CIL</p> <p>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</p>
3.	<p>Damage to footways, cycleways and verges</p> <p>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.</p>
4.	<p>Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
5.	<p>Excavation in close proximity to the highway</p> <p>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.</p>
6.	<p>Incidental works affecting the highway</p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.</p>

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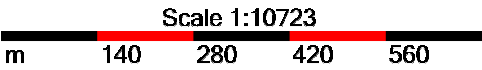


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Scale : 1:10723

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	06 December 2019
SLA Number	0100024151

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Agenda Item 3.(4)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(4)	19/02676/HOUSE Newbury Town Council	25 December 2019	Section 73: Variation of Condition 2 - Approved plans and Condition 3 - Materials of previously approved application 18/00541/HOUSE: Demolish single-storey garage and rear conservatory. Proposed two-storey side and rear extensions and loft conversion, to create large family home. Widen existing dropped kerb access to provide four off-road parking spaces. 37A Russell Road, Newbury Mr and Mrs Richardson

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02676/HOUSE>

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

Ward Member(s): Councillor Andy Moore
Councillor Martha Vickers

Reason for Committee determination: Over 10 letters of objection.

Committee Site Visit: 16 December 2019

Contact Officer Details

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

1. INTRODUCTION

- 1.1 This householder application seeks planning permission to make a number of changes to the two storey side and rear extensions approved under planning consent Ref: 18/00541/HOUSE. The proposed variations are as follows:-
- 1) Retain hipped roof to east elevation and to reduce the size (width) of the two storey rear extension, replacing it with a single storey rear extension. The rear extensions will increase in depth by 600mm.
 - 2) Render the entire property on all sides rather than try to match the original brickwork.
- 1.2 The application site is a detached house which lies within the defined settlement boundary of Newbury in an established residential area known as 'Westfields'. In most of the streets the development is primarily terraced housing dating from the 19th century. However, No. 37a is an example of some of the infilling carried out more recently and dates from 1960.

2. PLANNING HISTORY

- 2.1 The relevant planning history for the application site is summarised below:-
- 18/00541/HOUSE – Two storey side and rear extensions and loft conversion to create larger family home. Widen existing dropped kerb access to provide four off-road parking.
 - 243/60 (outline) – erection of dwelling house APPROVED 19.08.60
 - 337/61 – House and garage APPROVED 14.11.61

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 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 with the display of a site notice for 21 days. The site notice expired on 27.11.2019.
- 3.3 Concerns raised regarding whether the proposed amendments can be considered under a s73 application have been reviewed. The proposed changes do not amend the form of development stated in the description of the approved application and therefore, on balance, there is no reason why this application should not be determined in the normal way.
- 3.4 The proposed net floor space created is approximately 90 square metres and may be CIL liable. This is subject to the CIL team.

4. CONSULTATION

Consultee	Summary of response
Town Council:	No objections
Conservation:	<p>In short, the current application is for a reduced scheme, and, on that basis is more acceptable in building conservation terms. Previous comments on application 18/00541/HOUSE were that the application property comprised (a) "Detached house. Not listed. Not in a Conservation Area, the boundary of which lies at the northern end of the long rear garden to this and neighbouring properties. Views of the property from the within the Conservation Area, from the river Kennet/towpath, are therefore limited by distance.</p> <p>"Notwithstanding any Development Control Case Officer considerations in respect of impact on neighbouring properties, were the street frontage within the conservation area, I would comment that the proposed extensions to the property would affect the sense of space between properties in this part of the street scene, by not only closing the gap with the neighbour at number 37, but also effectively increasing the height of the property across the full width of the building, by introducing a full width gable roof parallel to the road in place of the current more modest hipped roof". The hipped roof is however now retained.</p> <p>It is however a moot point as to whether the introduction of render to all elevations is in keeping with the street scene, although "street view" indicates several rendered properties in the vicinity. Under the GDPO, it would normally be expected that materials used in the external elevations of alterations and extensions to a dwelling house would be similar to the existing, with traditional brickwork the preferred option.</p>
Archaeology:	The evidence suggests there will be no major impact on any features of archaeological significance from this proposal.
Highways:	<p>Highway aspects/requirements are unchanged from 18/00541/HOUSE. The highway recommendation is therefore for conditional approval as per the previous application.</p> <p>The frontage must be used for parking of construction vehicles during the works. I therefore consider it to be appropriate to include a condition on any planning approval which may be given</p>
Public Representations:	<p>13 letters of objection relating to poor design, not subservient, harmful overlooking, loss of light, materials out of keeping</p> <p>1 letter in support</p>

5. PLANNING POLICY

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.
- 5.2 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, CS14, CS19
- 5.3 The following documents are relevant material considerations:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - House Extensions SPG (2004)
 - Quality Design SPD (2006)
 - Newbury Town Centre Design Statement 2018

6. APPRAISAL

- 6.1 The main issues raised by this development are:
- The principle of development
 - The design and impact on the character of the area
 - The impact on the living conditions of the neighbouring properties
 - The impact on highway safety

Principle of development

- 6.2 The application site lies within the settlement boundary of Newbury. Within settlement boundaries the principle of extending an existing dwelling accords with the development plan subject to its specific impacts. The principle of the proposal has been established under the 2018 application.

The design and impact on the character of the area

- 6.3 Through the provisions of the NPPF, the government outlines the importance of the design of the built environment. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area.
- 6.4 As referred to in the introduction, Russell Road is one of the more densely developed areas of Newbury, comprising mostly Victorian terraced housing with some infilling of more modern properties – the application site being one of them. No. 37A is on the north side of the road and, like its neighbours, has a long narrow garden backing onto the Kennet & Avon Canal and its tow path which is the boundary to the Conservation Area beyond. Unlike the majority of the neighbours the property is set further back within its plot with a paved frontage allowing off road parking. The application site is a dark red brick property compared to its older neighbours which are a mix of more orange brick, render or painted brick.
- 6.5 The approved application gave consent to alter the design of the roof (currently fully hipped), creating two gable ends to the east and west sides, and therefore increasing the overall built form within the street scene. This revised scheme removes the gable from the eastern side, leaving the original hip. In terms of design, this is not considered to unbalance the property or appear incongruous as the terrace to the east is hipped whilst

the neighbour to the west side is gable fronted. Furthermore the application site is not considered to be of any particular architectural merit.

- 6.6 The revisions include a change in materials and it is now proposed to render all elevations with some horizontal boarding on the front bay window. Given the mix of materials in the street scene, and the potential for a poor match of brick for the extension, render is considered acceptable and is considered to improve the overall appearance of the property within the street scene.
- 6.7 The proposals to the rear are considered to be scaled back, although the overall depth is increasing by 600mm. The roof dormer has been removed and the two storey element has been reduced in width to a single pitched roof extension sitting centrally within the rear elevation with single storey extensions to either side. The two storey extension is well set down from the main roof and remains fully hipped. The design has been simplified and is considered to be an improvement to the original scheme. Given the long back gardens, the proposals are not considered to have any impact on views into or from the conservation area to the north.
- 6.8 Consequently, the revised scheme is not considered to harm the character and appearance of the area and would accord with Policies ADPP1, CS14 and CS19 of the WBCS. Together and amongst other things these policies seek to ensure the scale of development is well related to the site's current character, that development respects the character and appearance of an area and that development is appropriate in terms of its scale and design.

The impact on the amenities of the neighbouring properties

- 6.9 According to Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. The Council's adopted Quality Design SPD and House Extensions SPG outline key factors to consider in terms of the potential impact on neighbouring living conditions.
- 6.10 The neighbouring properties most affected by the proposals are Nos. 37 and 35 which lie to either side of the application site. No. 35 is a semi-detached property which has been extended to the rear including a conservatory which extends along the western side of a two storey projection. Given that the back of these properties are north facing and that there is already a degree of overshadowing, the reduction in the overall bulk of the rear extension, notwithstanding the increase in depth, is considered to assist in lessening any potential overbearing effect. Furthermore, there is a reduction in the number of openings proposed on the east elevation, and a condition is recommended to ensure the new bathroom window is obscure glazed.
- 6.11 No. 37 to the west is a detached property which has been recently extended with a timber clad two storey extension to the north side. It benefits from a wider back garden compared to neighbouring properties which widens immediately to the rear of the application site where there is a designated parking and turning area served by a vehicular access running between the two neighbours. Given this arrangement, the proposals are not considered to result in any additional harmful or direct overlooking towards the private amenity area of this neighbour. There are no side openings proposed and a condition restricting openings on the property in the future is recommended for all elevations including the roof.

The impact on highway safety

- 6.12 The amendments to the approved application do not raise any additional highway concerns.

7. CONCLUSION

- 7.1 Having taken account of the aforementioned planning policies and the relevant material considerations including the Town & Country General Permitted Development Order 2015, it is considered that the development proposed is, on balance, acceptable and the grant of conditional planning permission is justified. As such, the application is recommended for approval.

8. FULL RECOMMENDATION

- 8.1 To delegated to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions:

1. The development hereby permitted shall be begun before 17 May 2021, being the date which applied to the original 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). The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

2. The development hereby permitted shall be carried out in accordance with the block plan and drawing number 2855-04A received on 25 October 2019.

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

3. 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. The bathroom window at first floor level in the east elevation shall be obscure glazed before the extension hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter. 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 windows/dormer windows or doors which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (2006) and House Extensions SPG (July 2004).

5. No development 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.

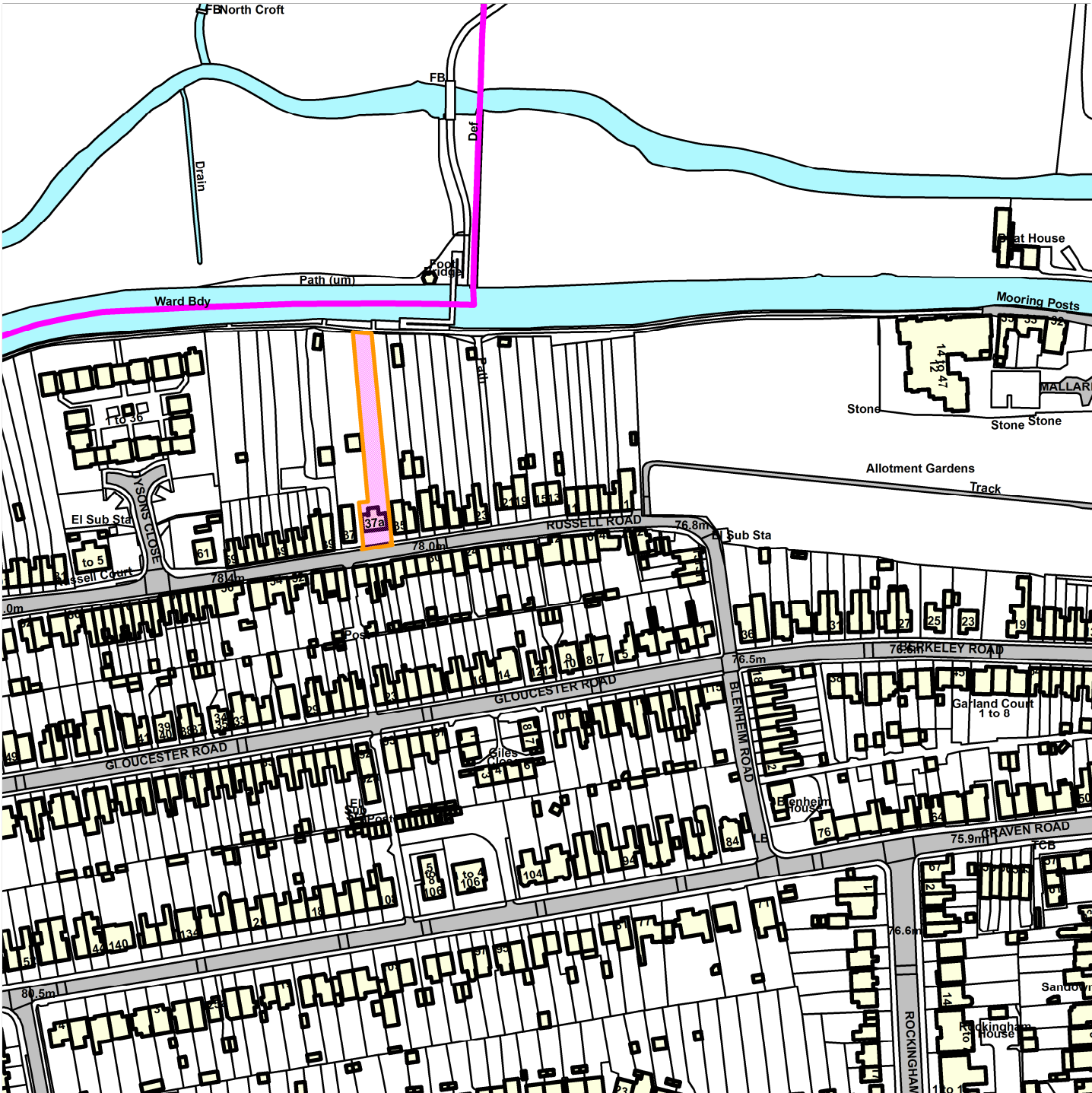
Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off-site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework 2018 and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

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19/02676/HOUSE

37A Russell Road, Newbury, RG14 5JX



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Agenda Item 4.

NEWBURY 19/00411REM Pins ref: 3234658	5 Normay Rise, Newbury Berkshire	Approval of details pursuant to Condition No. 3 of a planning permission 17/01808/OUTD (allowed at appeal).	Ctte. Refusal	Dismissed. 03.12.2019
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Preliminary Matters

The Inspector was referred to the previous appeal at the site which granted outline planning permission for one dwelling with all matters other than access reserved.

The Appellant has submitted amended plans that might accompany a future application. However, he only considered the plans that the Council based its decision on.

Main Issues

The main issues are: (i) the effect of the proposed dwelling on the character and appearance of the surrounding area; (ii) the effect of the proposed dwelling on the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.

Reasons

Character and Appearance

The appeal site forms part of the rear garden of 5 Normay Rise (No. 5), a detached dwelling located within a large modern residential estate. The site would have a frontage onto Willowmead Close.

Although there are some dwellings incorporating individual designs, located further to the north along Normay Rise, the houses closer to the appeal site along Willowmead Close and at its junction with Normay Rise, have a more uniform and homogenous appearance. Dwellings are two storey, large in scale, and constructed in facing brick. Their design is unobtrusive and largely incorporating a front elevation consisting of equally proportioned and spaced windows, a simple pitched roof and a single storey integral garage which projects from the front elevation. Spacing between dwellings is modest with flank / side walls positioned close to adjoining boundaries. Some of the dwellings have been extended with large two storey side and front extensions, however, these are in the minority, and the immediate area retains much of the original design of the estate. The Inspector considered that the uncomplicated simplicity in the design of dwellings in the vicinity is an intrinsic feature of the area's character.

The proposed dwelling would be lower in height compared to its neighbours and accommodate first floor rooms within its roof space. The front elevation has a more intricate appearance, in contrast to adjacent dwellings. It would incorporate two storey projecting gables at either end of the dwelling, cedar and brick elevation treatment, a dormer style window breaking the front eaves line and a variety of window openings that includes an atrium window extending above the ground floor of the dwelling. When seen in relation to neighbouring dwellings, these notable differences in the proposal's appearance would be discordant and unfamiliar amongst the overtly uniform dwellings in the area. Consequently, it would harmfully unsettle the distinct character of Willowmead Close, and this part of Normay Rise.

It is acknowledged that the National Planning Policy Framework (the Framework) encourages innovative design, and the Inspector noted in this instance the benefits of the glazing and some of the sustainable material proposed. However, the Framework, also requires consideration to be given to an area's prevailing character. In this case, the proposal with its partly asymmetrical roof profile, breaks along the eaves line and projections on its front elevation, differ markedly to the orderliness portrayed by dwelling design in the area.

Guidance submitted by the Council refers to properties in the area being of 1960s era housing incorporating individual designs. While he noted this in the wider area, it was clear from his site visit that houses adjacent to the appeal site were more uniform in their appearance. Accordingly, the Inspector found harm in that the proposal would not be in keeping with the prevailing architectural theme.

The Inspector noted the Appellant's case that the design of the dwelling's roof has taken account of the proximity of No. 2 Willowmead Close, in order to prevent harmful overshadowing on this property. Notwithstanding this, there are considered other means to safeguard living conditions of neighbours whilst also having a design that would be more harmonious with the immediate area.

Despite the harm identified in terms of the dwelling's appearance, it would have a building footprint, height and mass that would be generally consistent with the scale of existing dwellings along Willowmead Close and Normay Rise.

In terms of the dwelling's layout, it is recognised that the proposal would have a shallower rear amenity space, in contrast to the deeper gardens of neighbouring properties. However, it would be in excess of 100sq m, have a comparable rear garden width to neighbouring plots and include a spacious front garden/forecourt area. These would all combine to create an acceptable layout arrangement that would not be harmful in the context of the surrounding area.

The proposed dwelling would have its eastern flank wall positioned on the boundary with No. 5, while the western flank wall would be separated from No. 2 by a side walkway. Although the proposal would be close to its side boundary, dwellings along Willowmead Close occupy a large proportion of their plot widths, making for small gaps between properties. The proposal would not be inconsistent with the existing layout arrangements in the street in that respect. Furthermore, the corresponding walkway to the side of No. 2 and rear garden of No. 5 would introduce an acceptable space between the proposal and its neighbours. Consequently, the proposal would be broadly consistent in terms of its spatial relationship with other dwellings along the street.

Where the proposal would face onto Willowmead Close, there is no rigid or consistent front building line, with the tendency for dwellings to slightly step forward and back from each other. Therefore, where part of the proposed dwelling would marginally project in front of No. 2, the Inspector found that this would not be at odds with the existing building line.

He noted that the Council find that landscaping is acceptable subject to additional details agreed by condition, and he had no reason to disagree with this view.

Even though the Inspector found the proposal to be acceptable in terms of its scale, layout and landscaping, these are neutral effects that would not overcome the harm he had identified in respect of the dwelling's appearance.

On this matter, the Inspector concluded that the proposal would cause material harm to the character and appearance of the area. It would therefore be contrary to Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2012, and the Newbury Town Design Statement (NTDS). The policies and guidance, when taken together and amongst other things, require development to follow the existing settlement pattern, respect local design and character, and retain and enhance architectural quality. The proposal would also be contrary to the Framework which requires development proposals to be sympathetic to local character.

Although the NTDS is not part of the adopted development plan for the area, the Inspector nevertheless recognised it as a material consideration in the assessment of the appeal.

He did not find Policy C1 of the Housing Site Allocations Development Plan Document (2006-2026), adopted May 2017 (DPD), to be relevant in concluding on this matter, as it relates to the strategic delivery of new housing and settlement hierarchy. Also, Policy C3 of the DPD has not been referred to as this relates to the design of housing in the countryside. The site is not within the countryside as the Council confirm it to be within the settlement boundary of the town of Newbury.

Living Conditions

As he had not been referred to any specific development plan policies by the Council in relation to the living conditions main issue, he assessed the proposal, in this respect, against the Framework.

The rear elevation of the proposal would face the rear garden area of No. 7 Normay Rise (No. 7) and have a separation distance of between 5m and 7m from this neighbouring garden. There are trees along the boundary of the appeal site and the boundary of No. 7, some of which, he understood are subject to a tree preservation order (TPO). These would obscure direct overlooking from proposed bedroom windows into No 7's garden, even accounting for seasonal variations in leaf coverage. The Inspector considered that a condition that would safeguard the protection of the trees along the boundary within the application site, would ensure that this screening is maintained.

The Inspector noted during his site visit that No. 7 has a patio area that is likely to be in regular use. The proposed dwelling would face this and the rear elevation of No. 7 at an oblique angle, whilst also maintaining a separation distance in excess of 10m. Considering the boundary trees, the physical separation and the position and orientation of windows and amenity space, he was satisfied that any effect on the privacy of occupiers at No. 7 would be within acceptable limits. Moreover, bearing in mind the suburban character of the local environment, complete freedom from intrusion is rarely possible. The Council have referred to a loss of outlook, however, the Inspector had not been presented with any specific details that led to this conclusion. Nevertheless, the proposal would maintain acceptable distances from adjacent amenity spaces and habitable rooms, to ensure that it would not unacceptably enclose space or have a harmful physical impact upon neighbouring occupiers.

Therefore, the appeal scheme would not have an unacceptable effect on the living conditions of neighbours in terms of the effect on their privacy and outlook. As a result, he found no conflict with the Framework, which requires that development proposals create places with a high standard of amenity for existing and future occupiers.

The Council has referred to their House Extensions Supplementary Planning Guidance, adopted July 2004 (the SPG), however, he had not referred to this in concluding on the second main issue, as it specifically relates to residential extensions not new dwellings.

Conclusion

The Inspector had found that the proposed development as it relates to the effect on neighbouring privacy and outlook, would not have a harmful impact on neighbouring living conditions. The proposal would also be acceptable in terms of its scale, layout and landscaping. However, this is outweighed by its appearance, which is inconsistent with the more uniform design of surrounding dwellings and would result in significant harm to the character and appearance of the area. For the reasons given, he concluded that the appeal should be dismissed.

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NEWBURY 18/01762/ FULD Pins ref: 3228008	Wallmer Property Ltd Redbrick House 5 Oxford Road Newbury Berkshire RG14 1PD	Extension of the existing second floor and construction of a new third floor on existing building to provide five extended and two new residential units, construction of refuse storage, provision of car and cycle parking and associated landscaping.	Dele. Refusal	Dismissed 28.11.2019
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Procedural matters

The address of the site above is taken from the planning application form. In the appeal form it is however referred to as Redbrick Property Services, Redbrick House, 5 Oxford Road. The Council's decision notice refers to the site as Redbrick House, 5 Oxford Road. As this latter appears the consensus name, the Inspector referred to it as such in the reasoning below.

The Council's decision notice and Appeal Statement both refer to 'harm to (the setting of the Grade II* listed building) and to the character and appearance of the conservation area'. However, both parties acknowledge in evidence that the site lies outwith but adjacent to the boundary of the Newbury Town Centre Conservation Area (NTCCA). Section 72 of the Act makes clear that in the exercise of planning functions, these should be undertaken in respect of 'any buildings or land *in* a conservation area' (my emphasis). Applying the letter of this duty, section 72 does not therefore apply in this case.

Having said that, paragraphs 193 and 194 of the Planning Policy Framework (the Framework) make clear that great weight be given to the conservation of designated heritage assets, and this can include their setting. The Inspector therefore adopted the approach of considering the effect of the development on the setting of the adjacent Grade II* listed building (The Chestnuts) under the terms of section 66 of the Act and the Framework, and its effect on the setting of the NTCCA with reference to the same relevant paragraphs of the Framework.

Main Issues

These are a) whether the proposed development would preserve the setting of the Grade II* listed building known as The Chestnuts (listed as No 2 (The Chestnuts)) and b) whether it would preserve the setting of the (NTCCA).

Reasons

Context

The appeal site comprises a modern former commercial building set back from the Oxford Road on ground that rises to the north on the periphery of the historic town centre. The building is of an undistinguished post-modern architectural character comprising two storeys with a basement and set-back attic storey behind an articulated parapet. To the south of the site lies The Chestnuts, a distinguished and imposingly set detached residence dating from the first half of the C18. This house is set (one is drawn to conclude quite self-consciously) at the bifurcation of Oxford Street (the north westerly point of egress from the historic town) where it forms both the Bath and Oxford Roads. The boundary of the appeal site and The Chestnuts marks the northerly limit of the NTCCA at this point on the west of Oxford Road, though a nib of the designated area extends beyond the appeal site on its east side.

Significance

From its essentially four-square plan and individually elevated frontages, it is evident that The Chestnuts was always intended as a free-standing house, in contrast to the dense pattern of terraced buildings forming the core of the historic town. There is no dispute that a house such as The Chestnuts, when built, would anticipate an open landscaped context; this is still evident from the earliest map record provided (1881), where the landscaped grounds of the house remain legible. Indeed, although unquestionably on the margins of the C18 town, this nevertheless peripheral location may reasonably justify a description of the house as a *villa*, a term readily applied to the later detached Minerva Villa to the north on the east of the Oxford Road. This underscores its detachment, not only from the physical fabric of the town but also, to a degree, from proximate development of similar kind in this location.

It is self-evident that the special architectural interest and significance lies in the Neo-Classical Artisan Baroque articulation of its principal elevations and the richness of its worked timber interior details. Together, these form an ensemble of outstanding architectural interest and this is reflected in its continued listing at Grade II*. As anticipated above however, a measure of its significance is also drawn from its setting, not only in the context of the proximity of the historic town, but in its degree of visual autonomy, and the space around it that allows its primacy in the street scene to still be understood.

It would be delusional however to argue that the scene of bucolic rurality prevailing at the time of the construction exists in anything approaching a similar form today. Indeed, the progressive annexation of this part of the town was well progressed by the later mid C19, and as the map evidence and a tour of the environs of the site will attest, this is a process that has continued into the later C20. These successive waves of development have progressively encroached upon the setting of the house, the most extreme event being the very significant extension of the house to the west, which effectively screens it from the north and resulted in the almost total loss of the former pleasure grounds to the west of the house. This has significantly diminished the landscape context of the house, eroding the sense of openness this once afforded and yes, diminishes its significance as a consequence.

However, despite the encroachments of modern development, including its own extension, and indeed that of Redbrick House, The Chestnuts still maintains an air of primacy within the street scene. Whilst this may not be as apparent when the listed building is approached from the north of west, it is still most evident when it is viewed from the south along Oxford Street. Critically, Redbrick House plays its part in maintaining this delicate balance, in this view the leading edge of its parapet maintains a near parity with the eaves of The Chestnuts' eaves. This allows the roof structure of the latter to lead the eye to focus on the historic house whilst the modern structure sits deferentially in its context. Thus, this context still affords the sense of space for the listed building, still playing that critical role in defining its setting, so contributing to its significance.

Insofar as The Chestnuts serves to define the edge of the NTCCA at this point, that residual sense of openness beyond the listed building also serves to evoke the former open spaces beyond the limits of the historic town. It follows therefore that the site also contributes to the setting of this part of the NTCCA and so to its significance as a whole.

Proposals

The proposals are to extend the second floor to add a further storey to the existing structure, although the latter would be set back from the leading edge of the existing attic storey and would terminate at the point the Oxford Road elevation cants back into the site to facilitate access. A sense of cohesion is brought to the upper superstructure by a uniform cladding and fenestration pattern throughout the enlarged building.

Effect on significance

We can only speculate on the design rationale for Redbrick House at the outset. However, what seems evident from the key perspective along Oxford Street and Oxford Road is that the main body of the building (the eponymous redbrick element) expresses a low horizontal emphasis. Whilst the attic story has a visual presence, this is set back from the brick parapet and is further mitigated through a change of materials. This allows it to defer perceptively to the form of the listed building, remaining below the eaves line of the house in these critical views.

The proposal, notwithstanding the setbacks on both elevations, would conspicuously fail to achieve that objective. Not only would the upper floors, through their attenuated height, distort the proportion of the key elevations, they would, by virtue of scale and proximity, also visibly challenge the primacy of the listed building in the street scene. This would materially diminish the sense of openness immediately beyond the house, thus encroaching and degrading its setting and significance.

Such an outcome would fail to meet the clear expectations of section 66 of the Act that the setting of the listed building be preserved, a consideration the Courts have affirmed is a matter of considerable importance and weight. It would also fail to meet the requirements of paragraphs 193 and 194 of the Framework, referred to at the outset. Also, for the same reasons, it would conflict with the policies of the development plan referred to by the Council that seek to underpin and support these national statutory and policy objectives.

For the same reasons the proposals would fail to conserve the setting of the NTCCA in accordance with the expectations of paragraphs 193 and 194 of the Framework and specifically Policy CS19 of the West Berkshire Core Strategy that sets out a framework for the consideration of development affecting the historic environment and landscape character.

Planning balance and conclusions

Paragraphs 195 and 196 of the Framework require the decision maker, having identified harm to an heritage asset, to quantify its magnitude. Looking at the instance of harm here, the Inspector characterised this in both cases to be less than substantial. However, it should be remembered that this should not be taken to mean less than substantial planning objection, especially where the national statutory and policy tests have not been met.

Having quantified harm, the Framework also anticipates this being balanced against any public benefits proposals might bring. The proposed development would provide further units of residential accommodation in a sustainable location. In the context of the need to boost significantly the supply of new homes whilst mitigating harmful changes to climate, the Inspector could readily accept this outcome as a public benefit. It is also apparent that the proposals as a whole will bring a vacant building back into beneficial use, and this must in general terms assist the local economy. These all manifestly weigh in favour of the proposals.

However, he understood from the planning history that the site already has approval for residential development and no arguments are being advanced that that scheme could not progress without the inclusion of the scheme the subject of this appeal. Moreover, the additional residential units proposed in this context are relatively modest and the weight they add in favour of the scheme must be calibrated accordingly. Whilst the Inspector also acknowledged the absence of all other harms in respect of residential amenity, highways and other matters, this can only be judged as neutral in the planning balance.

All told then, whilst the scheme does offer some degree of public benefit, these would be significantly and demonstrably outweighed by the harm identified to the setting of nationally designated heritage assets.

For the reasons given above, and having considered all matters raised in evidence, the Inspector concluded that the appeal should be dismissed.

DC